
Appeal Decision

Site visit made on 11 November 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/P5870/W/25/3368674

87 Waltham Road, Carshalton, Sutton SM5 1PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kabil Ali against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2025/00578.
 - The development proposed is the erection of a one-bedroom-end-terraced house following the demolition of the existing two-storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form. I have however removed reference to the site address which does not constitute an act of development.
3. The third reason for refusal, as set out in the decision notice, concerns the effect of the proposal on highway safety that would arise from the proposed parking and manoeuvring space. Following confirmation that the vehicle crossover was approved by the Council's Crossover Engineer, the Council is satisfied that this reason for refusal has been addressed, and it no longer contests this matter. From the evidence before me, I see no reason to take a different view.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would make adequate provision for Biodiversity Net Gain; and
 - whether the proposal would provide acceptable living conditions for future occupiers, with regard to private outdoor space.

Reasons

Character and appearance

5. 87 Waltham Road (No 87) is a two-storey end of terrace dwelling that has been enlarged with two storey and single storey side to rear extensions. It is one of four

dwelling arranged at the corners of the junction of Waltham Road with Titchfield Road. These properties are characterised by a sense of spaciousness that derives from the gaps between the dwellings and the adjacent streets, which allow for views across their gardens. Therefore, this is an important feature of the street scene. Development in the vicinity is normally characterised by rows of terraced dwellings of a similar design and form with spacious road junction settings.

6. The proposed dwelling would be attached to the donor property, No 87, thereby occupying a prominent position in the street scene. Because of its significant bulk and mass, together with its siting and two storey height, the proposal would erode the spaciousness of the junction and notably disrupt the prevailing rhythm of terraced blocks with open corners. While the dwelling would be sympathetic to the wider terrace in terms of materials and detailing, the proposed layout would appear incongruous in its receiving context and detract from the spaciousness of the street scene, thereby harming the character of the area.
7. The evidence indicates that the Council has issued an enforcement notice requiring the demolition of the extension at No 87 and restoration of the land to conditions before development in 2019. Such conditions include three garages with hardstanding at the front. The plans indicate that the garages would have been single storey and because of their height they would likely have preserved the spaciousness of the site and locality. As such, I do not find that this would justify the scheme before me.
8. The appellant has drawn my attention to other dwellings built nearby. However, I note that the development at 94A Waltham Road has a generous gap between its side elevation and the road, while the dwelling at 67A Titchfield Road has a single storey side element which in addition is well set back from the road. The dwelling at 75A Thornton Road has its side elevation generously set back from the road and has a single storey side element. These developments therefore preserve the spaciousness of the junctions they lie within, which would not be the case with the proposal before me for the reasons set out above. Further, I do not have full details of the circumstances that led to these proposals being accepted. Consequently, I cannot conclude that they represent a direct parallel to the appeal proposal, including in respect of development plan policy. As such, I have determined the appeal in its own merits.
9. The proposal would have a harmful effect on the character and appearance of the area, contrary to Policies D3 and D4 of the London Plan 2021 (LP) and Policy 28 of the Sutton Local Plan 2016-2031 (2018) (SLP). Amongst other things these policies support development that is high quality, respects the local context and responds to local character.
10. Reference is made to the Design of Residential Extensions Supplementary Planning Document (SPD4). The Council advises that SPD4 generally relates to proposals pertaining to residential extensions. Therefore, while it may provide useful guidelines, I find that SPD4 would be of limited relevance in the context of this main issue.

Biodiversity Net Gain (BNG)

11. Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 (as amended) (the Act) requires development to deliver at least 10% increase in biodiversity value relative to the pre-development biodiversity value of

the on-site habitat. Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (the biodiversity gain condition).

12. The application form states that the scheme would be exempt from mandatory BNG as it would be a custom and self-build development. However, there is no mechanism before me ensuring that the development would be self or custom build housing rather than market housing. It therefore follows that I cannot be certain that the claimed BNG exception would be applicable.
13. Notwithstanding the above, the appellant has provided some information regarding BNG, including a Biodiversity Statement submitted with the appeal which claims that the proposal would deliver a 60% BNG. However, details submitted in support of this claim are scarce, and I have not been provided with the completed BNG metric calculation tool showing the calculations. Therefore, I cannot be satisfied that the biodiversity gain condition, as set out under Schedule 7A of the Act, would be capable of being successfully discharged.
14. The appellant has also sought to claim the de minimis exception. Although the presence of impermeable hardstanding and buildings was cited as justification, there is limited evidence to support this claim. As such, I cannot be certain that the proposal would meet the de minimis exemption.
15. Drawing all of the above together, I am not confident that the scheme would make adequate provision for BNG, contrary to Section 7A of the Act.

Living conditions

16. The appellant advises that the proposed dwelling would be provided with a side and rear garden measuring some 84.52m². While the rear space would be somewhat constrained due to the existing boundary wall, the side garden would be appropriate in scale in relation to the size of the proposed dwelling. In my site visit I observed that there is a tall fence around the perimeter of the side garden, which would not change as a result of the proposal. As such, future residents would be able to enjoy acceptable levels of privacy.
17. Thus, the proposal would provide acceptable living conditions for future occupiers, with regard to private outdoor space. The scheme would accord with LP Policy D6 and with SLP Policy 9, insofar as these policies relate to the provision of adequate private outside space.

Other Matter

18. The appellant asserts that the proposal would make efficient use of underutilised residential land. However, I am not persuaded that the appeal scheme is the sole means to achieve this.

Planning Balance

19. The proposal would be acceptable regarding other aspects, including living conditions of adjoining neighbours, energy efficiency, water conservation, sound and heat insulation. However, these are neutral factors that neither weigh for or against the development.

20. Benefits of the proposal include the provision of residential accommodation in an accessible location within the urban area. Future residents would be active in the local community, and some economic benefits would be delivered during construction phase and following occupation. Taken together, these benefits attract moderate weight in favour of the appeal scheme, but do not outweigh the harm that I have identified.

Conclusion

21. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR