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## Appeal Decision

Site visit made on 2 January 2018

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2019

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**Appeal Ref: APP/P5870/W/18/3212866**

**Waddon House, 283 Stafford Road, Wallington CR0 4FA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Curtis of IDM South London Ltd against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2018/01088, dated 15 June 2018, was refused by notice dated 24 August 2018.
  - The development proposed is the erection of a three storey building comprising 9 self-contained flats (8x2b, 1x3b), 9 off-street car parking spaces and cycle and bin stores.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area, (ii) whether the proposal would provide adequate living conditions for future occupiers with regard to air quality, and (iii) the effect of the proposed development on public and highway safety and the safe functioning of the local highway network with regard to parking provision.

### Reasons

#### *Character and appearance*

3. The appeal site is on a prominent corner plot and Waddon House is a tall building that is prominent in local views. It has a simple form with a flat roof and fronts onto both Kings Way and Stafford Road, with its adjacent car park giving it an open setting alongside Stafford Road. This contrasts with the traditional form of terraced two storey buildings which front the opposite side of Stafford Road and are set back behind front gardens or forecourts. On the opposite side of Kings Way and either side of Princess Way are large modern commercial buildings. The area is therefore characterised by a range of building types, with the open car park of the appeal site and its boundary wall providing a sense of openness to this part of Stafford Road, where the built form is set back from the road frontage.
4. The appeal proposal would introduce a building in block form and of a design that contrasts with surrounding properties. The front elevation would be broken up by the wide balconies and large stairwell, but these elements would create a bulky appearance that is out of character with the prevailing built form. Due to

the proximity of the building to the front boundary of the site and the undercroft parking area, it would result in a bulky and dominant appearance that would not integrate with the character and appearance of the surrounding area. There is a lack of sufficient space around the building for any softening of its setting through landscape planting and as a result the building would sit awkwardly on this open part of the street scene. Consequently it would appear incongruous with the character of this part of Stafford Road. I therefore find that the proposal would fail to respect the character and appearance of the area.

5. The proposal would thus be in conflict with Policy 28 of the Sutton Local Plan 2018 (the Local Plan), insofar as it seeks to ensure that new development respects the local context, responds to local character and is of a suitable scale, massing and height to the setting of the site. It would also be contrary to the guidance in Sutton's Urban Design Guide 'Creating Locally Distinctive Places' Supplementary Planning Document 14.

#### *Living conditions for future occupiers*

6. I understand from the evidence that the appeal site is in an area where there is a large amount of traffic at busy periods of the day and this is supported by my observations on site. The building would be located close to Stafford Road with doors and windows serving habitable rooms on the front elevation. The appeal proposal indicates that to mitigate air pollution issues, filtration would be fitted on the fresh air intake to the proposed flats. However, no detailed evidence has been put forward to indicate that this would be suitable mitigation in order to achieve adequate living conditions for future occupiers of the flats. As a result I am not satisfied that this matter could be dealt with through a planning condition, if the appeal were to be allowed. The proposed development would therefore fail to provide adequate living conditions for future occupiers with regard to air quality.
7. The proposal would thus be contrary to Policy 34 of the Local Plan, insofar as it seeks to restrict development that would expose the public to existing sources of air pollution unless appropriate mitigation measures are put in place, and Policy 29 of the Local Plan which seeks, amongst other matters, to ensure that new development does not adversely affect the amenities of future occupiers.

#### *Highway safety*

8. The appeal site includes the existing 87 flats at Waddon House, along with a large private car park and vehicular access from Kings Way. Stafford Road had a constant flow of traffic at the time of my site visit, which was early afternoon on a weekday. Kings Way also had a fairly constant flow and provides a link to the A23 at Purley Way, as well as serving a large commercial area. While this is only a snapshot of local traffic conditions, it would be reasonable to assume that traffic would increase at peak hours. Roadside parking is restricted during the day on Stafford Road, with on street parking evident at my site visit on Kings Way and Princess Way, which have sections of double yellow lines.
9. I note from the evidence that 10 parking spaces would be required for the flats to meet the maximum parking standards of the Council. It is my understanding that the provision of 66 parking spaces is a requirement of the permission for the conversion of Waddon House to 87 flats (ref D2015/72715), although I have not had sight of the details of this or any planning conditions. I am also

aware that planning permission was refused for the loss of 27 parking spaces (ref DM/2018/00284) on the grounds of an increase in on street parking causing significant detriment to the continued safe functioning of the local highway network. The appeal proposal indicates a total of 67 spaces for the existing and proposed flats, one more than currently exists. There would thus be a shortfall of 9 spaces, on the basis that the proposed flats would be provided with parking to meet the maximum standard.

10. In view of the proposed provision of parking below the maximum set by the local parking standards for the site as a whole, and the moderate Public Transport Accessibility Level (PTAL 3) rating, it appears likely that some overspill parking would occur on local roads as a result of the development. However, the appellant has provided a parking survey that demonstrates there is some capacity on local roads to accommodate some overspill without resulting in illegitimate parking, taking the worst case scenario of 9 additional cars. The Council has provided no detailed evidence to demonstrate that the parking survey is flawed or that there is insufficient capacity on local roads for overspill parking. Furthermore, the Council has not indicated how overspill parking by 9 cars would be harmful to highway safety, public safety or the safe functioning of the local highway network, given that the parking survey indicates that there is adequate capacity for additional on street parking on nearby roads in a safe manner.
11. The extent to which the proposed building supports would interfere with the ease of use of some of the parking spaces is unclear, but I have seen no evidence to suggest that this could not be dealt with at a more detailed design stage through a planning condition, if I were minded to allow the appeal.
12. I have had regard to representations from local residents regarding the cost and availability of spaces to buy or lease within the car park and the suppressing effect on the take up of spaces. However, I have considered the proposal on its planning merits based on the total number of parking spaces as indicated on the submitted drawings, irrespective of the control of individual spaces. The take up of parking spaces by existing residents has not therefore had any bearing on my decision.
13. I therefore conclude that the proposal would not be harmful to public or highway safety and the safe functioning of the local highway network with regard to parking provision. As a result the proposal would not be contrary to Policy 36 of the Local Plan which seeks amongst other matters, to ensure that development proposals are assessed in terms of their impact on the highway, or Policy 37 of the Local Plan insofar as it sets out car parking standards.

### **Other Matters**

14. I acknowledge that the site is allocated for housing, but I understand from the Council's evidence that the indicative capacity of 87 dwellings in the allocation was based on the conversion of Waddon House from offices to flats which has already taken place, and therefore I have considered the proposal on its merits and on the basis of the relevant development plan policies, as required by statute.
15. I have taken into account the support in the National Planning Policy Framework for the development of small sites and that the proposal would make a contribution towards the supply of housing in the Borough, making use

of previously developed land at a sustainable location, but these considerations do not outweigh the harm I have identified in relation to the main issues.

16. I have had regard to the concerns raised by neighbouring residents, including those in relation to their living conditions, the scale and proximity of the building to Waddon House, noise and disturbance during construction, security, parking, highway safety, trees, waste storage and matters relating to the security of Waddon House, but these matters do not affect my findings on the main issues and therefore I have not pursued them further.

### **Conclusion**

17. Although I have found in favour of the appellant in relation to public and highway safety and the safe functioning of the local highway network, this does not outweigh the harm I have identified in relation to the other main issues.
18. For the reasons given above, and taking into account all matters raised, I dismiss the appeal.

*N Thomas*

INSPECTOR