

# Appeal Decision

Site visit made on 6 September 2016

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 September 2016**

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**Appeal Ref: APP/P5870/W/16/3151284**  
**5 Thompson Close, Sutton SM3 9QD**

- 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 Rakesh Wadhwa against the decision of the London Borough of Sutton Council.
  - The application Ref A2015/73377/FUL, dated 22 December 2015, was refused by notice dated 29 February 2016.
  - The development proposed is for the demolition of the garage and creation of one two bedroom two storey dwelling.
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## Decision

1. I dismiss the appeal.

## Procedural Matter

2. The Council's second reason for refusal made reference to a sub-standard gross internal floor space to be provided within the proposed dwelling. The Council has since conceded that a mistake was made in not including the hall and stairwell in the calculations and accepts that the proposed dwelling would meet the relevant London Plan standards.

## Main Issues

3. The main issues in this case, therefore, are the effect of the proposal on the character and appearance of the area; and whether the proposal would provide sufficient off-street car parking for both the donor and proposed dwellings.

## Reasons

### *Character and Appearance*

4. The site is situated within a residential cul-de-sac and to the end of a row of terraced dwellings. The proposed dwelling would be designed in an aesthetic manner that would be sympathetic to its surroundings, but its footprint would take up a substantial amount of its plot. I acknowledge that other dwellings within the street largely fill the width of their respective plots, but in this case the proposed dwelling would have a rear garden of a very shallow depth, with only approximately 2.86m between it and the rear boundary shared with 2 and 2a Sherborne Road.

5. The proposed dwelling would be partly tucked behind the south east elevation of no5, although due to the close-knit nature of the built form of the wider terrace, I consider that this in itself is not unduly characteristic of its context. However, with the depth of the rear garden being significantly less than any other dwellings within the locality, combined with the overall scope of the footprint of the proposed dwelling, it would render it cramped in appearance and contrary to the prevailing pattern of development within the locality.
6. I acknowledge that the Council do not dispute the principle of the development of the site for residential purposes, but I am not convinced it is necessary to “book-end” the street scene. Notwithstanding the articulation of the proposed dwelling, including the single storey lean-to garage element, the proposal would not complement the existing pattern of development within the area. I find the proposal contrary to Policy BP12 of the Council’s Core Planning Strategy (2009) (CPS) and Policies DM1 and DM3 of the Council’s Site Development Policies (2012) (SDP) which seek to ensure that development respects local context, stating that planning permission will only be granted for a development that maintains and enhances the local character and appearance of the surrounding area; and contributes positively to the street scene.

#### *Parking Provision*

7. There is a lack of clarity and a clear disagreement between both parties with respect to the level of parking that could be provided to meet the needs for both the existing host dwelling and that proposed. I note the original submissions to the Council simply showed the provision of 1no parking space within the garage of the proposed dwelling. Appended to the appellant’s statement are 3no Swept Path Analysis Drawings, although it is not clear whether the Local Highway Authority (LHA) have seen these, as their comments predate the decision notice.
8. Notwithstanding the reference to SPD Policy DM22, which requires new developments to provide the appropriate amount of car parking necessary in accordance with the Council’s restraint-based Maximum Car Parking Standards, these must take into account Public Transport Accessibility Levels, which in this case is cited by the LPA as ‘poor’. For dwellings of two bedrooms the standards highlight a maximum of one allocated parking space per unit which, in the case before me, would be provided by the attached garage for the new dwelling. However, paragraph 5.15 of the appellant’s statement highlights that a maximum of 2no spaces for the existing dwelling is currently exceeded by the 3no parking spaces currently on the site, but it is not explicit from the submissions before me how many bedrooms the host dwelling has.
9. In addition, in the event that it has more than 2no bedrooms, I consider that it has not been adequately demonstrated that 2no parking spaces could be retained to serve the host dwelling and be accessed without conflict with and independently of the driveway serving the proposed dwelling. Indeed, the red line drawn on the swept path analysis drawings do not tally with the extent of the appeal site and that of the donor property identified on drawings 01F and 06A. Therefore, taking a precautionary approach on this matter, I am not currently satisfied that the proposal would provide adequate and readily accessible parking provision for both the existing and proposed dwellings. I say this particularly bearing in mind the low PTAL for the site and the very restricted

on-street parking within the close, whereby the majority of the kerbs are dropped. Therefore, in the absence of clear evidence to the contrary, I can only conclude that the proposal would not provide sufficient off-street parking and, as such, would be contrary to SPD Policy DM22 as summarised above.

### **Other Matters and Conclusion**

10. I have acknowledged, above that there is no objection to the principle of residential development on this site. I also accept that the proposal would go some way in increasing London's housing stock, albeit by only one unit. The appearance of the dwelling itself would also be sympathetic to the character of Thompson Close. However, these matters do not outweigh the harm that I have found with regard to the impact that the proposal would have upon the character and appearance of the area through an over-development of the site, as well as its inability to demonstrate adequate off-street parking.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*C J Tivey*

INSPECTOR