
Appeal Decision

Site visit made on 4 October 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 19 October 2016

Appeal Ref: APP/P5870/W/16/3153913

Harans & Co, 324 Stafford Road, Wallington, Sutton CR0 4NH

- 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 Sri Harans against the decision of the Council of the London Borough of Sutton.
 - The application Ref D2016/73455/FUL, dated 7 January 2016, was refused by notice dated 18 April 2016.
 - The development proposed is to demolish part of the rear of 324 Stafford Road and build a 2xbedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's first reason for refusal made reference to the loss of business floorspace and the lack of evidence that this was unviable at this location. It has since been confirmed by the appellant that the office use would be retained. The Council has therefore withdrawn this reason for refusal and I have determined the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupants of 1 Merebank Lane with particular regard to privacy;
 - the effect of the development on highway safety, in particular with regard to the appropriateness of the access and on street parking.

Reasons

Character and appearance

4. The appeal property forms a commercial premises in use as an accountancy office located within a terraced row with other retail and commercial units in the western part of the terrace and residential uses to the east. The property has a single storey extension to the rear that covers nearly all the plot used for
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storage, office and kitchen space. There is an existing rear access off Merebank Lane which provides access to garages and parking serving the appeal site and other neighbouring properties.

5. Stafford Road is mixed in character with commercial properties and residential uses in the form of multi storey flats and traditional two storey terraced houses. These are constructed in brick or render with both hipped and gabled roofs. Merebank Avenue similarly has two storey terraced properties built in brick and render with feature gables and porch detailing. Like the appeal property, Nos 326,328 and 128 Stafford Road have single storey extensions, garages and outbuildings to the rear. The buildings to the rear of No 128 appear to be in commercial use.
6. The appeal proposes the demolition of part of the existing rear extension and the construction of a new 2 bedroom dwelling with access taken from the rear alleyway. The dwelling has been designed as a dormer bungalow with 2 piked dormers on the front roof slope and a sloping roof dormer on the rear roof slope with a half hipped roof. The existing development to the rear of properties on Stafford Road is generally single storey and in use as garages or commercial uses. The proposed two storey dwelling would be out of character with the built form in this area. Whilst I acknowledge that No 1 Merebank Lane is a two storey dwelling facing onto the rear alley, this property in terms of its siting, relates to the other neighbouring dwellings on the Lane. The appeal proposal would in contrast form an isolated dwelling which would not relate to the established pattern of development in the area.
7. In terms of design, the proposed half hip barn-end style roof and dormers are uncharacteristic features in the surrounding residential area. I noted on my site visit that dwellings with accommodation in the roof space generally have roof lights. The proportion of the roof in comparison to the ground floor of the dwelling would also be unusual in the area. On the front elevation the appeal proposal would have large vertical dormer windows and ground floor windows with a horizontal emphasis. On the rear elevation the dwelling would have a sloping roof dormer and a narrow window. The size and arrangement of the fenestration would lack consistency in design and provide a poor window layout.
8. I acknowledge that many properties to the rear of Stafford Road have been extended and altered over time with a range of designs and styles. Whilst this creates a variety of design in the area, it does not provide a justification for a dwelling of the design proposed. Each development must be considered with regard to its individual context and on its own merits.
9. I therefore consider that the proposal would cause harm to the character and appearance of the locality. The proposal would be contrary to Policies DM1 and DM3 of the Site Development Policies Development Plan Document 2012, Policy BP12 of the Core Planning Strategy Development Plan Document 2009 and the Council's Supplementary Planning Document 14 'Creating Locally Distinctive Places' (SPD14). These policies aim to achieve a high quality of design and ensure that new development enhances the local character and appearance of the surrounding area.

Living conditions

10. The front dormers of the proposed dwelling would face the rear garden of the neighbouring property at No. 1 Merebank Lane. I noted on my site visit that there is a single storey garage and a boundary hedge to the side of No.1 adjacent to the alley. Whilst these would obscure the view of the garden to a degree I do not consider they would be of sufficient height to prevent overlooking to the garden area of the adjacent property.
11. I note from the Council's evidence that there is no concern with regard to the living conditions of the occupants of nearby properties on Stafford Road or Headley Avenue.
12. I therefore consider that the appeal proposal would cause harm to the living conditions of the occupants of No.1 Merebank Lane in terms of loss of privacy. The development would be contrary to Policy DM2 of the Site Development Policies Development Plan Document 2012 and the Council's SPD 14 'Creating Locally Distinctive Places' which aim to protect the amenity of nearby properties.

Highway safety

13. It is proposed that the dwelling would be accessed from the rear alley and that an off-site car parking space would be provided in front of the dwelling. The Council has raised concern that access to the proposed parking space cannot be ensured because the alley was not included within the boundary of the planning application. The appellant would appear to have a right of access over this land as do the adjoining properties. However this has not been confirmed in evidence. Therefore the appeal proposal does not include a vehicle access to a highway.
14. In the event that access to the rear parking space could not be achieved there would then be additional pressure for on street car parking on Merebank Lane. I observed on my site visit that on street car parking is limited and well used in the day. Additional parking could prejudice the free flow of traffic on the highway and cause inconvenience to other road users.
15. I note from the Councils evidence that in the absence of an appropriate access to an adopted highway, the appeal scheme could be considered under policies for a car free development. Policy DM22 of the Site Development Policies Development Plan Document permits developments with limited or no parking subject to a range of criteria being met. The appeal scheme would not meet these criteria and would therefore not be appropriate as a car free development.
16. I therefore conclude that the appeal proposal would cause harm to highway safety as an appropriate access to an adopted highway has not been provided which could lead to increased demand for on street parking in the locality. The proposal would conflict with Policy DM22 of the Site Development Policies Development Plan Document which seeks to ensure that new development has adequate car parking.

Other Matters

17. I recognise that the existing accountancy business on the site no longer

requires the exceptionally large storage space to the rear and that the appellant is looking to make the best use of this land.

18. I also acknowledge that the appeal proposal would be acceptable in terms of the standard of accommodation, the provision of external amenity space and it would meet 'Lifetime Homes' standards. The proposed dwelling would also contribute to the supply of housing in the area. Whilst these factors give support to the proposal they do not outweigh the harm I have identified.

Conclusion

19. For the above reasons and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR