

Appeal Decision

Site visit made on 14 November 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 5 December 2016

Appeal Ref: APP/P5870/W/16/3156484

96 Braemar Road, Worcester Park, KT4 8SW.

- 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 Chris Orphanou against the decision of the Council of the London Borough of Sutton.
 - The application Ref A2016/74351/FUL, dated 7 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is the demolition of detached garage and erection of a 1-bedroomed single storey dwelling fronting Dalmeny Road. Provision of a car parking space at front of the donor property 96 Braemar Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Appeal Form as this is more concise than the version provided on the Application Form.

Main Issues

3. The main issues are the effect of the development on, firstly, the character and appearance of the area, secondly, the living conditions of neighbouring occupiers and, thirdly, levels of on-street parking.

Reasons

Character and appearance

4. The appeal site comprises part of the rear garden of 96 Braemar Road, a traditional two-storey, semi-detached property located within a wider planned estate development. When I conducted my site visit, I noted there is a discernible settlement pattern with dwellings set back from the road side along a consistent building line. Dwellings face the road and are set back from it behind landscaped front gardens and paved parking areas. They are well proportioned in relation to their plots with generous rear gardens.
 5. Although single storey, the height and footprint of the dwelling would significantly exceed those of the existing garage and store. Rather than addressing the road in the conventional manner, it would present a blank side elevation to Dalmeny Road. It would largely fill the appeal site and in so doing, its side elevation would almost abut the footway and project well forward of the garage to the rear of 147 Sandringham Road. As a result of its siting and
-

anomalous proportions, it would appear unduly cramped within an uncharacteristic back-land location and visually would be decidedly different from anything else in the vicinity.

6. I therefore conclude that the development would harm the character and appearance of the area. It would thus conflict with Policy 7.4 of *"The London Plan"*, Policy BP12 of the Council's *"Core Planning Strategy 2009"* (the CS) and Policies DM1, DM3, DM30 of the *"Site Development Policies DPD"* (the DPD). Collectively these seek good quality design that has regard to the form, function, and structure of an area and the scale, mass and orientation of surrounding buildings.

Living conditions

7. The parking space for the proposed dwelling would be provided within the curtilage of No. 96, directly to its front and outside a ground floor window. As such, I have concerns as to the realistic workability of this arrangement and the likelihood of ownership and neighbour disputes arising from noise disturbance to the occupiers of No 96.
8. The plans do not show any boundary treatments between the proposed dwelling and No 96. The Council has confirmed that the separation distances would fall short of the 20 metres stipulated in *"SPD4 – Design of Residential Extension"*. Accordingly, I share the Council's concern about the potential for overlooking from the windows of the proposed dwelling to the rear of No 96 including its private amenity space and vice versa. I appreciate there may be examples in the area where the Council's separation distances have not been met, but there a few details before me and therefore I cannot be sure they are comparable to the scheme before me. Finally, it would take some time for any planting to become established and in the meantime occupiers would have to endure unacceptable living conditions.
9. I also have concerns about the lack of outdoor amenity space for future occupiers of the proposed dwelling. None is shown on the submitted plans and therefore there would be conflict with the standards set out in the LP. I have noted the appellant's argument that these matters could be dealt with by way of a planning condition. However, none has been suggested and I require certainty on these matters. Moreover, in my view, such a condition would modify the scheme so as to make it substantially different from that applied for. The Planning Practice Guidance¹ states that conditions should not be used in this way. Consequently, it would not be appropriate for me to deal with this issue or a landscaping scheme by way of a planning condition.
10. Based on the foregoing I conclude that unacceptable harm would be caused to the living conditions of future and neighbouring occupiers of the development. Accordingly there would be conflict with Policies DM2 and DM30 of the DPD. Amongst other things, these state that planning permission will not be granted for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties.

Parking

11. Given my concerns about the proposed parking arrangements, it is probable that parking connected with the dwelling would take place in the highway. At

¹ Planning Practice Guidance ID 21a-012-20140306.

the time of my mid-morning site visit I observed that there was ample capacity in the immediate vicinity for such parking. Whilst I can appreciate that the demand for on-street parking would be higher in the evening and weekends, there is nothing before me to suggest that one additional vehicle would have an unacceptable effect on highway safety.

12. For these reasons, I am not persuaded that the level of conflict with Policy DM22 of the DPD would be at a level to justify the dismissal of the appeal if it were otherwise acceptable.

Conclusion

13. I appreciate that the dwelling would provide accommodation for the appellant's elderly mother. Although this benefit provides some support for the scheme, personal circumstances will seldom outweigh the more general planning considerations as works of a permanent nature will remain long after the personal circumstances have ceased to be material. Furthermore, I am not persuaded that the personal circumstances are convincing because it may be that there are other solutions to providing accommodation for the appellant's mother. There is little evidence on this other than this is the proposal that appellant wishes to pursue. Consequently, the personal circumstances would not outweigh the conflict I have found with the development plan.
14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector