
Appeal Decision

Site visit made on 6 December 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 29 December 2016

Appeal Ref: APP/P5870/W/16/3156341

37 Manor Road, Wallington, Surrey SM6 0BW

- 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 Gary Hall against the decision of the Council of the London Borough of Sutton.
 - The application Ref D/2016/73669/FUL, dated 8 April 2016, was refused by notice dated 7 June 2016.
 - The development proposed is described as: "Remove single storey building, lay hard surfacing (part on existing area), erect single storey building used as workshop, provide parking for 2-3 cars. Paint building Sherwood green, run roof gutters into existing soakaways. Erect 1.8m high fences to boundary".
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Decision

1. The appeal is allowed and planning permission is granted for "Remove single storey building, lay hard surfacing (part on existing area), erect single storey building used as workshop, provide parking for 2-3 cars. Paint building Sherwood green, run roof gutters into existing soakaways. Erect 1.8m high fences to boundary" at 37 Manor Road, Wallington, Surrey SM6 0BW in accordance with the terms of the application, Ref D/2016/73669/FUL, dated 8 April 2016, and the plans submitted with it.

Procedural Matter

2. I saw from my site visit that a workshop has been built on the site, hard surfacing has been laid and a fence has been erected. I have therefore considered the appeal on the basis that the development has commenced.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the area, in particular the Wallington Green Conservation Area, with regard to protected trees.

Reasons

4. The appeal site is a plot of land located to the rear of No 37 Manor Road and is within the Wallington Green Conservation Area. The site is accessed via Danbury Mews and is more visually related to Danbury Mews than Manor Road. The surrounding backland area is commercial in character, with several small units, garages and car parking areas in the vicinity of the site.
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5. The Council advises that the Conservation Area designation relates mainly to the Manor Road street frontage and not the immediate vicinity of commercial, parking and vehicle access sites. On this basis, I have taken the significance of the Conservation Area to be attributed to the Manor Road street frontage.
6. The site comprises a single storey workshop that appears to be used for vehicle repairs, and an area of hard standing which is used for parking. There are three lime trees on the boundary of the site, which are protected by a Tree Preservation Order (TPO).
7. The Council agrees that the appearance of the workshop accords with the commercial character of the area, and the building is not readily visible from the public realm on Manor Road. However, the workshop is very close to the protected trees. The trees are substantial in size and form a group that is visible from Danbury Mews and the adjoining properties. I saw from my site visit that pruning has already taken place, and it is likely that the erection of the building in such close proximity to the trees will lead to pressure for further works or for the removal of the trees entirely.
8. I also saw from the site visit that historic work to the trees has not been carried out sensitively, which has diminished their contribution to the visual amenity of the area. There is extensive ivy growth and one tree, in particular, has been severely affected by pruning. Notwithstanding the appeal development, the extent of hard standing and other structures in close proximity to the trees is likely to be having a continuing adverse effect on the health of the trees. It is also apparent that the use of the site prior to the development being built was not conducive to tree protection, and there was already pressure from neighbouring occupiers for works to the trees.
9. I appreciate that the TPO was confirmed relatively recently,¹ and that damage to the trees may have occurred during construction. However, there is no substantiated evidence before me to demonstrate that the trees would survive on site even if the workshop and hand standing were to be removed. Also, the contribution made by the trees to the visual amenity of the area is marginal as they are not visible from Manor Road and form an isolated group in a largely commercial backland site. As explained above, the trees do not contribute to the significance of the Conservation Area.
10. Consequently, I find that the development preserves the character and appearance of the Conservation Area, in accordance with Policy DM4 of the Site Development Policies Development Plan Document (DPD)². It also accords with Policy DM1 of the DPD, Policy BP12 of the Core Planning Strategy³ and the Supplementary Planning Document on Urban Design⁴ which seek to secure high quality development that respects and, where possible, improves local character. The appeal is therefore allowed.

Debbie Moore

Inspector

¹ 30 September 2015

² London Borough of Sutton Local Development Framework: Site Development Policies Development Plan Document (adopted March 2012)

³ London Borough of Sutton Local Development Framework: Core Planning Strategy (adopted December 2009)

⁴ London Borough of Sutton Local Development Framework: Supplementary Planning Document – Creating Locally Distinct Places (adopted January 2008)