
Appeal Decision

Site visit made on 11 January 2017

by B Bowker Mplan MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/P5870/W/16/3158335

Land to rear of 51-61 Langley Avenue, Worcester Park KT4 8PD

- 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 James Caldwell against the decision of the Council of the London Borough of Sutton.
 - The application Ref A2016/74710/FUL, dated 17 June 2016, was refused by notice dated 15 August 2016.
 - The development proposed is the erection of six, three bedroom, semi-detached houses with associated access and parking via Covey Road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of six, three bedroom, semi-detached houses with associated access and parking via Covey Road, at Land to rear of 51-61 Langley Avenue, Worcester Park KT4 8PD, in accordance with the terms of the application Ref A2016/74710/FUL, dated 17 June 2016, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. In 2016, an appeal¹ for six dwellings at the site was dismissed on grounds of its harm to the character and appearance of the surrounding area. The conclusion in the appeal identified the design, height and scale of the proposed houses as the cause of this harm.
4. However, the Inspector considered that the proposed housing would have a clear visual connection with the rear line of terraced properties at Canterbury Close and with 671a Covey Road. Accordingly, it was considered that the location of the proposed housing would not appear isolated or divorced from an area of open character as was the case with a 2009 appeal² at a nearby site. Based on all I have seen and rear, I agree with the conclusions in the 2016 appeal and consider that the principle of residential development at the site could be acceptable subject to design details.
5. In comparison to the 2016 appeal, the dwellings have been reduced in scale including the height of the ridges and eaves. In addition, the separation gaps

¹ APP/P5870/W/15/3141575

² APP/P5870/A/09/2093076

between the dwellings have been increased, garages removed and the ridge heights, slab levels and building lines staggered. As a result, the proposal no longer appears over-dominant or visually intrusive and has been designed to take into account local topography and nearby housing including those noted by the previous Inspector at Langley Avenue and Canterbury Close.

6. During my site visit I saw that properties along Langley Avenue vary in design and scale, comprising single and two storey buildings with no consistent roof form or siting. In this respect, whilst noting the Council's concern on this matter, the minor design variations across the proposed dwellings, including different roof forms, scale and staggered footprints would not look out of place with surrounding properties.
7. The Council's Decision notice refers to a Supplementary Planning Document (SPD) entitled 'Creating Locally Distinctiveness'. However, no specific reference is made to the SPD. This aside, based on my reasoning above, the proposal would meet the general purpose of the SPD which requires development to respect and improve the site, local character and surrounding area. Furthermore, taking into account the above reasoning, I consider that the proposal has addressed the concerns outlined in the 2016 appeal decision.
8. Therefore I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of saved Policies DM1 and DM3 of the Site Development Policies Document, saved Policies BP12 and PMP2 of the Core Planning Strategy Document and Policy 7.4 of the London Plan. Combined, these policies seek to ensure development contributes positively to the streetscene, reinforces local distinctiveness and maintains the character and appearance of the surrounding area.

Other matters

9. Based on the evidence before me, including the absence of an objection from the Council's Senior Highways Engineer and Transport for London, dismissing the appeal on highway and pedestrian safety grounds would be unjustified.
10. I also note concerns regarding the effect of the proposal on wildlife, trees, flooding and crime in the local area. However, based on the evidence before me, dismissing the appeal on these grounds would also be unjustified.
11. I agree with the Council that the orientation of the proposed dwellings and the separation distances involved would prevent harm to neighbouring living conditions with reference to privacy and day/sunlight and noise and disturbance. For similar reasons, alongside the minor scale of the proposal, the proposal would not have a harmful effect on air quality, capacity of local facilities, or on neighbours with reference to outlook or light pollution. A condition would ensure neighbouring concerns and living conditions in relation to the construction period are addressed and preserved.
12. Concerns regarding the effect of the proposal on property values can only be afforded very limited weight as it is not the purpose of the planning system to protect such private interests.

Conditions

13. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity and in order to comply with the Planning Practice Guidance (PPG).
14. A condition specifying the relevant drawings is necessary to provide certainty. To ensure that the proposal has a satisfactory appearance, conditions requiring approval of materials and landscape details prior to occupation of the dwellings are necessary. A boundary treatment condition is necessary to ensure privacy and a satisfactory appearance for the proposal. A tree protection condition is necessary based on the Tree Survey Report although requiring submission of monitoring details is unnecessary.
15. A construction method condition is necessary to preserve neighbouring living conditions and highway safety. A condition limiting the timings of building operations is included to protect neighbouring living conditions. The appellant's suggested time would not achieve this purpose.
16. Conditions requiring completion of vehicular parking, details of turning areas, passing places and cycle storage prior to occupation and commencement of development are necessary to ensure highway safety and deliver sustainable transport. A condition requiring refuse and recycling provision prior to occupation of the dwellings is necessary to secure satisfactory living conditions.
17. As fire safety measures are subject to Building Regulations, this condition has been revised and is included for safety purposes. Without a copy of the relevant policies, I cannot conclude that the Minister's transitional arrangements³ have been met. Consequently, the energy strategy and water efficiency conditions are not included. Moreover, these are matters subject to Building Regulations.
18. Based on the evidence before me, and in the absence of the relevant policy, conditions relating to site drainage and flood risk are unjustified. The PPG sets out that a condition restricting permitted development rights should only be used in exceptional circumstances; there is nothing before me to indicate such circumstances exist.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: M705-001-PL1, M705-002-PL4, M705-003-PL4, M705.1-005-PL4, M705-005.2-PL4, M705-005.3-PL4, M705-007.1-PL4, M705-007.2-PL4, M705-09 PL4, M705-006-PL4, M705-08-PL4, M705-010-PL4, 15-337-TPP.
- 3) Before any above ground development hereby permitted begins, samples of the materials to be used in the construction of the external surfaces of the buildings, including windows and doors, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the first occupation of any of the dwellings hereby permitted. Development shall be carried out in accordance with the approved details and retained as such thereafter
- 5) All trees on and adjacent to the site to be retained shall be protected during the course of construction in accordance with the submitted Tree Survey Report (ref: 15-337-TPP). The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority or unless indicated otherwise in the submitted Tree Survey Report (ref: 15-337-TPP). Where excavations for the construction of passing places are required within the root protection areas of retained trees G4, T31 and T32, works shall be in supervised by an appropriately qualified and experienced arboricultural consultant.
- 6) No development shall commence until full details of hard and soft landscape works, have been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 7) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) measures for traffic management and construction traffic routing
 - iii) loading and unloading of plant and materials
 - iv) storage of plant and materials used in constructing the development
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi) wheel washing facilities
 - vii) measures to control noise and the emission of dust and dirt during construction.
- 8) Demolition or construction works shall take place only between 08.00 – 18.00 hours on Mondays to Fridays and 08.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 9) No development shall commence until details of the facilities for the loading, unloading and turning of vehicles clear of the public highway have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the development is first occupied and retained as such thereafter.
- 10) No development shall commence until vehicle passing places have been fully constructed in accordance with the approved plans to create a carriageway width of 4.8m at the passing places.
- 11) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked. The parking area shall be used and permanently retained exclusively for its designated purpose.
- 12) No dwelling shall be occupied until a scheme has been submitted to and agreed in writing by the local planning authority which provides for satisfactory measures necessary for fire fighting purposes at the site. The approved measures shall be implemented as approved prior to the first occupation of the buildings and retained as such thereafter.
- 13) No dwelling shall be occupied until details of secure cycle storage for each dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which the provision relates and shall thereafter be kept available for the storage of cycles.
- 14) No dwelling shall be occupied until details of refuse storage facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which the provision relates, and retained as such thereafter.