
Appeal Decision

Site visit made on 28 February 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/P5870/W/16/3165738

2 Dorset Road, Belmont SM2 6HX

- 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 Neil Turner (c/o Amicus Land & Properties) against the decision of the Council of the London Borough of Sutton.
 - The application Ref B2016/75176/FUL, dated 17 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is erection of nine flats with associated facilities.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is formed by a substantial detached residential property, located within a row of detached dwellings of varying sizes and designs on the corner of the crossroads of Dorset Road, Belmont Rise and Northey Avenue. Dwellings set around the crossroads are also 2 storeys in height and setback varying distances from the highway behind soft landscaping. Large modern buildings are located to the rear of the appeal site belonging to The Avenue Prince Academy. However, their presence was not evident from the crossroads given the presence of mature trees and their distance from the highway.
 4. The large rear gardens of detached properties on Northey Avenue back onto Belmont Rise and the appeal site and these properties contain substantial mature trees and landscaping along their boundaries with it. In combination with the low scale of development around the crossroads, this gives the appeal site and its surroundings a spacious and attractive sylvan appearance that positively contributes to the character and appearance of the area.
 5. Although the proposal would result in more space to the side boundary with No. 4 it would be a considerably larger building than the existing dwelling. The building's overall scale, height and mass, in particular its roof and upper storeys would be conspicuous in views on the approach up and down Belmont Rise especially during the winter months.
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6. A substantially larger amount of built form and hard surfaced parking area would also encroach beyond the rear building line of the properties on Dorset Road. Sited in such close proximity to its side boundary with Belmont Rise in combination with its overall height, scale and mass it would sit in stark contrast to the prevalent character of built form along this part of Belmont Rise. It would be an excessively prominent and unduly dominant building that would unacceptably draw the eye to it and substantially diminish the perception of space on the corner and the attractive sylvan character and appearance of the appeal site and area. In its context it would not therefore be a high quality design and would result in the overdevelopment of the site.
7. For these reasons, the proposal would cause significant harm to the character and appearance of the area and would conflict with Policies BP12 and PMP2 of the London Borough of Sutton Local Development Framework Core Planning Strategy 2009, Policies DM1 and DM3 of the Site Development Policies DPD, Policy 3.3 of the London Plan 2016 and the guidance within the Council's Supplementary Planning Document 14: Creating Locally Distinctive Places. When taken as a whole and amongst other things, these require development to respect the positive features of Sutton's suburban character, maintain and enhance the local character and appearance of the surrounding area, be of a scale, massing and height that are appropriate to the setting of the site and be a high quality of design that contributes positively to the streetscene.
8. These policies are consistent with the National Planning Policy Framework ('the Framework') which emphasises that good design is indivisible from good planning and should contribute positively to making better places for people. In this respect the proposal would also conflict with the design objectives of the Framework.

Other Matters

9. The Council also objects to the siting of the building so close to two retained trees¹ and that this would result in increased pressure to prune or remove the trees. However, there is nothing substantive before me from the Council that demonstrates the likely levels and frequency of pruning that would be required and whether such works would be harmful to the health and integrity of the trees and result in their eventual removal. As such, I cannot be conclusive that the proposal would harm the trees and this matter has not therefore been determinative in my decision to dismiss the appeal.
10. My attention has been drawn to a recently constructed development on the junction of Northdown Road and St Dunstan's Hill. However that building is in a different area, appears to be of a lesser scale and I have not been provided with the full details. Consequently, I cannot be certain that the circumstances are comparable and in any event, each case must be determined on its own merits.

Planning balance and conclusion

11. The appellant refers to the presumption in favour of sustainable development within the Framework. In this particular case, the proposal would not accord with an up to date development plan which is not absent, nor is it silent and on the evidence before me there are no relevant policies that are out of date. As

¹ G2 and G3.

such, it would not be the sustainable development for which the Framework indicates a presumption in favour. In the unweighted balancing exercise required the economic and social benefits from the provision of nine flats, even in an area of high demand and in an accessible location do not outweigh the significant harm to the character and appearance of the area that I have identified.

12. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR