

Appeal Decision

Site visit made on 21 February 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 05 April 2017

Appeal Ref: APP/P5870/W/16/3163677

Land rear of 173-177 Cheam Common Road, Worcester Park, London KT4 8SX

- 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 Woodcock Holdings Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref A2016/74887/FUL, dated 27 June 2016, was refused by notice dated 30 September 2016.
 - The development proposed is redevelopment to create four 3-bed residential houses, including 4no. parking spaces, private bike stores and communal bin store.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:
 - The effect of the proposal on the living conditions of the occupants of Dalmeny Road, with particular regard to visual prominence; and
 - The effect of the proposal on the character and appearance of the surrounding area with particular regard to the loss of trees.

Reasons

3. The appeal site comprises the access way adjacent to 7 Dalmeny Road and the part of the rear gardens of 173-177 Cheam Common Road. The surrounding area is predominantly residential in nature and is characterised by two-storey detached and semi-detached dwellings.
 4. The proposal is for four terraced dwellings which would be arranged parallel to gardens of 1-7 Dalmeny Road. There will be 4 car parking spaces provided within a parking area to the front of the new dwellings. Pedestrian and vehicular access to the site will be provided via the existing access point adjacent to 7 Dalmeny Road.
 5. The Council confirms that there is no objection in principle to the proposal subject to other development plan policies and material considerations. I share this view.
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Living Conditions

6. Policy DM2 seeks to safeguard residential amenity, whilst policy DM30 of the Site Development Policies DPD states that planning permission will not be granted for the development of back garden land, where the proposal would adversely affect the amenities of future occupiers or those currently occupying adjoining or nearby properties.
7. The proposed dwellings would be located about 1 metre from the boundary with the properties in Dalmeny Road and would extend across much of the boundary with 3 and 5 Dalmeny Road. The Council acknowledges that the proposal would not give rise to a loss of privacy provided the bathroom windows are obscure glazed.
8. The gardens to the existing dwellings are about 15 metres long, however, there is an existing extension to the rear of 3 Dalmeny Road which reduces the length of the garden. The occupants of these properties benefit from open views over the existing rear gardens towards the Retreat. These views have a spacious sylvan quality reflective of the suburban location of the locality. Due to the proximity of the proposed dwellings the outlook from 3 and 5 Dalmeny Road would become distinctly more urban in character and would give rise to a sense of enclosure that does not currently exist. A two storey high building in such close proximity to the boundary would have an overbearing effect on the occupants of these properties when using their gardens. These gardens are relatively modest in length by comparison with others in the locality.
9. The appellant considers that the rear gardens to the dwellings in Dalmeny Road are sufficient in length to provide a satisfactory outlook for the occupants. The appellant refers to London Borough of Merton's *New Residential Development SPG*, 1999 which states that within new developments there should be a minimum separation distance of 12 metres between the windows of habitable rooms and a two storey high flank elevation of a proposed dwelling. It is unclear from the submitted information whether the minimum separation distances within the guidance apply to the separation from existing dwellings or just between dwellings within new developments. I therefore afford it little weight in the context of this appeal.
10. I appreciate that within many urban locations there are areas of housing where the separation distance between dwellings would be comparable to that proposed. However, the appeal site is situated within a suburban area where significantly greater separation distances prevail and these contribute to the intrinsic character of the locality. The appellant also refers to the *London Plan - Housing SPG* (March 2016) which states that the degree of harm to adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. In my view the reduction in separation distances that would arise from the appeal proposal would not be comparable with the more spacious separation distances within suburban areas such as the locality of the appeal site and therefore would not be consistent with the advice in the SPG.
11. Access to the proposed dwellings would be by way of the side passage adjacent to 7 Dalmeny Road. The access road would vary in width from 4800mm at the front of 7 Dalmeny Road to 3380mm beyond. The car parking and manoeuvring area would be located to the rear of 5 and 7 Dalmeny Road.

Vehicles using the access road would pass close to the side boundary of Dalmeny Road. I consider that vehicles using the access road and parking and turning outside the proposed dwellings would be likely to give rise to a significant degree of noise and disturbance to the occupants of 5 and 7 Dalmeny Road. This would add to the harm above.

12. Overall I conclude that the proposal would significantly harm the living conditions of the occupants of Dalmeny Road and would fail to comply with policies DM2 and DM30.

Character and Appearance

13. There are a number of trees on and in the vicinity of the appeal site, some of which are protected by a Tree Preservation Order(TPO). I am aware that the appellant objected to the TPO, on a number of grounds, including the amenity value of the tree and the extent to which it can be seen in public views. However the justification for the TPO is not a matter for this appeal.
14. The proposal would require the removal of an Ash tree identified as T1 on the TPO. This tree is positioned adjacent to 7 Dalmeny Road. The Ash tree is an attractive specimen and forms part of the green backdrop to this part of Dalmeny Road. The loss of the Ash tree, together with the other unprotected trees within the appeal site, would significantly diminish the verdant character of this part of Dalmeny Road. Moreover, having regard to the proposed layout of the appeal site, it would seem that there is little scope for any significant replacement trees.
15. Overall, I conclude that the proposal would harm the character and appearance of the surrounding area and would fail to comply with policies DM1 and DM30 of the Site Development Policies DPD.

Other Matters

16. I am aware that there is a dispute about part of the land that would form the access road. In addition, interested parties refer to a covenant restricting the number of dwellings that can be built on each plot. However, these are private matters outside of my jurisdiction.
17. The Framework is a material consideration in the context of this appeal. Whilst it establishes a presumption in favour of sustainable development, it makes clear at paragraph 6 that regard must be had to the document as a whole in determining what the concept means in practice, and is supportive of the planned system. There are three dimensions to sustainable development, economic, social and environmental. It also confirms that these roles should not be undertaken in isolation, because they are mutually dependent.
18. The proposal would deliver some benefits in terms of the provision of four new dwellings within an accessible location which would help to meet the need for new housing within the borough. It would also deliver some modest economic benefits through the provision of jobs during the construction period.
19. The appellants refer to other backland development within the locality, including The Retreat which lies to the rear of 185-201 Cheam Common Road. On the basis of the available information the considerations which led to a grant of planning permission in respect of these other sites is unclear. However, the Council does not seek to suggest that the principle of backland

development is unacceptable within the locality, but that any such proposal should maintain the character and appearance of the area and the amenities of surrounding residents in accordance with policies DM1, DM2 and DM3 of the Site Development Policies DPD. For the reasons given above it is considered that it would fail to do so. Accordingly the proposal would not meet the environmental dimension of sustainable development.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR