
Appeal Decision

Site visit made on 18 May 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 02 June 2017

Appeal Ref: APP/P5870/D/17/3169958
15 The Newlands, Wallington SM6 9JX

- 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 Johnathan Kwok against the decision of the Council of the London Borough of Sutton.
 - The application Ref D2016/75568/HHA, dated 6 October 2016, was refused by notice dated 12 January 2017.
 - The development is outbuilding to rear of garden.
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Decision

1. The appeal is allowed and planning permission is granted for outbuilding to rear of garden at 15 The Newlands, Wallington SM6 9JX in accordance with the terms of the application, Ref D2016/75568/HHA, dated 6 October 2016, and the plans submitted with it, subject to the following condition:
 - i) The building hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 15 The Newlands, Wallington, SM6 9JX.

Procedural Matter

2. The Council, in its decision notice refers to its Supplementary Planning Document SPD14: Creating Locally Distinctive Places – Sutton’s Urban Design Guide (the SPD). I have afforded some weight to that document due to its role in supporting the relevant development plan policies.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, including the visual amenity of neighbouring residents.

Reasons

4. The development is substantially complete other than some internal works, albeit that I saw that the room arrangement was different to that on the submitted plans. It is located at the back of the existing long rear garden at a lower level than all but the patio area adjacent to it, but at a similar level to gardens either side. Although it is a fairly large out-building in terms of containing a few separate rooms and extending across the full width of the garden, it is nevertheless of fairly modest height due to its flat roof. In the
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context of the large size of the garden as a whole, of which it occupies a relatively small proportion, and those of neighbouring properties in the street, it is not a dominating feature of that backland area. It is further softened or screened by vegetation within those rear garden areas to varying degrees. Such vegetation also maintains the generally verdant nature of this backland area, despite any vegetation that may have been removed to make way for the building.

5. The dwelling to the rear of the site at No 27 Oaklands Way is fairly close to and at an angle to the site with a relatively small rear garden. However, the outbuilding concerned only projects a small amount above the intervening screen boundary fence and is set a short distance away from it also. As such it does not represent a dominating structure in relation to that neighbouring property. From the street in Oaklands Way, the top part of the building is visible over the rear boundary fence. However, as it is set well away from the street, beyond the gardens of both Nos 27 and 28, it is not a prominent feature of that streetscene.
6. For the above reasons, the development does not cause unacceptable harm to the character and appearance of the surrounding area, including the visual amenity of neighbouring residents. As such, it accords with policy BP12 of the London Borough of Sutton Local Development Framework (LBSLDF) Core Planning Strategy, policy DM1 of the LBSLDF Site Development Policies DPD and the SPD which together, in respect of this issue, require development to maintain and enhance the local character and appearance of the surrounding area.

Other matters

7. I have had regard to the living conditions of neighbouring residents in respect of outlook, sunlight, daylight and privacy. As referred to previously, the building is close to No 27 Oaklands Way. However, due to its fairly modest height, only small projection above the boundary fence and short set back away from it, it does not have an overbearing or unacceptable enclosing effect in relation to No 27. For the same reasons, it is unlikely to materially reduce the amount of sunlight or natural daylight to that property. Although the outbuilding has windows and doors facing that rear boundary, they are beneath the level of the top of the intervening fence and so do not afford any overlooking that would be likely to amount to a material loss of privacy to those neighbouring residents.
8. In respect of those properties either side of the site, the location at the back of the long garden, together with its fairly modest height, ensures that it is not a dominant or overbearing feature in relation to those properties and their gardens, or one that causes a material loss of sunlight or daylight to them. Furthermore, there is no direct overlooking of those neighbouring properties from within the building. In any case, intervening boundary treatment and vegetation provides a good level of screening, and there is also a significant distance between it and the rear of the dwellings either side. As such, there would be unlikely to be any material loss of privacy to the residents of those properties.
9. I have had regard to concerns relating to the proposed use of the building in terms of intensifying activity on the site and in relation to concerns about existing commercial activity and storage of associated items. The concerns

include issues of noise and disturbance, safety and security, traffic and parking in the vicinity, and provision for foul sewerage. The building is not segregated from the rest of No 15. Although it has a few rooms and a patio, this does not in itself indicate that it would be used for purposes other than those ancillary to the use of the main dwelling. I have received no substantive evidence to suggest otherwise. Furthermore, any separate dwelling or non-ancillary use could be prevented by a condition.

Conditions

10. The Council has suggested four conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance. The suggested standard time condition and that requiring the development to be carried out in accordance with the approved plans would be unnecessary as the development is substantially complete.
11. The remaining two suggested conditions, to prevent a separate residential unit or use for commercial activity or storage of commercial goods, relate to ensuring that the building remains ancillary to the existing dwelling. A single condition to ensure that it remains such would be sufficient to address these concerns. Such a condition would be necessary in order to control the level of activity on the site, in the interests of the living conditions of neighbouring residents, particularly in respect of preventing unacceptable levels of noise and disturbance, and to prevent excessive demand for on-street parking in the vicinity in the interest of highway safety.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR