The Planning Inspectorate

Appeal Decision

Site visit made on 22 May 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/P5870/W/17/3170947
7 Grove Lane, Coulsdon, Surrey CR5 2QA

- 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 Ray Farrington against the decision of the Council of the London Borough of Sutton.
- The application Ref C2016/76033/FUL, dated 6 December 2016, was refused by notice dated 6 February 2017.
- The development proposed is a pair of semi-detached (3 bedroom) houses on land at rear.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:

   - The character and appearance of the area; and
   - The living conditions of the occupants of Grove Lane with particular reference to privacy.

Reasons

The effect on the character and appearance of the area

3. The appeal site encompasses the rear most section of the garden of 7 Grove Lane. Grove Lane is a suburban street characterised by properties positioned towards the front of long plots. The rear gardens tend to be well landscaped. The size of the plots and the extent of landscaping within the rear gardens afford the area a spacious and verdant character. 7 Grove Lane is a corner plot and the garden is well landscaped and free from any significant development. A mature hedge is present along the boundary with Lynwood Avenue. Lynwood Avenue is an open plan residential cul-de-sac with properties set back from the road behind grass verges. The appeal site bridges the gap between Grove Lane and Lynwood Avenue and makes a positive visual contribution to both streets.

4. The appeal scheme would include the erection of a pair of semi-detached houses. This would necessitate the existing hedge along the site frontage being truncated and a hardened vehicular access constructed. The appeal scheme would therefore erode the positive contribution the undeveloped

garden makes to the character and appearance of the area. Moreover, the semis would be located in notably foreshortened plots. This would jar with the spatial character of the area and leave little room for landscaping to mature. In this respect the proposal would be at odds with the spacious and verdant grain and layout of nearby development. As such, the proposal would harm the character and appearance of the area.

5. In reaching this view it is important to note that the proposal would not be without some merit. The semi-detached form would replicate that found nearby, particularly along Grove Lane. An attempt has been made to respond to the spatial character of the area by identifying an assumed building line and the houses would have a frontage onto Lynwood Avenue. Nevertheless, these positive aspects of the proposal would not prevent it from appearing as a discordant intrusion into the street scene overall, due to the diminutive size of the plots. Altogether, the proposal would appear as a cramped and contrived addition to the street scene as the two properties would appear squeezed into the site rather than presenting the appearance and character of a natural and harmonious infilling.

6. I therefore conclude that the proposal would harm the character and appearance of the area. This places it as being contrary to Policies BP12 and PMP2 of the Core Planning Strategy 2009, Policies DM1, DM3 and DM30 of the Site Development Policies Development Plan Document 2012 (DPD) supported by Supplementary Planning Document 14 - Creating Locally Distinctive Places. Together these policies seek to secure development that maintains and enhances the local character and appearance of the area. This is consistent with Paragraphs 17 and 58 of the National Planning Policy Framework. As such, Paragraph 215 of the Framework enables me to give the relevant development plan policies significant weight.

The effect on living conditions

7. The appeal properties would be located to the north west of 1-5 Grove Lane (Nos 1-5). The rear elevations of the properties would be angled with an outlook to the south east and thus towards the rear gardens of Nos 1-5. Due to the shallow depth of the proposed plots the rear windows would be in close proximity to the boundary with No 5. As a consequence, future occupants of the proposed semis would have a clear line of sight into the gardens to the south east. This would amount to harmful overlooking. The impact would diminish the further the neighbouring properties are away from the appeal site. Nevertheless, the elevated position of the first floor windows, alongside their proximity to the boundary, would result in a harmful loss of privacy for the occupants of No 5 Grove Lane, and No 3 to a lesser extent, when in their rear gardens.

8. The overlooking would not be towards the dwelling houses at Nos 3 and 5 or the private amenity space directly behind the rear elevations of these properties. However, the aspect would be over much of the rear gardens and would go beyond what could reasonably be expected in a spacious built up area such as that surrounding the appeal site. The overlooking would be from bedroom windows and these rooms may not be used as intensively as ground floor living accommodation. However, this is not always the case and therefore overlooking from a bedroom window is an impact that requires careful consideration.

9. I therefore conclude that the proposal would harmfully diminish the living conditions of neighbours and this would be at odds with Policy DM2 of the DPD. This policy states that planning permission will not be granted for a proposal that adversely impacts the occupants of nearby properties through a loss of privacy.

Other Matters

10. The proposal would result in the erection of two dwellings and this would support the local housing supply as well as housing choice. However, this would be at the expense of the character and appearance of the area and the living conditions of neighbours. As such, these are not determinative matters in favour of the proposal and thus accrue limited weight. The Council concluded that the proposal would not result in harm when considering matters such as 'traffic and parking' and 'sustainability'. However, the absence of harm is to be expected and therefore this is a neutral matter.

11. The benefits of the proposal, which fall to be considered as material considerations, carry only limited weight in favour of the proposal and would not be of sufficient force to outweigh the harmful impacts I have identified, which are contrary to the development plan taken as a whole and are thus a matter of considerable weight. As such, the appeal scheme would not be sustainable development for which the Framework carries a presumption in favour. Instead, Paragraph 12 of the Framework states that development which conflicts with an up to date development plan should be refused unless there are material considerations which indicate otherwise. In this instance the material considerations do not indicate permission should be forthcoming in spite of the development plan conflict and accordingly the appeal should fail.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR