
Appeal Decision

Site visit made on 13 November 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 7TH December 2017

Appeal Ref: APP/P5870/W/17/3180689
73H Grange Road, Sutton SM2 6SP

- 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 Mrs Susan Whyte against the decision of the Council of the London Borough of Sutton.
 - The application Ref B2016/75997/FUL, dated 6 December 2016, was refused by notice dated 1 February 2017
 - The development proposed is described as the erection of a two storey, 2 bedroom dwelling with provision of two parking spaces at the rear and the formation of a fence up to a maximum height of 2m.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. During its consideration by the Council, and with the agreement of the applicant, the description of the proposed development was amended. I have therefore taken the description from the appeal form rather than the application form – albeit noting the amendments detailed below.
3. As part of the appeal the appellant submitted amended drawing ref nos. GR/P/1 Rev A and GR/P/3 Rev B ('amended plans'). Those depict minor amendments including the removal of one of the proposed parking spaces, the deletion of a path partially to the front and side of the proposed dwelling, and very small changes to the interior of the proposed dwelling, including extra storage and the depiction of the front bedroom with a single rather than a double bed.
4. In my judgement those changes are not substantial, and are so minor in extent that interested parties' interests would not be prejudiced by my acceptance of the amended plans as part of the appeal. I have therefore determined the appeal on the basis of the amended plans.
5. The Council states that as the arboricultural report prepared by Frank P.S. Spooner (July 2017) ('arboricultural report') was not issued to the Council, it has not had an opportunity to comment on it. However, the Principal Tree Officer ('TO') responded to it in an email dated 3 November 2017. I have therefore considered it in my decision.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the area, including whether or not a protected tree would be harmed; and
- Whether future occupiers of the proposed dwelling would experience satisfactory living conditions, with particular regard to the amount of internal floor space.

Reasons

Character and appearance

7. The dwelling at 73H Grange Road sits adjacent to a crossroads at the end of a long, staggered terrace. Compared to the rest of the terrace it has a large garden, which extends to the rear and side of the dwelling, and which provides an open area behind a fence along York Road. After the Council refused this scheme, one of two Lime trees on the site the subject of a Tree Preservation Order was given consent to be felled, and the other pollarded. Those works have been carried out, although a replacement tree has not yet been planted.
8. From the site heading east along Grange Road the properties are set back from the road, but are laid out in a fairly dense mix of terraced housing and flats. Along York Road and to the west, the density of development is significantly lower, with many detached or semi-detached properties often set on large, landscaped plots. Given its context, the site therefore lies at the edge of two distinct character areas.
9. The blank two storey gable of the proposed dwelling would, according to the appellant, project to between 2.4m and 3.7m of the boundary with York Road. Although the other dwellings on this crossroads also have side elevations facing the road, from the evidence before me, including page 17 of her statement, none would be so close to the highway as would be the case here. Moreover, the flanks of 20 and 20A York Road have hipped roofs which limits their visual bulk and dominance compared to this scheme. The side of the three storey dwelling at 80A Grange Road, which the appellant states is within 4.7m of York Road, is set back behind tall landscaped screening.
10. Looking along York Road there is not a consistent building line. The sides of nos. 73H and 80A Grange Road for instance are set closer to the highway than their respective neighbours to the south and north. However, most of the dwellings are set well back from the highway. For the above reasons this scheme would significantly diminish the sense of spaciousness looking in both directions along York Road. Compared to the other dwellings set around this crossroads it would appear cramped and domineering. Although the appellant's statement refers to development further to the east along Grange Road, and off Sackville Road, those examples do not change my conclusions regarding the harm that would be caused here.
11. The protected Lime tree on this plot, together with other nearby landscaping and trees close to the highway, make a significant contribution to the area's character, particularly looking along York Road. According to the appellant, at its closest point the proposed dwelling would be 3.2m from the Lime.

12. The arboricultural report finds that, having regard to levels changes and existing development, only a small area of proposed footpath and foundations would fall within this tree's root protection area. It recommends a manual dig in those areas, and the construction of a section of new path above existing soil levels. The TO confirms that the arboricultural report's tree protection measures should mitigate the scheme's impact to an acceptable level, and that, although the proposed dwelling would be closer to the tree than she would wish, it demonstrates that construction is feasible without harm occurring.
13. Given the findings of the arboricultural report and the advice of the TO, and following my site observations, I am satisfied that, subject to suitable protection measures, the scheme would not prejudice the health of this protected tree.
14. However, for the reasons above, the scheme, on this prominent corner plot, would cause significant harm to the character and appearance of the area. Consequently, whilst the scheme would respect and retain a protected tree of amenity value, it would conflict with those parts of Policies DM1 and DM3 of the Sutton Site Development Plan 2012 ('SSDP') which require development to maintain and enhance local character, and to contribute positively to the streetscene and public realm. It would also conflict with the broadly similar advice at pages 8 and 9 of the Sutton Creating Locally Distinctive Places Supplementary Planning Document 2008.
15. The appellant maintains that as the appeal site is a side garden, SSDP Policy DM30 is not relevant. However, in my view the site includes garden land broadly to the rear of 73H, as well as land directly to the side, and the scheme includes development, such as a parking space, roughly to the rear of the host. Consequently, I consider that that policy is applicable. As the garden makes an important contribution to the area's character and appearance, the proposal would conflict with its requirements.

Living conditions

16. Policy 3.5 of the London Plan 2016 ('LP') sets out minimum housing standards of 79sqm internal floor space with 2sqm built in storage for a 2 bedroom, 4 person dwelling; and 70sqm with 2 sqm storage for a 3 person dwelling. The Council states that at 69sqm internal floor space with 0.5sqm storage, even if the scheme were for 3 persons it would fail to meet those standards.
17. However, the appellant maintains that as the amended plans show the second bedroom with a single bed, it would be for 3 persons. According to her CAD measurements the internal floorspace would be 70.7sqm (excluding the bay window) with 3.8sqm built-in storage.
18. Whatever the precise figures, the proposal, as a 3 person dwelling, would broadly satisfy the LP's space standards. The size and configuration of the dwelling, which would largely replicate others in this terrace, would provide future occupants with space of sufficient size and quality to ensure satisfactory living conditions, and to meet their typical cooking, living, sleeping and storage requirements. Even if occupied by 4 persons the slight shortfall against the LP's standards would be insufficient for me to conclude that significant harm would arise. As internal space would be provided broadly in accordance with the LP standards, and future occupants would experience appropriate levels of

amenity, from the evidence before me, I am satisfied that there would not be a material conflict with LP Policy 3.5, or with SSDP Policies DM2 and DM29.

Other matters

19. Although the Senior Highways Engineer recommended refusal on the basis that two parking spaces constituted an overprovision, that did not form a reason for refusal, and the matter has been addressed by the amended plans.
20. Whilst the site has a relatively low PTAL rating of 1b or 2, there are bus stops on York Road, and it is within reasonable walking distance of some shops and services. The scheme's design would reflect others in this terrace. It would make an efficient use of the land in a suburban area, and a contribution, albeit very modest, to the supply of housing. In those regards the proposal finds support from various development plan policies, including those which seek to meet or exceed housing targets, and from the National Planning Policy Framework ('Framework'), which aims to boost significantly the supply of housing, deliver a choice of high quality homes, and support economic growth. Those are matters which count in its favour.

Conclusions

21. I have found that the scheme would provide suitable living conditions for future occupants and that it would not harm a protected tree. In its favour it would make an efficient use of the land in a suburban location, and a modest contribution to housing supply. However, those benefits do not outweigh the significant harm that would be caused to the area's character and appearance. The proposal would therefore conflict with the development plan when considered as a whole, and given the environmental harm that I have found it would cause, it is not the sustainable development for which the Framework places a presumption in favour.
22. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR