



Appeal Decision

Site visit made on 15 January 2018

by C Jack BSc(Hons) MA MA(TP) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2018

Appeal Ref: APP/P5870/W/17/3180412

39 Plough Lane, Purley CR8 3QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Lubna Samara of The Newhaven Trust Company (Channel Islands) Ltd against the decision of the Council of the London Borough of Sutton.
 - The application Ref D/2016/75953/OUT, dated 25 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is the demolition of existing 4 bed detached dwelling and erection of 9 No 2 bed self contained apartments with supporting car parking and amenity.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval sought for access, appearance, layout and scale. Landscaping is a reserved matter. Amended plans have been submitted with the appeal, which did not form part of the application upon which the Council made its decision. The amended plans essentially show floor areas, relative ceiling heights and a cross section of the building and do not have any significant effect on the overall scale and nature of the development proposed, the number of units, or the external elevations. On this basis, I am satisfied that no party's position in the appeal would be prejudiced by my consideration of the amended plans in this case.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of future occupiers, with particular regard to internal space.

Reasons

4. 39 Plough Lane (No 39) is a two-storey detached house occupying a large plot at the corner of Plough Lane with Church Hill. A garage, shed and parking area are positioned between the existing building and Plough Lane, and a largely grassed garden area behind the house, alongside Church Hill. There are a number of trees on or adjacent to the site, including several that are subject to a Tree Preservation Order. The area is principally residential in character, featuring a wide variety of mainly detached houses and bungalows. There is a large playing field on the opposite side of Plough Lane.

5. It is proposed to replace the existing house with a building comprising of nine 2-bedroom apartments. A replacement vehicular access would be provided from Church Hill to parking for 9 cars situated in the existing rear garden area. Several outdoor amenity areas are proposed around the main building.

Character and appearance

6. Taking the Council's measurements, which have not been specifically refuted, the proposed building would be approximately 22.7m wide, 19m deep and 9m high. As such, it would appear substantially larger than No 39 and the majority of buildings in the vicinity. I accept that corner plots can provide an opportunity for 'landmark' buildings, and that the proposed turret design feature would be generally subservient to the proposed building and would help turn the corner in visual terms. However, I consider that the overall scale of the building, particularly in terms of the proposed width and depth, would be excessive in this location. The result would be a visually dominant building, which would be significantly out of keeping with the prevailing scale and character of built form nearby.
7. There have been previous proposals for larger flatted schemes on the site, including a scheme refused for 12 units in 2013 and another for 10 units dismissed by my colleague¹ in 2015. I note that the current proposal represents a significant reduction in overall scale from the 2013 proposal. However, taking the outline of the 2015 scheme as set out on drawings PL109 and PL110 with this appeal it is clear that the general height, width and depth of the current proposal have not been significantly altered albeit the proposed placement of the building has been pulled back marginally from the boundary with Church Hill and Plough Lane. Furthermore, while stepped elevations and ridge line are proposed to break the mass and form of the building, I am not satisfied that this would be sufficient to mitigate the overall scale of the proposal or to address its uncharacteristic visual prominence in this setting.
8. I saw that many properties in the area, including in Church Hill, have car parking in front garden areas where it is generally visible from the road nearby. I did not note any examples of parking provision to the rear that was visually apparent from the road. The proposed parking area for 9 vehicles would be visible, at least in part, in the street scene of Church Hill, including via the new access. While landscaping is a reserved matter in this case, the site plan illustrates provision for areas of soft landscaping, including between Church Hill and the parking area, as well as between some parking spaces. I consider that with an appropriate detailed scheme of landscaping, it would be possible to partially screen the parking area, which has reduced in overall scale from that previously considered by my colleague. The parking area would then not be unduly prominent in the street scene or out of keeping with the use and character of other gardens in the vicinity to any harmful degree. However, this does not diminish my concerns above in relation to the effect of the scale of proposed building on the character and appearance of the area.
9. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with the aims of Policy 3.5 of the London Plan 2016, Policies PMP2 and BP12 of the Council's adopted Core Planning Strategy 2009, and Policies DM1 and DM3 of the Council's adopted Site Development Policies 2012. These policies generally seek to ensure a high

¹ APP/P5870/W/15/3031276

standard of design, including in relation to the character, appearance and distinctiveness of the local area. While the Council's policies pre-date the National Planning Policy Framework (the Framework), they are generally consistent with its good design aims. I have therefore given them substantial weight in this appeal.

Living conditions

10. The appellant has provided additional plans to show that the second floor flats would both achieve a gross internal area a little greater than 61m². As such, the minimum space standard for new flats set out in Policy 3.5, Table 3.3 of the London Plan would be met for the three bed spaces per top floor flat indicated. Furthermore, at least 75% of the gross internal area of these flats is shown at a 2.5m ceiling height, as is encouraged in the notes to Table 3.3. On this basis, and in the absence of any substantive evidence to the contrary, the proposal would provide a satisfactory amount of internal space for the top floor flats. The internal space of the other proposed flats is not in dispute.
11. I conclude that the proposed development would not harm the living conditions of future occupiers, with particular regard to internal space. It would generally accord with the minimum standards set out in Policy 3.5 of the London Plan.

Other Matters

12. I note that no 'in principle' objection has been raised by the Council, and the appellant's view that the density of development would be appropriate, including in relation to the accessibility of the site. The proposal would also make more efficient use of the land through the provision of additional residential units, which would be a modest benefit.
13. I also note that there are some large residential buildings in the general area, including at the corner of Peaks Hill where the property is clearly visible from the road. However, it appeared to me to be less visually substantial and more set back from the road than the appeal proposal would be.
14. I conclude that none of the matters discussed in this section adds materially to the case for or against the appeal.

Conclusion

15. While I have not identified harm in relation to living conditions, I have identified harm in relation to the character and appearance of the area, which is not outweighed by the benefits that the scheme would bring. I therefore conclude, having taken all matters into account, that the appeal should be dismissed.

Catherine Jack

INSPECTOR