
Appeal Decision

Site visit made on 11 December 2017

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 01st February 2018

Appeal Ref: APP/P5870/W/17/3179487

Land r/o 173-177 Cheam Common Road, Worcester Park, 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 A2017/76507/FUL, dated 17 February 2017, was refused by notice dated 18 May 2017.
 - The development proposed is the redevelopment of the proposed site to create three, 3-bed residential houses, including 6 no. parking spaces, private bike stores and communal bin store.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant has advised that planning permission was granted by the Council for two detached houses on this site on 29 November 2017¹ and the Council have therefore accepted the use of this back land site for residential development. I have taken this into account in reaching my decision.

Main Issue

3. In the light of the above the main issue is the effect of the development on the living conditions of the occupants of No 3 and 5 Dalmeny Road with regard to outlook and sense of enclosure and No 5 and 7 Dalmeny Road in respect of noise/disturbance.

Reasons

Living conditions

4. The use of the appeal site for residential purposes is not at issue, the approval referred to in paragraph 2 above gave consent for two detached dwellings with a distance between the boundary of No 3 and No 5 Dalmeny Road and the nearest dwelling of around 6 metres. In other respects the access, parking provision, garden orientation and cycle storage now proposed is similar to the consent referred to. The remaining issue in dispute is the proximity of the proposed terrace row of houses to the existing residential properties.

¹ A2017/77711/FUL

5. This appeal proposal differs from a scheme dismissed on appeal² in April 2017 where a gap of just over one metre was proposed. This scheme would result in a gap of around 3.6 metres between the rear garden boundary of adjacent properties and the proposed terrace row of houses (and proposes three rather than four dwellings). A two storey building in such close proximity would have an overbearing effect on the outlook from the gardens and living accommodation particularly so given the modest depth of the neighbouring gardens and the outlook onto an end wall would be overbearing given its mass and proximity. The result would affect the living conditions of occupants of No 3 and No 5 Dalmeny Road to their detriment.
6. Whilst acknowledging changes have been made since the earlier appeal to ameliorate the impact by locating the new development further away, the distance between the new building and the existing properties would still be insufficient to represent an acceptable relationship with the existing properties.
7. The appellant's contention that the likely level of noise and disturbance associated with three dwellings using the vehicular and pedestrian access rather than the four previously dismissed on appeal would be 25% less is noted. However the access would pass close to the boundary of No 5 and No 7 Dalmeny Road and the access would remain constrained in its width and there would still be vehicular and pedestrian movements, engine noise, car headlights and noise associated with the normal use of three dwellings which would cause a degree of noise and disturbance to the occupants of the existing properties which they do not currently experience. It would result in an unacceptable effect which would add to the harm already identified.
8. For the above reasons the development would conflict with Policies DM2 and DM30 of the London Borough of Sutton Local Development Framework - Site Development Policies Development Plan Document 2012. These policies, amongst other things, seek to ensure that development protects the amenity of nearby properties in respect of outlook and sense of enclosure and does not result in adverse effects to the living conditions of neighbouring properties.

Other Matters

9. I have taken into account the appellant's comments on the content of the National Planning Policy Framework, the London Plan and the desire to deliver additional housing in an accessible location to achieve sustainable development.
10. I have also noted the appellants' comments on design however as design is not in dispute it is not necessary to consider this matter further.
11. There continues to be a dispute with third parties about part of the land forming the access road and reference to a covenant restricting uses on the land. These are private matters beyond the remit of the appeal process.

² APP/P5870/W/16/3163677

12. Representations have been made about the loss of trees however the Council have clarified that the significant and protected trees would be retained as part of the proposal.

Conclusion

13. Whilst three dwellings would provide additional housing and be of some small social and economic benefit, for the reasons given, the benefit would be outweighed by the significant harm that I have identified. The appeal is dismissed.

Janet Wilson

INSPECTOR