



Appeal Decision

Site visit made on 28 November 2017

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/P5870/W/17/3181472

101 Godalming Avenue, Wallington SM6 8NT

- 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 Vishaal Derodra against the decision of the Council of the London Borough of Sutton.
 - The application Ref D2017/76630/FUL, dated 8 March 2017 was refused by notice dated 4 May 2017.
 - The development proposed is described as '*Proposed new house at land rear to 101 Godalming Avenue, Wallington SM6 8NT*'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and erection of a single storey (with basement level) 2 bed house with refuse and cycle facilities together with off street parking for one vehicle and creation of new vehicular access from Gomshall Avenue at 101 Godalming Avenue, Wallington SM6 8NT, in accordance with the terms of the application Ref D2017/76630/FUL, dated 8 March 2017, subject to the attached schedule of conditions.

Preliminary Matter

2. I have used the proposal's description as set out on the Council's decision notice as it better focusses on the development involved.

Main Issues

3. The main issues are:
 - 1) The proposal's effect on the character and appearance of the surrounding area; and
 - 2) Whether the proposal would provide for a satisfactory standard of living conditions for the development's future occupiers, with particular regard to natural light and outlook.

Reasons

Character and appearance

4. The appeal site comprises what was once part of No 101's rear garden which, due to its corner siting, is comparatively larger than those for other houses in the vicinity. Now overgrown, the site has been physically demarcated from No 101 proper. During the past few years there have been other schemes

refused planning permission and unsuccessfully appealed in respect of proposed residential development on the site. These involved, firstly, a two-storey detached house and, more recently, a 2-bed detached bungalow. In dismissing the latter appeal (Ref APP/P5870/W/15/3084395) the Inspector, concentrating on the then proposal's effect on the streetscene raised concerns as to the bungalow's siting and relationship to existing buildings. He considered that the proposed traditional, hip-ended, bungalow would harmfully alter the open and spacious character and appearance which exists between properties on Godalming and Gomshall Avenues.

5. The above proposed bungalow had been devised to be roughly consistent with the front building line of No 1A Gomshall Avenue and its footprint was shown to spread across the site. In contrast, the proposed building the subject of the current appeal, has been significantly pulled back into the site to line with the boundary of the adjacent access road, and would abut the garage in the rear garden of No 99 Godalming Avenue which, with its substantial footprint, stretches almost the neighbouring garden's full width. Above ground level the contemporary styled building would be single-storey in height, marginally taller than the adjacent garage, and with its two bedrooms set within a basement. A garden area would also be provided.
6. The development of residential garden land is not specifically prohibited but is subject to particular considerations. In this instance Policy DM30 of the Council's Site Development Policies Development Plan Document (DPD) addresses the issue and indicates, amongst other things that planning permission should not be granted in instances where the site makes an important contribution to the character and appearance of the surrounding area. Here the site has been severed from the rear garden of No 101 for some years and, given that No 101 and its remaining garden is in different ownership from the appeal site, there seems little prospect of the two sites being reunified. The current situation and the site's unkempt nature visually detracts from the streetscene.
7. Although the development would represent a departure from the local architectural vernacular it would improve the appearance of the site and would also represent an effective use of land. Whilst mindful of the National Planning Policy Framework's advice on good design and reference to local character I am also guided by the Framework's paragraph 60 which indicates that decision makers should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to certain types of development. Further, I note that the Council's Supplementary Planning Document 14 'Creating Locally Distinctive Places' (SPD) comments that replicating past architectural forms is not always appropriate.
8. In this instance, due to the revised site layout and arrangement, the proposed building's form and intended positioning, its limited height, yet albeit sufficient to mask the neighbouring garage's utilitarian form, I am satisfied that the development, with appropriate landscaping, would represent a significant visual improvement to the streetscene, demonstrating good design in its contextual setting. Views across the site from Gomshall Avenue along with a sense of openness would be retained and I am convinced that the development would integrate well into its immediate surroundings.

9. I conclude, on this main issue, that the proposal would not be harmful to the character and appearance of the surrounding area and there would be no material conflict with the design objectives of Policies BP12 and PMP2 of the Council's Core Strategy (CS), those of DPD Policy DM1 and Policy 7.4 of the London Plan. Similarly, the proposal would not be contrary to the Council's SPD, relevant advice within the National Planning Policy Framework's paragraphs 17, 56 and 60, nor the objectives of DPD Policy DM30 regarding the development of garden land.

Living conditions

10. The Council has raised objections on the basis that, as not demonstrated otherwise, the proposed bedrooms in the building's basement would neither have an appropriate outlook nor receive adequate natural light. In response, subsequent to the Council's decision, the appellant commissioned the services of specialist consultants to prepare a daylight study and to assess the development in this regard.
11. The report comments that the study was made using standard methodology as prescribed by BRE and British Standard guidance and the main criterion used was Average Daylight Factor (ADF). Assuming internal décor to reflect light, with a recommended ADF of 1% Bedroom 1 would have an ADF of 1.89% whilst Bedroom 2 would achieve 1.66%. This demonstrates that both these basement rooms would achieve and exceed the minimum requirements in accordance with BRE guidelines. The Council has not countered these findings.
12. In terms of the outlook at basement level for the dwelling's occupants the external doors and windows to the respective bedrooms would look out onto a sunken patio. Although this arrangement would be somewhat unorthodox in this type of location the bedrooms would be south facing and the external patio would be to a satisfactory width so as to allow for an acceptable visual outlook. Moreover, the basement would not represent the dwelling's main daytime living area.
13. I conclude on this main issue that the proposal would provide for a satisfactory standard of living conditions for the development's future occupiers and there would be no material conflict with the amenity objectives of DPD Policy DM2.

Other considerations

14. Representations have been received from several interested parties raising various grounds of objection to the proposed development. Some relate to the issue of local character which I have addressed above, but mention is also made that granting planning permission for this scheme would set a precedent for other such proposals. Each proposal for development, however, should be assessed on its particular merits and any impact on its surroundings. As each single proposal will have its own individual circumstances including plot size, the degree of development involved and the relationship between surrounding land and other properties, allowing the appeal proposal will not have any significant bearing on any future such proposals in the local area.
15. I have also had regard to the views of certain neighbouring occupiers who consider that their privacies would be adversely affected by the development. However, I consider that the proposed dwelling would be sufficiently distanced from those surrounding so as not to unduly impact. Also, save for bedroom

windows at lower ground level and a side kitchen window facing towards the site's northern boundary, the dwelling's aspect would be to its front, facing towards Gomshall Avenue. As such, the development would not be intrusive in terms of privacy nor would it overshadow neighbouring properties to any significant degree. This would ensure compliance with the amenity objectives of DPD Policy DM30. No 101 has also retained an adequately sized curtilage for the enjoyment of its occupiers and amenity purposes.

16. Representations have been made regarding possible noise during the construction period. This can be addressed by a suitable condition requiring that an appropriate Construction Management Plan be submitted to and approved by the Council prior to the commencement of works. This will address, amongst other things, hours of working. The curtilage would also be bounded by standard height garden fencing and one on-site car parking space would be provided in accordance with standards.

Conditions and Conclusion

17. The Council has suggested a number of planning conditions be imposed and I have considered these against the advice in the Planning Practice Guidance. I am in general agreement with these but have altered and condensed the wordings put forward, as necessary. Certain pre-commencement conditions are imposed to require submission and approval of aspects of the development that are not fully described in the application. This includes the requirement for a suitable Construction Management Plan which would deal with all aspects of the development at this stage, in order to safeguard local interests, and details relating to site drainage measures. Given the form of development involved a separate condition is also imposed requiring for the submission of a Basement Impact Assessment for subsequent written approval.
18. In addition to the standard time limitation condition, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the submitted plans. To ensure a satisfactory form of development a condition is also imposed requiring the submission of samples of external materials for subsequent approval by the Council. Although the Council did not specifically include a request for such in its suggestions, the submitted drawings indicate planting and landscaping treatment would be employed and, therefore, in order to ensure that the development is appropriately finished I impose a comprehensive condition in respect of landscaping and planting measures.
19. In respect of sustainability, a condition is also imposed which, prior to the dwelling's occupation, requires that the approved drainage and flood risk management measures will have been implemented, accordingly. I have not, though, imposed those conditions suggested directly relating to Building Regulations and the Water Efficiency Calculator as these are matters controllable by way of different legislation and would thereby give rise to unnecessary duplication.
20. For the above reasons, and having had regard to all matters raised, the appeal succeeds.

Timothy C King

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) Unless modified under the conditions below the development hereby approved shall be carried out in accordance with the following plans:
Drawings Nos 01 Rev A, 02 Rev A, 10, 11, 12 Rev A, 13, 14, 15, 16 and 17.
- 3) No development shall take place until samples of the external materials to be used for the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of both hard and soft landscape works, including hard-surfacing materials and boundary treatments, have been submitted to and approved in writing by the local planning authority. Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and details of the existing trees to be retained, including their spread, girth and species. Development shall be carried out in accordance with the approved details prior to first occupation of the dwelling, or in accordance with a programme agreed with the local planning authority.
- 5) No development shall take place until a Basement Impact Assessment (BIA) has been submitted to the Local Planning Authority and approved in writing in order to help assess the flood risks to the development from groundwater and other sources of flooding. The BIA shall be informed by appropriate ground investigations to assess groundwater level/flow, land and structural stability and be prepared by a structural engineering or hydrology firm that is fully accredited by a recognised professional institute. A programme and timescale for monitoring potential groundwater flooding at the post completion stage must be included in the BIA.
- 6) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The CMP shall include details of working hours, and how demolition and construction traffic, vehicular access to the site, parking and manoeuvring, materials storage, wheel washing, and facilities for operatives will be accommodated during the development. The development shall be carried out in accordance with the approved CMP.
- 7) No development shall commence until details of drainage systems for the sustainable disposal of surface water and the disposal of foul sewerage from the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to first occupation of the dwelling, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further evidence must be provided to show that the peak

run-off rate for the 1 in 100 year 6-hour rainfall event (plus climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event. All the measures implemented shall be retained in perpetuity.