



Appeal Decision

Site visit made on 26 June 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/P5870/W/19/3226021

34 Heathdene Road, Wallington, SM6 0TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by RSH Portfolio 1 against the Council of the London Borough of Sutton.
 - The application Ref DM2018/01976, is dated 30 October 2018.
 - The development proposed is demolition of existing dwelling; erection of 7no. apartments and associated works.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Main Issues

2. The appeal is the result of the Council failing to determine the application in the prescribed period of time. However, the Council's Statement of Case makes it clear that had they determined the application, planning permission would have been refused. Furthermore, in their evidence, the Council has suggested a series of refusal reasons.
3. Consequently, from the evidence that I have before me, I consider the main issues to be:
 - i) whether the proposal would provide a suitable mix of housing, having regard to the residential character of the surrounding area and the requirements of local plan policy;
 - ii) the effect of the proposal on the living conditions of the occupants of Nos 32 and 36 Heathdene Road;
 - iii) the effect of the proposal on the character and appearance of the area, having regard to its design, bulk, scale and massing;
 - iv) whether the proposal would provide suitable living conditions for future occupants; and
 - v) the effect of the proposal on highway safety, having particular regard to on-site car parking provision.

Reasons

Housing mix

4. Policy 7 of the Sutton Local Plan 2016 – 2031 (2018) (LP) relates to housing density. The text preceding the policy advises that the intensification of existing residential areas provides a potential source of new homes. However, it also acknowledges that intensification can bring with it concerns in relation to the loss of suburban character, increased pressure on infrastructure, and loss of family homes.
5. The appeal site is a large chalet style bungalow located in a tree-lined road. The properties in the road all differ in terms of visual appearance, however, they are generally detached and the gaps between properties are broadly comparable. The buildings observe a consistent building line and facing materials primarily consist of brick and render with pitched roofs above. In terms of use, the properties overwhelmingly appear to be that of generous single-family houses rather than buildings that contain multiple dwellings. These characteristics combine to provide a pleasing, calm and suburban residential character to the area.
6. In addition, the boundary of the Park Hill Road Area of Special Local Character (ASLC) is formed by the eastern boundary of No 32. Based on the evidence that I have before me, part of the reason why this area was designated was due to the tree-lined streets and detached houses set in wide plots with mature landscaping and well-maintained gardens. Although the appeal site is not located within the ASLC, it exhibits many of its characteristics. It is therefore complementary to the ASLC. The prevailing attributes of the area also support the Council's conclusion that, for the purposes of the development plan, the appeal site is located within the Suburban Heartlands.
7. Within the Suburban Heartlands, the Council will apply the Suburban Setting of the London Plan Density Matrix to assess development proposals. The proposal would provide 3.14 habitable rooms per unit and therefore, due to the Public Transport Accessibility Level (PTAL) rating of 1b, the density range expected by the London Plan would be 40 – 65 units per hectare. In the evidence before me, the Council state that the proposal would provide a density of 87.5 units per hectare and this figure has not been disputed by the appellant. The proposed density would therefore be significantly greater than the upper limit suggested by the matrix.
8. Density calculations can often be an overly simplistic approach to assessing the merits of a proposal. However, the policy provides a density range that relates to both the accessibility of the site as well as the specific sizes of the units proposed. It also provides a sliding scale that allows for increasing densities as site specifics change. Consequently, the policy does not simply promote a crude density calculation. Instead it provides a more considered approach.
9. Additionally, Policy 9 of the LP states that developments outside Sutton Town Centre should seek to provide a minimum of 50% of all dwellings on the site as having three bedrooms or more. The proposal would fail to achieve this, with only one of the proposed seven apartments providing three bedrooms.
10. The policy does not provide a prescriptive requirement. However, the Council's Strategic Housing Market Assessment (SHMA) is clear that the need for

3-bedroom accommodation is significantly greater than for 1, 2, and 4-bedroom accommodation. The Framework is clear that the planning system should be genuinely plan-led and I have no evidence before me that challenges the findings of the Council's SHMA. Although the 2 bed units would meet minimum space standards, the proposal fails to deliver the mix of development required by the SHMA.

11. Policy 7 of the LP does recognise that intensified development can play an important role in providing additional housing. However, this should not be at the expense of established character. As identified above, the appeal site is typical of the residential character of the area and consequently, it makes a positive contribution to it. However, the proposal would introduce seven households onto a site where there is currently one. Moreover, of the seven dwellings, only one would provide three bedrooms.
12. Consequently, due to the substantial breach of the upper-limit of the density range, and the lack of 3-bedroom accommodation, the intensified use of the site would increase domestic activity to a level that would be in stark contrast with, and harmful to, the overwhelmingly single dwelling, suburban, residential character of the street. It would also be harmful to the prevailing character and appearance of the ASLC.
13. Therefore, having regard to the residential character of the surrounding area and the requirements of local plan policy, I conclude that the proposal would fail to provide a suitable mix of housing. Consequently, it would fail to accord with Policies 1, 7, 9 and 30 of the LP, Policy 3.3 of the London Plan (2016), and advice contained within Sutton's Urban Design Guide, Supplementary Planning Document 14 (2008) (SPD). Taken together, and amongst other things, these policies promote a positive approach that reflects the presumption in favour of sustainable development, establish the desired housing mix for development outside Sutton Town Centre, and seek development which respects the positive features of Sutton's character, creates attractive and sustainable places, where people want to live, work and visit and which conserves elements which contribute to the ASLC's particular character or appearance.
14. The Council has also referred to Policy 10 of the LP and Policy 3.3 of the London Plan (2016). However, Policy 10 of the LP relates to the loss of housing and conversions and it is therefore not relevant to the proposal. Moreover, Policy 3.3 of the London Plan (2016) seeks to increase housing supply which the proposal would do. It therefore does not conflict with this policy.
15. The appellant has made reference to the Emerging London Plan in relation to optimising the development potential of sites within 800 metres of railway stations and town centres. No further information has been provided on this point, however, regardless of this matter, I have found harm in relation to the proposed housing mix. I am therefore satisfied that the proposal is not the optimum use for the site.

Living conditions for neighbouring properties

16. The proposal would be larger than the existing chalet bungalow and it would have a significantly larger footprint. However, the first floor bulk and mass of the building would be located away from the shared side boundaries of Nos 32 and 36. This aspect of the proposal would therefore not affect the outlook of these neighbouring properties.

17. Despite this, the ground floor accommodation would occupy a significantly larger area of the site. Whilst much of the single storey would have a flat roof, it would be located close to the shared side boundaries and it would also project substantially further into the site than the first floor accommodation proposed.
18. When viewed from No 36, the single storey element would be close to the side boundary and would project a considerable distance beyond its rear facing windows. Although single storey, the combination of the height, depth and proximity to the boundary would result in the proposal enclosing an extensive part of the neighbouring site. As a consequence, the proposal would significantly alter the outlook from this property in a manner that would be overbearing and oppressive. This would be detrimental to the enjoyment of this property and its associated amenity space.
19. The proposed ground floor accommodation would have a similar relationship with the shared boundary of No 32. However, this property has a deeper footprint than No 36. Consequently, the proposed ground floor would not project as far beyond the rear elevation. I am therefore satisfied that the proposal would not have an overbearing effect on this property and consequently, it would not harm the existing outlook.
20. One window would be located in the east facing side elevation at first floor level. However, this window would be glazed with obscure glass. In addition, all of the ground floor windows that would be located in the side elevations of the building would also be glazed with obscure glass. The proposal would have a number of windows located in the rear elevation at first and second floor level. However, I have no reason to consider that the views gained by these windows would be different to any other elevated windows in this suburban environment. As a consequence, I am satisfied that the proposal would not harm the privacy of the occupants of the neighbouring properties in relation to privacy.
21. For the reasons identified above, although I have found that the proposal would not harm the living conditions of the occupants of No 32, I conclude that the proposal would have a harmful effect on the living conditions of the occupants of No 36 in relation to outlook. Consequently, the proposal would fail to accord with Policy 29 of the LP which seeks development that will not adversely affect the amenities of those currently occupying adjoining properties.

Character and appearance

22. As identified above, the appeal site is a chalet style bungalow located in a pleasant, suburban, tree-lined street. It is one of a number of well-spaced dwellings that positively contributes to the character and appearance of the area. However, the existing building is smaller than its neighbouring properties on either side with the ridge and eaves height of the building noticeably lower. As a consequence, it has a less significant presence in the street than many of the other houses.
23. The proposed replacement building would be larger than the existing structure and would provide accommodation over three storeys. The proposed eaves height would be comparable with No 32 and higher than No 36. However, the main bulk of the building would be contained within the site. Although single

storey structures would project towards the side boundary, these would retain side access to the rear of the property. At first floor level and above, the gap to the side boundaries of the site would be comparable with other properties in the street. In addition, the proposal would respect the building line established by neighbouring properties.

24. The proposal would also incorporate a pitched roof and facing materials would consist of render and brickwork. Although large expanses of glazing would be provided to the front elevation, these would not be disproportionate to the overall form of the property. Consequently, due to the use of suitable facing materials as well as the sensitive bulk and mass of the proposal, the development would not appear bulky and obtrusive in the street scene. Instead, I consider that the bulk, scale and massing would be complementary to the other properties in the street as well as the nearby ASLC.
25. The proposal would be served by five car parking spaces that would be located to the front of the apartment building. The spaces would be laid out in an echelon manner and would be accessed via the existing 'in and out' arrangement of the driveway. The layout would also enable landscaping to be retained at the front of the property.
26. Car parking to the front of existing houses in the street is not an uncommon feature. Although there is no consistent approach to how it is provided, many of the houses have extensive driveways that enable a number of vehicles to be parked to the front of buildings. Furthermore, the appeal site already provides an extensive area of hardstanding. Consequently, although more vehicles may be parked to the front of the property, due to the prevalence of hardstanding to the front of existing houses as well as the appeal site, I am satisfied that the proposed parking layout would not be materially different to that found elsewhere in the street.
27. Therefore, for the reasons identified above, I conclude that, having regard to the design, bulk, scale and massing of the proposal, it would not harm the character and appearance of the area. It would therefore accord with Policies 28 and 30 of the LP, Policies 7.4 and 7.6 of the London Plan (2016), and advice contained within the SPD. Taken together, these seek development that is of a suitable scale, massing, proportion and height to the setting of the site, and which conserves elements which contribute to the ASLC's particular character or appearance.

Living conditions for future occupants

28. Two ground floor flats would be single aspect with north facing windows. Despite this, the open plan living space in each apartment would be served by large full height glazed openings which would provide immediate access to small, semi-private terraced areas. The bedroom windows would also be large and look towards this space, as well as steps up to the shared amenity space.
29. The second floor two bedroom apartment would also provide single aspect accommodation in terms of its principal outlook. However, it would also be provided with a number of roof lights that would enable additional daylight into the apartment.
30. Although single aspect apartments can restrict light levels, I consider that the size of the openings and immediate access to the amenity space suitably

compensate for the slight design short-coming of the ground floor apartments. In addition, the second floor apartment would be provided with a series of rooflights to compensate for the single aspect nature of the accommodation. Moreover, all of the apartments meet necessary space standards.

31. The proposal would also include two apartments at ground floor level with bedroom windows that would front onto the proposed car parking area. Due to their proximity to the parking spaces, the windows would be susceptible to noise and disturbance from car engines and lights. However, the parking area only provides five parking spaces and these would be laid out in an echelon-manner and interspersed with landscaping. Due to the limited number of spaces, the associated vehicular movements would also be limited, and subject to suitable landscaping, I am satisfied that the facing bedroom windows could be adequately protected from the adjacent car parking.
32. I therefore conclude that the proposal would provide suitable living accommodation for future occupants. Consequently, it would accord with Policies 9 and 29 of the LP, Policy 3.5 of the London Plan (2016) and advice contained within the SPD. Taken together, and amongst other things, these establish housing standards for the borough and seek housing development of the highest quality internally and externally which does not adversely affect the amenities of future occupants.

Highway safety

33. The appeal site has a PTAL score of 1b which suggests it has very poor public transport accessibility. As a consequence, the Council consider that the maximum parking standards required by the LP should be provided in full. This would equate to eight parking spaces on site. However, the proposal would provide five on-street car parking spaces and as a consequence, based on the Council's requirements, it would result in three cars having to park on the highway.
34. There are no parking restrictions in Heathdene Road and the parking study submitted with the appeal states that the parking stress on the surrounding highway network is 22%. Consequently, there would be capacity for additional cars to park on the road. Whilst on-street car parking may not be desired by the Council, I have not been presented with any compelling evidence that would suggest that such an outcome would be prejudicial to highway safety.
35. Consequently, based on the evidence that I have before me, I conclude that the proposal would not harm highway safety. It would therefore accord with Policy 37 of the LP which expects new development to provide car parking taking into account existing publicly available parking provision and usage in the vicinity of the site.

Conclusion

36. For the reasons identified above, I have found that the proposal would fail to provide a suitable mix of housing, having regard to the residential character of the surrounding area and the requirements of local plan policy. It would also harm the living conditions of the occupants of No 36.
37. Despite my findings in relation to the design, bulk, scale and massing of the proposal, the living conditions for future occupants, and highway safety, these

matters neither outweigh nor alter my conclusions in respect of the other main issues.

38. Consequently, for the reasons identified above, the appeal should be dismissed, and planning permission be refused.

Martin Chandler

INSPECTOR