



Appeal Decision

Site visit made on 15 July 2019

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/P5870/W/19/3225694

95 Pine Walk, Carshalton, SM5 4HL

- 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 and Mrs J and L Ross against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00036, dated 9 January 2019, was refused by notice dated 4 March 2019.
 - The development proposed is the demolition of the existing garage and the erection of a detached one-bedroom dwelling to the rear of the property, with access from Fairway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed dwelling on:
 - The character and appearance of the area around Pine Walk and its surrounding area, and
 - The living conditions of the occupiers of the proposed dwelling by way of privacy and outlook.

Reasons

3. The appeal site currently comprises a two-storey detached dwelling with a large rear garden, located on a corner plot at the junction of Pine Walk and Fairway. The house faces Pine Walk but its rear garden extends southwards down Fairway, and there is a vehicular access to a single garage served from Fairway, adjacent to the boundary with No 1 Fairway.
4. The proposed development would involve the demolition of the garage and the erection of a small detached house comprising a pitched-roof element on a footprint in the same general position as the garage, and a further single-storey element extending down the centre of the rear portion of the garden. The two elements would be connected by a small, largely glazed hall. The pitched-roof element would contain a kitchen and living area, with a hobby room above, and the single-storey element would contain a bedroom and bathroom. There would be a small private garden to the rear of the house and a front garden and driveway between the house and the Fairway boundary. The new plot would be some 22 metres deep at the rear of the existing garden, leaving the current house with a small rear garden a little over 11 metres deep.

Character and appearance

5. Pine Walk is a local heritage asset that is designated an Area of Special Local Character (ASLC). The ASLC focuses on the road with its wide, well landscaped central reservation containing mature trees. The description in the Sutton Local Plan 2018 (LP) notes that "the area contains the only example of this kind of road layout in the borough and the landscape setting is of exceptional quality. The spacious layout of the development allows views into, and frames, the northern boundary of the Green Belt". It has a high townscape value. In addition to the tree-lined central reservation, a key characteristic of Pine Walk is its large detached residential dwellings of varied designs set within deep plots. Whilst the northern end of Fairway comprises largely semi-detached houses, the characteristic of good-sized rear gardens is maintained here and along other roads in the vicinity, which continues the spacious feel of the area.
6. The Council contends that the proposed development, by reason of the truncated rear gardens, and the resultant erosion of the uniform urban grain of the ASLC, would result in an incongruous and alien form of development contrary to the prevailing pattern of development. I concur with that view.
7. The appellants contend that that they already have planning permission for an outbuilding at the rear end of the garden that is virtually identical in scale and design to that currently proposed for the new dwelling. This permission was obtained as a result of a planning appeal. In her appeal decision letter, the Inspector accepted that the design and overall size of the outbuilding would not be harmful to the character or appearance of the ASLC, and I concur also with this opinion. However, in the case of the outbuilding, the proposed development would be contained within the rear garden of No 95, and this point was made in the Inspector's letter. In this case, the existing plot would be split into two much smaller plots, which would be incongruous in the context of the ASLC and the wider surrounding area, harmful to its character.
8. I also agree with the opinion of the Inspector who, in her decision, imposed conditions on the proposed outbuilding, indicating that "Given the floorspace which would be available in the new building, I consider it is necessary to impose a condition which specifies that the new building shall not be used as a separate dwelling. This is necessary in order to protect the character and residential amenity of the area. It is also necessary to impose a condition which restricts the use of the garage to use as a garage in order to protect the residential amenities of the occupants of no.1 Fairway". The present proposal would be for a separate dwelling, in which the garage would be replaced by a habitable room. It would, therefore, fail to protect the character and residential amenity of the area, including the residential amenities of the occupiers of No 1 Fairway, as required by the conditions in the decision letter.
9. The appellants have referred to examples of extensions to properties on Pine Walk that have projected into the rear garden. However, these have not resulted in splitting of the plots into small elements. Similarly, reference to a planning permission recently given for the construction of a new dwelling on a site at the rear of a dwelling, occupied at the time by two lock-up garages, does not relate to a similar situation as that found at No 95, since in this case the plots were already separated and the character of the surrounding area would appear to be quite different. These examples cannot therefore be seen to be precedent for this current proposal.

10. Policy 13 of the LP notes in its introductory paragraphs that “in recent years, back garden land has come under increasing pressure for new housing development and it could be argued that the cumulative impact of back garden loss is causing gradual degradation of the open and green character of the borough”. The policy on back garden land indicates that the council will not grant planning permission for the development of back garden land where the site makes an important contribution to the character and appearance of the surrounding area. In this case, the appeal site is a prominent corner plot, where the characteristic depth of the rear gardens in the area is particularly evident. I therefore find that it makes an important contribution to the character and appearance of the surrounding area, and that the proposed new housing development, by virtue of truncating the plot and creating two uncharacteristically small plots, would be harmful to the area, and would conflict with Policy 13.
11. In addition to the above, Policy 30 of the LP, which relates to heritage assets in the borough, indicates that the council will expect development within an ASLC to conserve and, where practicable, enhance those elements which contribute to the ASLC’s particular character or appearance. These elements may include landscaped areas, gardens, trees, hedges and boundary treatments as well as the built form. For my reasons stated above, the proposal would conflict also with this policy.

Living conditions

12. The proposed house would have no windows facing the host dwelling or the adjacent No 1 Fairway. No 1 Fairway has no side windows facing the appeal site. There would, therefore, be no issues relating to inter-visibility between windows in the proposed house and windows in neighbouring properties.
13. However, the remaining garden at No 95 would be only 11 metres deep, and the private amenity space associated with the proposed house would be at the northern end of the plot, close to the rear elevation of No 95. This is a relatively short distance in the context of the area and could give rise to some overlooking into that part of the private amenity space associated with the proposed house. The appellants contend that any overlooking could be dealt with by high planting along the boundary, and I accept that this could ameliorate the situation. However, given the rather enclosed nature of the private amenity space, it could also result in a somewhat restricted outlook.
14. Despite the above, I do not, in this case, consider that the harm to the living conditions of the occupiers of the proposed house would be significant enough for this to be a reason to dismiss this appeal in itself, although it does add to my concerns that the splitting of the host property into two small plots would result in a cramped form of development in the context of the character of the area, where the overall spaciousness and lack of effective overlooking is otherwise a key feature.
15. On this issue, I find that the proposal would not necessarily result in significant adverse impact to the living conditions of the occupiers of the proposed house by way of privacy and outlook, and that it would not, on this basis conflict with Policy 29 of the LP which relates to the protection of residential amenity, including overlooking that causes loss of privacy.

Conclusion

16. In conclusion, I find that the proposed development, by virtue of the creation of uncharacteristically small plots that would appear incongruous in the context of the development grain of the area, would be significantly harmful to the character and appearance of the Pine Walk ASLC and surrounding roads. It would, on this basis, conflict with Policies 13 and 30 of the LP, which relate to development in back garden land and the conservation or enhancement of the character and appearance of ASLCs, and also with Policy 28, which requires that development respects the local context and responds to local character and heritage assets.
17. I find that the proposal would be likely to result in some adverse effects relating to privacy and outlook, but that these would not, in this case, be significant. Nevertheless, this lack of significant harm to living conditions does not outweigh the harm caused by the proposal to the character and appearance of the ASLC and surrounding area as outlined above. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR