
Appeal Decision

Site visit made on 13 March 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/P5870/W/18/3204717

92 Burdon Lane, Cheam SM2 7DA

- 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 consent, agreement or approval to details required by conditions of planning permission A2016/75812.
 - The appeal is made by Azhar Hashmi against the Council of the London Borough of Sutton.
 - The application Ref CLC2018/00002, dated 11 January 2018, sought approval of details pursuant to conditions Nos 4 and 11 of planning permission Ref A2016/75812, granted on 13 April 2017.
 - The development proposed is the erection of a detached 6-bedroomed dwelling (currently under construction) provision of detached garage at rear, parking spaces at front and rear, boundary wall, fence and access gates with vehicular accesses via Burdon Lane and Warren Avenue.
 - The details for which approval is sought are: full details of hard and soft landscaping proposals; and a scheme for the management of surface water run-off.
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Decision

1. The appeal is allowed and the full details of hard and soft landscaping proposals; and the scheme for the management of surface water run-off, submitted pursuant to conditions Nos 4 and 11, attached to planning permission Ref A2016/75812 granted on 13 April 2017, in accordance with the application dated 11 January 2018 are approved.

Main Issue

2. The main issue is whether the details submitted satisfy the requirements of the respective conditions, Nos 4 and 11, having regard to the reasons for imposing them.

Reasons

3. The Council of the London Borough of Sutton granted conditional planning permission for the erection of a dwellinghouse, detached garage, boundary wall/fence, and two gated vehicular accesses, at the appeal site. It appeared to me, during my visit, that the development had been completed and the house was occupied.

4. Condition 4 of the planning permission required, prior to occupation, full details of hard & soft landscaping to be submitted, for approval by the Council. This is required in the interests of amenity. Such details are shown on drawings L100 (areas in front of the house) and L101 (behind the house). The landscaping had been substantially completed at the time of my visit.
5. I observed that the beech tree to the front of the house, protected by Tree Preservation Order 2018/01, has been retained and did not appear to me to have been damaged or at risk, from the formation of the tarmac driveway. To the rear, a generously sized rectangular lawn has been laid, with a paved perimeter and boundary planting. Having seen the implemented landscaping, I consider that the submitted landscaping details are appropriate for the local area, that is characterised by large houses in good sized plots with enclosed gardens, as it retains roadside trees and hedging, and provides occupants with a large private, useable garden space. Therefore, I consider the submitted landscaping proposals comply with Policy 28 of the London Borough of Sutton Local Plan 2018 that requires, amongst other things, new development to incorporate well designed hard and soft landscaping.
6. Condition 11 requires, prior to occupation of the building, a scheme for the management of surface water run-off to be submitted, for approval. The scheme is to identify appropriate site drainage and flood risk management measures, including SUDS. The Appellant provided the Council with a report (Ref 70359R1) including a drainage strategy, addressing SUDS. The Council's Sustainability Officer considered the submitted details and considers them satisfactory. I see no reason to disagree, thus the submitted details comply with Policy 32 of the Local Plan that requires, amongst other things, previously developed sites incorporating SUDS measures.

Conclusion

7. Therefore, I consider that the details submitted satisfy the requirements of the respective conditions, Nos 4 and 11, having regard to the reasons for imposing them. Thus, for the reasons given above, I conclude the appeal be allowed.

Euan FS Pearson

INSPECTOR