

Appeal Decision

Site visit made on 18 June 2019

by J Williamson BSc (Hons), MPlan, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/P5870/W/19/3226554

292 Gander Green Lane, North Cheam SM3 9QZ

- 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 Baljeet Kaloty against the decision of London Borough of Sutton.
 - The application Ref DM2018/02172, dated 4 December 2018, was refused by notice dated 29 January 2019.
 - The development proposed is a new house and bin storage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new house and bin storage, at 292 Gander Green Lane, North Cheam SM3 9QZ, in accordance with the terms of the application Ref DM2018/02172, dated 4 December 2018, subject to the conditions in the attached schedule.

Procedural matters

2. I have amended the description of development as no cycle enclosure is shown on the plans.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is located at the end of a terrace of 4 two-storey dwellings, on the corner of the road junction where Hamilton Avenue joins Gander Green Lane. The site comprises part of the garden of the host property and a block of 4 single garages. There is a brick wall approximately 1.9 m high around the perimeter of the site; access to the garages is from Hamilton Avenue. Vehicle access to the host property is taken from Gander Green Lane with on-site parking provided at the front of the dwelling. There is a small area of grassed, incidental open space immediately beyond the site's south-eastern boundary which has 2 trees and a telecommunications box located within it.
5. The area is characterised primarily by two-storey terrace and semi-detached dwellings which vary in size and architectural style, some of which have been extended. Roof styles tend to be dual-pitched with gables or hips. The properties have varying heights and set-backs and I note that the set-backs of the properties that comprise the host terrace are staggered.

6. The proposed development would consist of a two-storey dwelling attached to the south-eastern facing elevation of the host property. The proposed dwelling would have a dual-pitched roof and gable end with the front elevation projecting forward of the front elevation of the host dwelling by approximately 1.6 m in line with the host dwelling's front porch. The line of the rear elevation would follow that of the rear elevation of the existing property; the proposed roof ridge would be a little higher than that of the host dwelling. The south-eastern corner would be chamfered and would be close to the site boundary, approximately 0.7m from it at its nearest point. The materials of the external elevations and roof covering are to match those of the host dwelling. On-site parking for one car would be proposed at the front of the property, along with refuse storage, with access to be provided off Gander Green Lane. The main garden would be at the side with a court yard at the rear. The existing boundary wall would be retained and extended, to enclose the access from Hamilton Avenue to the existing garages, which would be demolished. A section of boundary wall along Hamilton Avenue would be moved closer to the footpath.
7. The Council's key concerns relate to overdevelopment of the site resulting in a cramped form of development that it considers to be harmful to the streetscene and character and appearance of the area.
8. The appellant has provided a comparison of plot size, building footprint and private amenity space for properties 292, 294, 296 and the appeal site. The Council has not challenged the figures and I have no justifiable reason for doing so either. Based on the appellant's evidence, the footprint of the proposed dwelling would be approximately 10% larger than that of number 292 and 20% larger than numbers 294 and 296. The extent of private outdoor space proposed would be greater than that of the other 3 properties referred to - over twice the size of that of number 296 and nearly twice the size of that of number 294. I note that the private amenity space figure provided for the appeal site comprises the proposed side garden and rear yard areas (excluding the parking and refuse storage areas proposed at the front of the property). The outdoor space figures provided for the other properties relate to the space at the rear of the properties and excludes the areas at the front, which, as I noted during my visit, also appear to be used for parking and refuse storage.
9. With reference to the figures above I conclude that the proposal would have a greater ratio of private outdoor space to built form than the neighbouring properties it has been compared with, in particular numbers 294 and 296. This would indicate that the proposed dwelling would not result in overdevelopment of the plot. However, the Council also refers to the proposed dwelling being within 1m of the back edge of the passing footpath along Hamilton Avenue. It is at this point that the proposed dwelling would come closest to its boundaries and would be closer to this boundary than the neighbouring properties in the terrace.
10. However, I note that the incidental amenity space between the corner of Gander Green lane and Hamilton Avenue remains, and with the proposed outdoor amenity space to the side of the dwelling the dwelling would be sited approximately 15 m from the street corner, thereby retaining openness. In addition, as noted above, the properties that comprise the terrace have varying, staggered set-backs, from both Gander Green Lane and Hamilton Avenue, and varying ridge heights. Furthermore, the dwelling would be sited

within the existing boundary walls. Within this context when viewed from Gander Green Lane and Hamilton Avenue travelling in both directions, I consider the proposed development would not appear to be cramped within the plot. And, having noted the ratio of built form to outdoor space above, I also conclude that the proposal does not amount to an overdevelopment of the plot.

11. In light of the above, I consider that the siting, size, mass, extent of outdoor space, the ratio of built form to open space and proximity of the proposed dwelling to site boundaries, would have an acceptable relationship with the host property and streetscene and therefore would not harm the character or appearance of the area. As such the proposal would accord with policies 3.4, 3.5, 7 and 28 of the SLP and Policy 7.4 of the LP, which collectively and amongst other matters, require development to be of a density that accords with required policy standards, designed taking account of the size, scale and pattern of surrounding development and to respect the character and appearance of the area.

Other Matters

12. I note the neighbour representation submitted in respect of the planning application. In terms of disruption during the period of development, a condition has been attached to ensure disruption is managed to a reasonable degree in order to, amongst other things, protect residential amenities. As the incidental open space on the corner of the street will remain outlook will not be significantly altered in this regard. Given the siting of the proposed development, its size and the spatial distances between properties, I am satisfied that the proposal will not result in any significant loss of light or privacy to neighbouring properties. I note the Council did not receive any objections from the Local Highway Authority regarding highway safety and I have no reason to conclude that a development of one residential unit will lead to any highway safety concerns. Property values is not a material consideration of the appeal.

Conditions

13. Suggested conditions were submitted by the Council and the appellant was provided with the opportunity to comment on these. A condition specifying the plans has been attached to provide certainty of the approved scheme. A condition requesting details of materials is attached to protect the character and appearance of the area, though I have altered the timescale for submission of such details as they not necessary prior to commencement. Conditions are attached requiring details of the design of energy measures to be incorporated into the scheme, and subsequent 'as built' output assessments, in order to reduce CO2 emissions in line with local and national policy objectives. Details of a Construction Logistics Plan will ensure disruption to residents is managed in a reasonable manner.
14. Details of how surface water run-off is to be dealt with are required to manage flood risk and details of water efficiency measures will help reduce water consumption and save energy, again in line with local and national policy objectives to protect the environment. Given the proximity of the development to the site boundaries, further uncontrolled extensions could be detrimental to the character and appearance of the area. I have therefore attached a condition removing permitted development rights pertaining to extensions. This is not as restrictive as the Council's suggested condition regarding removal of

certain permitted development rights. However, I consider that not all alterations that could be undertaken within Class A, Part 1, Schedule 2 of the Order, or alterations that could be undertaken under Class C, would be significantly harmful to the character and appearance of the area and as such I consider it unreasonable and unnecessary for the condition to worded as suggested by the Council. I have added a condition requiring the proposed on-site parking and refuse storage facilities be provided prior to occupation, and retained thereafter, in the interests of highway safety and public health.

Conclusion

15. For the reasons outlined and having regard to all matters raised I conclude the appeal should be allowed, subject to the conditions outlined in the schedule below.

J Williamson
INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 18153/10, 18153/01, 18153/02 A, 18153/03, 18153/04 C, 18153/05 C, 18153/06 B, 18153/07 B, 18153/09 B.
3. Prior to any development above slab level occurring details of the materials, including samples, to be used on the exterior of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the construction of the development hereby approved, completed prior to its occupation/use and retained thereafter.
4. Prior to the commencement of development, an Energy Statement incorporating 'as designed' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing which demonstrates how the proposed dwelling will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to achieve at least a 35% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. The development should exceed the minimum Part L1A emissions standards through energy efficiency measures alone. The development shall be carried out in accordance with the approved details and thereafter retained.
5. No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; (c) programme of works (including measures for traffic management); (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing; (e) hours of operation; (f) means to prevent deposition of mud on the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved statement.
6. Prior to first occupation of the development, 'as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures unless otherwise approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details and thereafter retained.
7. Prior to the commencement of development, a scheme for the management of surface water runoff must be submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in

order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy. The submitted scheme should: (i) provide details of the design storm period and intensity, proposed SuDS measures to delay and control the rate of surface water discharged from the site and proposed measures to prevent pollution of the receiving groundwater and/or surface waters; (ii) include calculations carried out by an appropriately qualified professional to show that the peak runoff rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as reasonably practicable to the greenfield runoff rate for the same event; (iii) where greenfield runoff rates cannot be achieved, and methods of drainage include those lower down the Mayor's drainage hierarchy, evidence should be provided to justify the proposed measures and to demonstrate that the peak runoff rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be no more than 3 times the calculated greenfield run-off rate for the same event; and (iv) demonstrate that the 1 in 30 year rainfall event (plus 30% for climate change) can be contained without flooding; any flooding occurring between the 1 in 30 and 1 in 100 year event (plus 30% for climate change) will be safely contained on site; and that rainfall in excess of the 1 in 100 year event is managed to minimise risks. The development shall be carried out in accordance with the approved details and thereafter retained.

8. Prior to first occupation of the dwelling, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption will be limited to 110 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purpose of Part G of the Building Regulations. The Water Efficiency Calculator shall be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the elevations or roof of the development hereby approved without the express permission of the Local Planning Authority.
10. Prior to the dwelling hereby approved being brought into use the parking and refuse storage areas shown on approved plan 18153/06 B shall be provided and available for use and retained thereafter for the lifetime of the development without impediment to their designated uses