
Appeal Decision

Site visit made on 3 July 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2019

Appeal Ref: APP/P5870/W/18/3214503
37 The Highway, Sutton SM2 5QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gabor Moser (Ivory Homes) against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/00540, dated 26 March 2018, was refused by notice dated 21 May 2018.
 - The development proposed is the erection of two detached five-bedroom houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have changed the description of the proposed development from the application form to refer to the detached nature of the proposed houses. My findings therefore relate to this description of development.
3. The planning application was in outline with access, layout and scale of the development for consideration. The landscaping and appearance of the development are matters that are reserved for future consideration. I have had regard to the application plans but I have regarded the indicative appearance and landscaping, shown on Drawing Refs 16269/P202; and 16269/P201C, 16269/P203 and 16269/P204 respectively, as being illustrative of potential development within the site.
4. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal and the revisions do not alter the policies upon which this appeal turns.

Main Issue

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

Reasons

Character and appearance

6. The appeal site is situated in an area that is residential in character, primarily formed of detached dwellings aligned and fronting the surrounding streets. Whilst the dwellings and their plots vary in size, shape and design, the layout is

- coherent and the depth of street frontages are of a consistent depth. Access routes leading beyond dwellings are not common and tend only to serve garaging to the side. Mature tree and hedge planting of boundaries also gives rise to a verdant character. Taken together these stated features create a clear and distinct pattern to development that makes a significantly positive contribution to the character and appearance of the area.
7. The site is the garden of the dwelling at 37 The Highway, which is substantial in size and somewhat larger than others nearby due to its relationship alongside dwellings to the south and east of the site. The existing driveway serving No 37 does not extend beyond the rear of the dwelling.
 8. The location of the proposed dwellings behind No 37 would jar with the coherent frontage pattern of development described above. The proposed development would substantially reduce the depth of the verdant garden of the appeal site which, together with those of neighbouring dwellings, provides a sylvan backdrop to the dwellings within The Highway. The proposed development would therefore have a significantly detrimental effect on the character of the surrounding area.
 9. The proposed dwellings would be situated at the end of a drive formed to the side of No 37 and would front onto a shared turning area. Existing built development and landscaping would be likely to intervene in views of the proposed dwellings from the street. However, there would be an appreciable difference in the nature of the street frontage, as the proposed access would be visible beyond the rear of No 37. This would introduce a new form of development that would not be akin to the visual characteristics of the street frontage nearby. It would therefore have a significantly detrimental effect on the appearance of the street scene and the surrounding area.
 10. In the context of the information submitted with the application and this appeal, I am satisfied that the scale of the proposed dwellings and their spacing within the proposed plots would be comparable with existing dwellings within The Highway. I have also had regard to the illustrative scheme before me and the architecture appears to be consistent with neighbouring development. Nonetheless, I do not consider that the proposed dwellings could be introduced to the rear of No 37 without their location and the proposed access causing unacceptable harm to the character and appearance of the area.
 11. There would be some benefit to the reduction of hard surfacing within the site, brought about by the proposed development. However, the site incorporates a significant amount of mature planting throughout and this reduction would not therefore outweigh the harm that I have identified in connection with the proposed development.
 12. For the reasons outlined above, I conclude that the proposed development would have a significantly detrimental effect on the character and appearance of the area. The proposed development would not therefore accord with Policies 13 and 28 of the Sutton Local Plan 2016-2031 (2018) (the LP) and Policies 3.5 and 7.4 of the London Plan (2016) (TLP) which are part of the Development Plan. The proposals would also not conform with the guidance within the adopted Supplementary Planning Document SPD14 *Creating Locally Distinctive Places* (adopted January 2008), to which I have had due regard. The policy and guidance therein seek to ensure that new development should have regard to

the form, function, and structure of an area, place or street. This includes the pattern and grain of building lines and streets. Development should therefore respect local context and respond to local character, contributing in a positive manner to street frontages and the street scene, thereby enhancing the quality of local places. In particular, development of back garden land that makes an important contribution to the character and appearance of areas will not be granted permission, including where existing streetscape is not retained.

13. Whilst I note that the local planning authority (the LPA) has not raised any concerns regards the other criteria set out in Policy 13 of the LP in respect of ecology, the risk of flooding and adverse effects on the occupiers of neighbouring properties, any absence of harm is outweighed by the harm identified to the character and appearance of the area.
14. The appellant has also referred to Policies 7.1 and 7.6 of TLP and Policy 7(e) of the LP. The final appearance of the development is not known at this time so I am not able to arrive at a conclusion in respect of compliance with Policy 7.6 of TLP. However, as I have found that the proposals would not reinforce or enhance the character of the neighbourhood, there would not be compliance with Policy 7.1 of the TLP. Similarly, for the same reasons, the proposals would not accord with Policy 7(e) of the LP which, amongst other things, seeks to respect the positive features of Sutton's character and reinforce local distinctiveness.

Other matters

15. I recognise that the two proposed dwellings would contribute to the overall housing mix in the Borough in accordance with Paragraph 68 of the Framework and the London Housing Strategy (2018), to which I have been referred. However, this would not have a significant effect on the supply of housing and would not in any case outweigh the harms that I have identified.
16. There has been discussion between the main parties to the extent of the character of the area that should be considered. Furthermore, the appellant has referred to the alteration, extension and replacement of existing dwellings in the surrounding area. Whilst I have not been directed to consider any comparable developments, I have recognised that other development has taken place locally. The LPA has also referred me to two appeal decisions¹ in the Borough and I have had regard to these as they refer to the development of garden land. However, those sites are formed of several gardens assembled together. Having regard to each of these matters, I have determined this appeal on its own individual merits and the circumstances of the site.
17. I note that the owner of the site has suggested that a relative may occupy one of the proposed dwellings as it has been challenging to find a suitably sized and affordable family home in the locality. I have not, however, been provided with evidence to demonstrate that there is a shortage of affordable accommodation in the area or that the new dwellings would be relatively affordable to construct.

¹ APP/P5870/W/18/3203866 and APP/P5870/W/18/3207173

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR