



Appeal Decision

Site visit made on 13 March 2019

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

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/P5870/W/18/3213843

7 Salisbury Avenue, Cheam SM1 2DH

- 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 Alex MacDonald of MACAR Developments against the decision of the London Borough of Sutton.
 - The application Ref DM2018/01003, dated 5 June 2018, was refused by notice dated 7 August 2018.
 - The development proposed is demolition of existing garage and erection of a detached two storey 4-bedroomed dwelling with two parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the application form, submitted to the Council, has been materially varied by the Council, when issuing its decision. In the interests of precision, I have used the more detailed description of development in the banner above, excluding the reference to parking for the existing house, as that is outside the appeal site.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area; (ii) the living conditions of the occupiers of 9 Salisbury Avenue in respect of outlook; and (iii) existing trees on the appeal site.

Reasons

Character and appearance

4. The appeal site comprises garden ground within the curtilage of 7 Salisbury Avenue. It is proposed to subdivide the plot at No 7, demolish an existing single storey garage and construct a detached two storey dwelling in facing brick with render above, and pitched tiled roof. This also involves the loss of a small ornamental garden pond and a number of trees.
5. From my inspection I consider that the character of the area around the appeal site is characterised by relatively large detached and semi-detached houses, mostly positioned within spacious plots with established planting.

6. There is a variety of house designs and plot widths, resulting in gaps to the side of and between buildings. Some gaps are occupied by single storey garages or driveways. However, others have been used to accommodate extensions, including the two storey extension to 1 Salisbury Avenue.
7. The appeal site has a frontage width of about 7.5m (at its widest); part of the plot of No 7 that has an overall width of around 15m. Generally speaking, plot widths in Salisbury Avenue are much wider than 7.5m. However, I observed that the plots associated with 10 and 12 Salisbury Avenue, diagonally opposite No 7, are about 8m-8.5m wide with a gap between buildings of about 3m. The proposed dwellinghouse would be about 1m off each side boundary, leaving gaps of only around 2m between it and Nos 7 and 9. The gap between No 7 would appear far less as the rear of the proposed dwellinghouse would be broader and its bathroom and utility room windows would be visible. I consider that this would result in a cramped and tight form of development.
8. The point of reference for the design of the proposed dwellinghouse, seems to me to be the neighbouring semi-detached houses at Nos 5 and 7. However, the height of the roof ridge of the proposed dwellinghouse exceeds that of Nos 5 and 7, as well as that of No 9. Furthermore, the depth of the proposed dwellinghouse would extend well beyond the rear building lines. Taking all these matters together, the proposal would lead to a cramped form of development departing from the otherwise more spacious pattern of development in the locality.
9. For the reasons given above, I conclude that owing to the proportions, scale and mass of the proposed dwellinghouse it would appear incongruous in the street-scene and consequently significant harm would be caused to the character and appearance of the area. Therefore, the proposed development would not comply with Policies 7 and 28 of the London Borough of Sutton Local Plan 2018 (the Local Plan), and Policy 7.4 of the London Plan 2016 which require, amongst other things, development to be of the highest design standard including respecting local context and making a positive contribution to the streetscene.

Living conditions

10. The proposed dwellinghouse would have a depth of around 16.5m thus protruding well beyond the existing rear building line of No 9; at ground floor level, by around 9m, close to the plot boundary. Given the height and rear projection of the blank gable of the development, this would result in a significant impact on the outlook afforded to the occupiers of No 9 when viewed from the downstairs rear windows.
11. Therefore, I conclude that the proposed development would not comply with Policy 29 of the Local Plan which requires, amongst other things, that development should prevent harm to the amenity of neighbouring occupiers by virtue of outlook and/or sense of enclosure.

Trees

12. Implementing the proposal would require removal of a number of trees beside or near the existing garage. The appellant has submitted an arboricultural report identifying seven trees to be removed, trees that are not protected.

13. The Council's tree officer confirmed that the principal feature trees would be retained. Therefore, I consider that any trees that would be lost as a result of the development could be suitably mitigated by imposing a condition requiring the implementation of a scheme of landscaping. Therefore, the proposed development would accord with Policy 28(i) of the Local Plan which requires, amongst other things retention of trees of value.

Other Matters

14. The appellant refers to National Planning Policy Framework 2019 (the Framework), in particular, the presumption in favour of sustainable development and meeting housing land need through the use of brownfield sites and windfall opportunities. The Framework (paragraph 11) explains that sustainable development is that which accords with an up-to-date development plan. I have concluded that the proposed development does not. The appeal site is previously developed land but not specifically identified for housing in the development plan thus satisfying the definition of windfall. However, the Framework (paragraph 68) only supports development of 'suitable' windfall sites. I have concluded that the proposed development is not suitable on this site for character and appearance and living conditions reasons.
15. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

16. Whilst I have found that the proposal would be acceptable in terms of its impact on trees, subject to the imposition of a landscaping condition, the proposed dwelling would be unacceptable in terms of impact on the character and appearance of the area and the living conditions of the occupiers of 9 Salisbury Avenue. Therefore, taking into account all other matters raised, I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR