



Appeal Decision

Site visit made on 30 May 2019

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 August 2019

Appeal Ref: APP/P5870/W/19/3223854

Land to Rear of 91 Rose Hill Park West, Sutton, SM1 3LA

- 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 Steve Wingrove against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/01772, dated 25 September 2018, was refused by notice dated 21 January 2019.
 - The development proposed is the erection of a detached part one and part two storey dwellinghouse with car parking and new access from Grennell Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character and appearance of the area, including its effect on protected trees; and,
 - whether the proposal would make adequate provision for the living conditions of future occupiers, having regard to the proposed external amenity space.

Reasons

Character and appearance

3. The appeal site is comprised of a 0.0182 hectare (182m²) rectangular plot of land which is indicated to have formerly been garden land associated with No. 91 Rose Hill West, albeit separated from the remaining garden some years ago. The site is defined by existing fencing and boundary treatments including a substantial fence and gate to the Grennell Road frontage and was significantly overgrown at the time of my visit. An Oak tree covered by a Tree Protection Order (TPO) is located on adjoining land within the rear garden of No. 89 Rose Hill Park west.
4. The area surrounding the appeal site is predominantly characterised by detached and semi-detached houses or bungalows. The Council has indicated that the principle of development of the appeal site for residential purposes would be acceptable in land use terms given the residential character of the area.

5. However, addressing the grain and pattern of development within the vicinity, and as I observed at the site visit, the prevailing plot sizes of properties on Rose Hill Park West and Grennell Road are considerably more generous in size than the appeal site, which would as consequence appear as something of an anomaly. Whilst I have carefully considered the appellant's own submitted analysis of plot sizes, this only succeeds in confirming this to be the case with the appeal site being significantly smaller in area than nearly all other properties analysed on Rose Hill Park West and Grennell Road. It is noteworthy that this is with the exception of Nos. 91 & 93 Rose Hill Park West behind which the appeal site is directly located and was previously associated garden land for No. 91.
6. Turning to the layout and form of the proposed dwelling, I note that whilst the proposed dwelling would be set back from the road frontage, it would not maintain the established and characteristic position and *building line* of dwellings on this part of Grennell Road, albeit exceeding this by only a limited distance. Nevertheless, the failure to achieve such a set-back would appear from the submitted plans to have also been influenced by the limited depth of the appeal site, the requirement to respect the Root Protection Area (RPA) of the TPO tree, and the need to provide a private rear garden. As a consequence, the footprint of the development is of an irregular and uncharacteristic form in an effort to respond to the constraints of the site. In this regard, the proposed dwelling would appear as a departure from the layout and form of development in the area.
7. I accept that there is a certain degree of variation in detailed design within the immediate vicinity, with both single-storey and two-storey properties in the area, and the use of materials and fenestration design would be acceptable. In addition, the incorporation of a two-storey bay window would not be out of character with other properties in the wider area, and the proposal would incorporate an eaves height consistent with that of the neighbouring dwelling at No. 67 Grennell Road. However, the absence of any rear-facing windows from the first floor of the proposed dwelling results in an odd and contrived design to the rear of the proposed dwelling, whilst the lower ridge height in contrast with adjacent properties renders the design of the resultant two-storey proposal as somewhat squat and incongruous in its appearance within the street scene.
8. I have also found that the proposal, through its infilling of almost the full width of the appeal site, and even allowing for a range of plot widths within the wider area, would appear particularly small and cramped in contrast to other development in the vicinity. Taken in combination with the limited depth and overall plot size, I would agree with the Council's contention of an uncharacteristic overdevelopment of the site.
9. With regards the protected Oak tree, I note that the proposed development was amended during the course of the planning application to ensure the RPA was respected. However, I share the Council's concerns regarding the proximity of the tree to the proposed dwelling in respect of the extent of its ultimate growth, and the likelihood of pressure from future occupiers to undertake works of pruning, lopping or even felling due to this proximity and the effect on living conditions. The tree is a prominent semi-mature specimen and whilst there are other trees of significance within the neighbourhood, and particularly on the boundary of the open space on the opposite side of Grennell

Road, extensive works or felling of the tree would have a significant impact on the visual amenity of the area, and an adverse impact on the tree as a public asset.

10. Whilst I have noted the appellant's observation that all such works would fall within the Council's remit of control related to the tree, I am also mindful of the guidance in *BS5837:2012, Trees in relation to design, demolition and construction – Recommendations*. In particular, that due allowance and space for future growth and maintenance requirements should be taken into account. As indicated in the appellant's arboricultural submissions, the Oak tree is semi-mature with an estimated further life expectancy based upon its condition of in excess of 20 years. Whilst I have noted the amendment of the proposed development during the course of the planning application responded to the RPA, I am not persuaded that sufficient consideration has been given in the detailed design of the proposal to the impact of the proximity of the dwelling to the tree with regards future growth and spread. Therefore, even allowing for the suggested extent of pruning works, there is insufficient evidence that the proposed dwelling would result in an acceptable relationship with the protected tree in light of the potential for future growth of the tree or pressure for works from future occupiers.
11. The appellant has drawn my attention to the development of Rosewood Grove and Kendal Gardens with a number of individual plots of a more comparable size and width. However, I do not regard either as representing a comparable form of development to that within Rose Hill Park West or Grennell Road, the street scenes with most in common to the appeal site.
12. For the above reasons the proposed development would result in an adverse effect on the character and appearance of the area, including the impact on the protected tree. The proposal would therefore conflict with Policies 1 and 28 of the London Borough of Sutton Local Plan 2016-2031 (the Local Plan), Policy 7.4 of the London Plan, and the Council's Supplementary Planning Document 14: Creating Locally Distinctive Places (SPD14). These policies and guidance seek to ensure that development is sustainable, has regard to local character and the form, function, and structure of an area, with buildings having regard to the pattern and grain of existing spaces and streets in scale and proportion, and protects the borough's natural environment, including trees of amenity value.

Living conditions

13. Because of the size of the external amenity space and the position of the protected Oak tree in the neighbouring garden, the Council has highlighted concerns over the usability and value of the external amenity area.
14. The overall level of rear garden provision is annotated on the plans as being 36.5m², which is a shortfall when set against the private amenity space standard of 40m² as set out in SPD14 and Policy 9 of the Local Plan for the size of dwelling. Whilst an over-provision of internal space might reasonably be used to off-set against the shortfall, in this instance I would agree with the Council that with a significant proportion of the external amenity space also falling beneath the canopy of the adjacent Oak tree, the overall value and usability of the space provided will to a moderate degree also be compromised. Given that the comparatively limited amount of external amenity space would not take account of local character and the more generous garden and amenity

space available, I do not consider that an adequate level or quality of external amenity space provision is in this instance proposed.

15. I have noted the appellant's identification of 38.5m² of front lawn as also contributing towards the provision of external amenity space associated with the proposed dwelling. However, whilst the area to the front would undoubtedly provide some amenity value, it would not retain a level of privacy required to be regarded as private amenity space to meet the housing standard. I have not therefore attached any significant weight to this additional provision.
16. For these reasons, the proposal would fail to make adequate provision for the living conditions of future occupiers, having regard to the proposed external amenity space. The proposed development would not accord with Policy 9 of the Local Plan, which seeks to ensure that housing sizes and standards are achieved, including with regards the provision of an adequate amount of private amenity space.

Other Matters

17. The appellant has referred to the existing condition of the appeal site as making a negative contribution to the street scene. However, as would also have been the case if the appeal site had been retained as part of the rear garden of the properties on Rose Hill Park West, a substantial boundary fence and gates screens the appeal site from passing view. In any event, no evidence has been adduced to compellingly demonstrate that the improvement in the condition of the site would be dependent solely on the development as proposed.

Planning Balance

18. The provision of an additional dwelling to the local housing market would be an undoubted benefit of the proposed development, albeit given the quantum of development the weight to be attached would be very limited. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers. Whilst I have noted the reference to the site's proximity to St Helier NHS Hospital and its associated public transport links and the access to Rose Hill District Centre, the appeal site nevertheless has an overall poor Public Transport Accessibility Level (PTAL) of 2. This would also not attract any more than very limited weight in support of the proposed development.
19. However, I have found that the proposed development would have an adverse effect on the character and appearance of the area, including protected trees, and would fail to provide adequate living conditions for future occupiers in the form of external amenity space. I am satisfied that the benefits which I have summarised above would not be sufficient to outweigh the harm which I have identified in the main issues.

Conclusion

20. For the reasons set out above, the appeal must be dismissed.

Martin Seaton

INSPECTOR