



Appeal Decision

Site visit made on 10 July 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/P5870/W/18/3214782

1 Oakhurst Rise, Carshalton SM5 4AG

- 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 Chris Lines of Ivory Homes against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2018/00581, dated 29 March 2018, was refused by notice dated 24 May 2018.
 - The development proposed is to erect a three bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the area, including the landscape features, and secondly, the living conditions of occupiers of No 1 Oakhurst Rise.

Reasons

Character and appearance

3. The site forms part of the rear garden of No 1 Oakhurst Rise, sharing the single vehicle width access which passes close to the side of the existing dwelling. The area comprises two storey detached, short terraces and semi-detached housing, which in Oakhurst Rise and the nearby surrounding streets are a single plot deep. This creates a characterful strong built form of buildings fronting the road with a limited depth of development, apart from smaller ancillary outbuildings. The gardens are a consistent size within the blocks, containing, and bounded by, mature landscape features.
4. Whilst the existing garden is an irregular shape and one of the largest in the area, this reflects the corner position of the dwelling and is part of the character of the frontage as it turns corners at junctions and deviations in the streets. This makes an important contribution to the character and appearance of the area. The introduction of a dwelling as proposed would be set behind the existing frontage, introducing a depth of development harmfully out of character with the prevailing block form. The new dwelling, with significantly smaller outdoor amenity space compared to established scale of rear gardens on the north side of the street, and resultant foreshortened garden of No 1, would appear incongruous to the local spatial pattern of development despite the appellant's assertion that these would represent good sizes.

5. I have had regard to the appellant's consideration of set back from neighbouring boundaries and seeking to replicate the architectural style of buildings within the vicinity. I also note that there will be limited views in the streetscene. However, there will be glimpsed views and these will highlight the proposal given its elevated position. There will also be harm to the spatial pattern of development. Whilst the appellant considers the proposal to represent a density compatible with the locality, it is the siting which is out of character with the frontage form of the surrounding area.
6. The Council's third reason for refusal considered that there was a lack of evidence to confirm that the proposal would not result in the loss of significant landscape features or trees. Due to the change in levels and contribution the established landscape features make to the character of the area, and green backdrop, this is an important consideration. However, the appellant has provided a tree protection plan which identifies that the category A trees would be protected and that there would be limited loss of other features. I also acknowledge that new planting could be introduced as part of the scheme. Therefore, I do not consider the proposal would result in the loss of significant landscape features or trees.
7. However, overall, the proposal would have a harmful effect on the character and appearance of the area. Consequently, it would be contrary to policies 13 and 28 of the Sutton Local Plan (2018) (LP) and the London Borough of Sutton Supplementary Planning Document 14: Creating Locally Distinctive Places (2007). Taken together, and amongst other objectives, these set out that development will be resisted on back garden land which makes an important contribution to the character and appearance of the surrounding area, and require that development should respect the local context and respond to the local character.

Living Conditions

8. The proposal would be accessed by pedestrians and vehicles closely alongside No 1. Whilst the drive already passes the rear building line and car usage occurs for accessing the living accommodation above existing garage, this would now serve a separate, distinct dwelling and significantly change this relationship.
9. Whilst the Noise Report submitted with the appeal concludes that the noise specifically generated from vehicles passing at a low speed would not exceed internal desirable levels, the proposal would introduce a close and awkward relationship. No 1 has main living space and windows on this side elevation and the access is relatively narrow. Whilst movements and associated noise may be limited in duration and frequency, the movements of vehicles of another dwelling so close to living space, at any time of day and night, and outside the control of the dwelling would have potential to be intrusive and create disturbance, particularly given the relatively steep gradient of the access and narrowness.
10. Therefore, the proposal would be harmful to the living conditions of the occupiers of No 1 Oakhurst Rise. Consequently, it would be contrary to policies to Policy 13 and 29 of the LP. Taken together, and amongst other objectives, these seek to resist development which would adversely affect the amenity of those occupying nearby properties and ensure that access does not cause disturbance.

Other Matters

11. The appellant has identified that the proposal would make efficient use of land, help delivery of homes from small sites and represent a good home responsive to local needs. Whilst these are positive aspects of the proposal, they do not outweigh the harm that I have identified.

Conclusion

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

Tim Crouch

INSPECTOR