



Appeal Decision

Site visit made on 28 August 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/P5870/W/19/3230822

Rear of 46-46A Wood Street, Mitcham Junction, Mitcham CR4 4JS

- 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 James Witt against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00366, dated 27 February 2019, was refused by notice dated 7 May 2019.
 - The development proposed is the erection of a replacement double garage.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of replacement detached garage at Rear of 46-46A Wood Street, Mitcham Junction, Mitcham CR4 4JS in accordance with the terms of the application, Ref DM2019/00366, dated 27 February 2019, subject to the attached schedule of conditions.

Procedural Matter

2. I have amended the appeal address in the banner heading above to reflect that on the decision notice, as this more accurately describes the position of the site than detailed on the planning application form.

Main Issue

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

Reasons

4. The appeal site is within a predominantly residential area on the corner of Wood Street and Spencer Road. The area is designated as the Beddington Corner Area of Special Landscape Character (ASLC), described as being characterised by late Victorian terraced and semi-detached dwellings. Immediately to the south of the site is the single storey Spencer Nursery School.
5. Whilst much of the built form within the wider ASLC is relatively uniform, the appeal site falls within an area that has a mix of building forms. It is of note that the immediate street scene is varied in style including buildings that are single and two storey in height; detached, terraced and semi-detached dwellings, and a single storey school building fronting Spencer Road. The site

falls within the north-western corner of the ASLC and I consider that the immediate area is not characterised by a strong uniform pattern of development.

6. The appeal proposal would replace an existing garage on the site with a taller garage building with a pitched roof albeit on a commensurate footprint. The existing garage is relatively inconspicuous within the street scene and the replacement garage with its increased height would be more visible to the passer-by. However, whilst the Council note that it would be prominent from long range views, this would be read against the backdrop of established two storey development and in the context of a more varied form of buildings in this part of the ASLC.
7. Whilst noting the increase in height, the appeal development would not be excessive in terms of its scale and would appear as an ancillary domestic building within the street scene. As such, whilst I acknowledge that it would not replicate the existing development, I do not concur that its design (including the use of roller shutter doors) would appear as an over-dominant or incongruous feature, including when viewed from Spencer Road. It would respect the varied character and appearance of the immediate street scene.
8. Noting the existing presence of an outbuilding on the site and variety of building form observed within the area, I consider that the proposals would have an overall neutral impact and hence would conserve the overarching character of the ASLC. As such, the proposal would not cause harm to the identified value of the ASLC and would not be detrimental to its significance.
9. Details of a previous appeal decision at the site have been provided¹, and the Council contend that the Inspector found harm by virtue of impact upon the character of the area. Whilst I acknowledge the previous Inspector's findings, I have considered the present appeal on the merits of the case and, in any event, the proposal is materially different in that it does not seek an independent residential use at the site and is of a different design. Therefore, the previous appeal decision does not alter or outweigh my conclusion on the main issue.
10. For the above reasons, I conclude that the proposed garage building would not cause harm to the character and appearance of the area including the ASLC. As such, the proposal would comply with the design aims of Policy 28 of the adopted Sutton Local Plan 2018 (LP) that seeks amongst other things to ensure development is of suitable scale and respects its context; policy 30 of the LP that seeks amongst other things to ensure that development conserves or enhances the borough's historic environment, including ASLCs; and the advice contained within the adopted Creating Locally Distinctive Places Supplementary Planning Document 2008 which seeks to amongst other things encourage design that respects local character.
11. Although not included within the reason for refusal, the Council indicate that policy H&BEP3 of the Hackbridge & Beddington Corner Neighbourhood Plan 2018 (NP) should be considered. However, having assessed its content, it is not directly relevant to this appeal because it primarily relates to design of development encouraging sociability and community interaction with surrounding space. The appellant indicates that policy H&BEP1 of the NP is

¹ APP/P5870/W/18/3194950

perhaps of more relevance, noting it relates to local character and sense of place. Nevertheless, and for the reasons outlined above, I consider that the proposals would not conflict with the aims of either of the identified policies.

Other matters

12. I acknowledge third party concerns regarding the potential use of the garage as an independent dwellinghouse and impact upon parking restrictions within the road. However, I have dealt with the appeal on the basis of the information before me and there is no suggestion that the appeal proposal is for the provision of a separate dwelling or that it would impact negatively upon existing parking restrictions. As such, these matters do not outweigh my conclusion on the main issue.

Conditions

13. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect
14. In the interests of the character and appearance of the area, it is necessary to impose a materials condition. In the interests of the living conditions of the occupiers of neighbouring residential development, it is also necessary to impose the Council's suggested condition which restricts the nature of use of the building to ancillary residential purposes. However, I do not consider that is necessary for this condition to specifically restrict the use of the building as an independent residential unit of accommodation as that in itself would need separate planning permission. In this respect, I have therefore amended the wording of the Council's suggested condition so that it meets the tests as laid out in paragraph 55 of the National Planning Policy Framework.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Lankshear

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: Location Plans and WS/01 Revision A
- 3) Prior to their use within the development hereby approved, the type and treatment of the materials, including samples, to be used on the exterior of the building 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 use and retained thereafter.
- 4) The detached outbuilding shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as 46a Wood Street, Mitcham, and shall not be used for an independent commercial use.