
Appeal Decision

Site visit made on 11 September 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/P5870/D/19/3232396
20 Lordsbury Field, Wallington SM6 9PE

- 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 & Mrs N Siddiqi against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00372, dated 1 March 2019, was refused by notice dated 17 April 2019.
 - The development proposed is alterations to the vehicle access and hardstanding to the front of the property, including the provision of an additional vehicle access and 1.4m high brick wall with railings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I noted on my site visit that the hardstanding and the front boundary wall have been constructed but the development is not complete. I have determined the appeal on this basis.
3. I have used the description on the decision notice and the appeal form in the banner heading above as this more accurately describes the development.

Main Issue

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

Reasons

5. Lordsbury Field is an attractive residential street of mainly detached properties of various sizes and design set back from the street frontage. The front garden areas are enclosed by a variety of boundary treatments with a good level of landscaping within plots. The character and appearance of Lordsbury Field is in part derived from the grass verges and street trees on either side of the road. These trees are not regularly spaced along the road and there are some grass verges that do not contain them. Nonetheless, the trees that are present form a distinctive feature in the street scene and make an important contribution to the character and appearance of the road.
6. As well as a new front boundary treatment and hardstanding the development proposes a new vehicular access arrangement. The existing vehicular access is located to one side of the frontage and this would be retained. An additional

access point at the opposite side of the frontage is proposed and would require a new dropped kerb and access over the grass verge.

7. The Council are satisfied that the boundary treatment and the hardstanding would not cause harm to the character and appearance of the street and I would agree.
8. One of the street trees stands outside the appeal property. The tree is identified as a silver birch, but I have no arboriculture information before me about the tree's age or condition. However, the tree is sufficiently mature and is part of the distinctive character I have described. In order to construct the new vehicular crossing, the tree would need to be removed. I acknowledge that in the wider area there are properties that have access arrangements similar to that proposed at the appeal site, conversely there are many that have single accesses. There is no evidence before me of an overriding reason for the frontage design and, although I can see that the design has an attractive symmetry, this does not justify the removal of the tree, which makes an important contribution to the character and appearance of the street.
9. I appreciate that the appellant proposes new planting adjacent to the front boundary. However, I have no details of this scheme before me and it would be unlikely that such planting would provide a comparable benefit to the character and appearance of the street as a tree located within the grass verge.
10. I conclude that the loss of the street tree would have a harmful effect on the character and appearance of the area and would conflict with Policy 28 of the Sutton Local Plan 2016 – 2031 adopted February 2018 which states that where trees are present on a proposed development retention should be reflected in the proposed development layout. The scheme would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to ensure that development adds to the overall quality of the area and is sympathetic to local character.

Other Matters

11. I appreciate that the scheme offers a replacement tree in the grass verge between the existing and proposed access. However, the grass verge is outside the ownership of the appellant. In accordance with advice in the Planning Practice Guidance¹ conditions requiring the consent or authorisation of another person or body often fail the test of reasonableness and enforceability. Further, since the development has commenced, the use of a Grampian condition would be inappropriate and, in any case, the indications are that the Highways Authority would be unwilling to support the proposed works in the highway. I consider that a condition requiring a replacement tree would not meet the tests for imposing conditions set out in paragraph 55 of the Framework.

Conclusion

12. I find that overall the proposed development would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all matters raised, I therefore conclude that the appeal should be dismissed.

¹ Paragraph: 009 Reference ID: 21a-009-20140306

Diane Cragg

INSPECTOR