



Appeal Decision

Site visit made on 27 August 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/P5870/W/19/3231340

42 Blenheim Road, Sutton SM1 2PX

- 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 Farrington against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00385, dated 1 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is 2no 2 bedroom flats on side garden area with associated parking, landscaping, refuse and cycle storage, and new vehicular access to Blenheim Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal proceedings, I have sought the views of the main parties with regard to the effect of the proposed boundary enclosures on the character and appearance of the area and by doing so no parties' interests will have been prejudiced by my consideration and findings in relation to this matter.

Main Issues

3. The main issues are the effect of the development on:
 - The living conditions of future occupiers with particular regard to the size of the living accommodation and the accessibility of the private outdoor space.
 - The character and appearance of the area.

Reasons

Living Conditions

4. The appeal site contains a semi-detached building that has been converted into 2 flats, each with 2 bedrooms. The proposed development would see the erection of an additional building at the site, adjacent to the existing building, which would contain 2 flats, one at ground floor and the other being a duplex flat that would utilise the first floor and the roof space. Private outdoor space would be provided around the building for the ground floor flat and a separate garden would be provided for the first floor flat adjacent to the existing parking space, remote from the access to the flat. Two small garden areas would be provided for the existing flats at the site, to the rear of the existing and proposed buildings.

5. Policy 9 of the Sutton Local Plan 2016-2031 (SLP), adopted February 2018, sets out that development will not be supported which does not meet the internal space standards set out in The London Plan (LP), adopted March 2016. The main parties agree that the first floor flat would be compliant with these standards but the ground floor flat would not. This would result in cramped living conditions and living space of insufficient size to serve the number of people that would be able to occupy the proposed flat. The ground floor flat would be well served by garden space, but this does not compensate for the inadequacy that has been identified in relation to the lack of internal living accommodation. The appellant has suggested amending the proposal in order for the ground floor flat to have one bedroom only, but I am obliged to determine the proposal as it has been submitted and I do not find that this is a change that can reasonably be made through the imposition of a condition.
6. The distance between the entrance to the first floor flat and its garden is unfortunate but not uncommon for a flatted development. In this case the separation from the living space of that flat would not make the garden unusable.
7. Therefore, whilst the private outdoor space would be adequately accessible, the proposed development would not provide acceptable living conditions for the future occupiers of the proposed development with particular regard to the size of the living accommodation. The proposal would therefore be contrary to Policy 9 of the SLP as set out above and Policy 3.5 of the LP which requires that new homes have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. The proposal would also be contrary to the National Planning Policy Framework (The Framework) which requires that places are created with a high standard of amenity for existing and future users.

Character and Appearance

8. The site is located within a residential area that comprises pairs of semi-detached dwellings, some of which appear to have been converted to flats. The majority of the buildings are set back equally from the road and are aligned to follow the bend in the road. The built form is consistent in terms of height, width and appearance, with most buildings featuring bay windows to the front and half-hipped pitched roofs. There is however some variety to the materials of the buildings. Plot frontages are mostly demarked with low walls and timber fences. The overall character of the area therefore benefits from a degree of uniformity and a generally suburban character. The appeal site contains a semi-detached building and a large area of additional land to the side, with a railway line to the rear.
9. The proposed building would be similar in scale and appearance to the remainder of the street and would also be similar to the dwelling that was approved at the site under the terms of appeal APP/P5870/W/18/3207993. The proposed building would therefore be suitably harmonious with the character and appearance of the existing built form within the locality.
10. The parties agree that the garden to serve the ground floor flat is acceptable in terms of size and usability, but this requires the enclosure of the frontage of the site with tall fencing. This would not be consistent with the character of the area or the development that was approved at the site which would have featured a low picket fence to the front. In this context, the provision of tall

fencing directly in front of the built form would be discordant with and harmful to the character and appearance of the area.

11. Although no objection has been raised to this by the Council, I consider that the enclosure would undermine the efforts made to ensure that the built form harmonises with the character and appearance of the surrounding area. As such, the enclosure of the private outdoor space would have an unacceptable visual impact on the character and appearance of the area. The use of alternative fences may address this concern, but this would have implications for the provision of private garden space at the site and as such I do not consider that this is a change that can reasonably be made through the imposition of a condition. The proposal should therefore be considered as it has been shown on the submitted plans.
12. The proposed boundary treatment to the front of the site would therefore have an unacceptable effect on the character and appearance of the area. The proposed fencing at the site is contrary to The Framework which requires that development is sympathetic to local character, adds to the overall quality of the area and is visually attractive as a result of good layout and appropriate and effective landscaping.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Ian Harrison

INSPECTOR