
Appeal Decision

Site visit made on 15 October 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Appeal Ref: APP/P5870/W/19/3234395

63 Green Wrythe Lane, Carshalton SM5 2EF

- 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 D Amalanthan against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00824, dated 13 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is demolition of existing building and erection of a detached two-storey plus roof accommodation building to provide 2 x 1 bed and 1 x 2 bed self contained flats. Use of part of the ground floor (front) for Class D1 Use (Non-Residential Institutions). Provision of cycle and refuse stores and two off-street parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the Council's decision notice. This more accurately describes the development which is proposed than that given on the application form and is also used by the appellant on the appeal form.
3. The appellant has suggested that the building could be repositioned within the site to increase the separation to the neighbour at 61 Green Wrythe Lane. However, I have not been provided with the details of any such revision and, as it has not been consulted upon, interested parties will not have the chance to comment upon it. Accordingly, I have determined the appeal on the basis of the proposal which was before the Council and upon which it made its decision.

Main Issues

4. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) the effect of the proposed development on the living conditions of the occupiers of 61 Green Wrythe Lane with particular regard to outlook; and
 - iii) whether or not the proposal makes adequate provision for parking, and the effect of any shortfall in provision on highway safety and the living conditions of residents and users of the surrounding streets.

Reasons

Character and Appearance

5. Green Wrythe Lane in the vicinity of the appeal site comprises a range of detached and semi-detached dwellings of varying architectural styles set within rectangular plots fronting the road. While most are two-storey in height and of traditional designs, there are also examples of bungalows and more contemporary forms present. Further diversity is contributed by the varied layout of dwellings within their plots, with some set back behind significant frontages accommodating parking and others positioned close to the road. However, although the set back of dwellings from the road varies, there is generally spacing provided between buildings which offers views through to rear gardens. Together with outlook possible at corner plots across the relatively deep gardens, this gives an overall sense of space around dwellings and an impression of dwellings sitting comfortably on their plots.
6. The appeal site is located at the northern edge of the ribbon of dwellings along the west side of Green Wrythe Lane and contains a detached building which was formerly in commercial use. The building is set back significantly from the road with its main two-storey element positioned behind the rear elevation of the neighbouring dwelling at 61 Green Wrythe Lane. The side of the building and its relationship with No. 61 is clearly visible from Green Wrythe Lane across the allotments which are located adjacent to the appeal site.
7. As a detached block accommodating flats with space at ground floor in Use Class D1 intended to provide a medical practice, the proposed development would be of different appearance to the traditional semi-detached dwellings which are immediately adjacent to the site. However, the building would have a ridge line that would be lower than the neighbour at No. 61 which would help to lessen its prominence. Given the diversity in the design and form of dwellings in the surrounding area and that the existing building already contrasts with nearby development, the appearance of the building would not in itself result in an incongruous feature in the street scene.
8. However, while the building would be set back from the frontage of the site, it would be of much greater depth than other development in the vicinity of the site with an elongated rectangular form. It would project notably beyond both the front and rear elevations of the neighbour at No. 61, and the proposed mansard roof form with a large flat section would highlight the significant depth of the building and emphasise its mass compared to the less bulky hipped and pitched roof forms which are common in the area. The scale and form of the building would be readily visible from Green Wrythe Lane across the open allotments to the north with an essentially uninterrupted view of the building's deep flank elevation. The distance that the building would project beyond the front and rear elevations of No. 61 would also be readily apparent, and although there would be provision for amenity space, refuse and cycle storage to the rear of the building, this would be of very limited depth in comparison to the longer gardens which are characteristic of development nearby.
9. Furthermore, the building would be positioned very close to the boundary with No. 61, with relatively limited separation to the boundary to the allotments to the north of the site. The building would therefore additionally fill the majority of the width of the appeal site and together with the shallow depth of the rear garden would result in limited spacing around the building. The development

would thus appear cramped on the site and would fail to maintain the spacious character of the area.

10. While the existing building on the site differs from the surrounding residential development, it is of limited height and is set significantly back from the frontage so that it does not appear as a prominent or intrusive feature in the street scene. In contrast, the lack of spacing around the proposed building combined with its depth and bulk far in excess of neighbouring development would result in the development appearing over-large on its plot, and it would be a discordant feature that would be visually intrusive and prominent in the street scene of Green Wrythe Lane.
11. I therefore conclude on this main issue that the development would be contrary to Policy 28 of the Sutton Local Plan 2018 (SLP). This policy requires, amongst other things, development that is attractive and designed to the highest standard which respects the local context and character and which is of a suitable scale, massing and height to the setting of the site. It would also be contrary to guidance within the Creating Locally Distinctive Places Supplementary Planning Document 2008. This seeks a design and layout of development that builds upon local character and the existing qualities of a site and surrounding area.

Living Conditions

12. The proposed building would be positioned to the north west of No. 61 and given its relationship with windows to the front and rear of No. 61 and the position of windows within the development the Council have raised no concerns over impact on light or privacy to occupiers of this dwelling.
13. However, although the Council have confirmed that the development would comply with 45 degree requirements intended to ensure suitable levels of light for occupiers of neighbouring development, the building would be positioned very close to the boundary with No. 61 and would be of much greater depth than this neighbour so as to project significantly beyond its front and rear elevations. While the front and rear extremities of the building would have flat roof sections, the eaves of the building would be above the height of the eaves to No. 61 and would present a two-storey flank elevation of the building at very close proximity to the boundary. The height of the development so close to the boundary together with its depth beyond No. 61 to both the front and rear would combine to result in a significant enclosing effect and a highly intrusive and dominant feature as viewed from within the neighbouring dwelling and rear garden. The development would thus have an unacceptable impact on the outlook available for occupiers of No. 61.
14. I acknowledge that the existing building on the site is also set on the boundary with No. 61 and that the proposed building would not project as far to the rear as the main part of the building currently on the site does. However, the existing building is a relatively low structure with the first-floor level set within the pitched roof form which reduces the dominance of the structure. The proposed building would be of much greater height and bulk than the existing structure and would project beyond both the front and rear of No. 61. These factors would outweigh any benefit arising from the reduced depth of development to the rear of the site. As a result, I cannot agree with the appellant that the proposed development would be less intrusive than the existing structure.

15. I therefore conclude on this main issue that the proposal would result in an undue sense of enclosure which would adversely affect outlook causing harm to the living conditions of the occupiers of 61 Green Wrythe Lane. Consequently, there would be conflict with Policy 29 of the SLP which seeks to ensure that development does not adversely affect the amenity of those currently occupying adjoining properties and does not have an unacceptable impact on residents of the surrounding area.

Parking Provision

16. Two parking spaces are proposed to serve the development. The Council advise that three parking spaces would generally be required to serve the three flats which are part of the development. While I note that provision of two spaces has previously been accepted to serve three flats on the site¹, the development now additionally includes floorspace in Use Class D1 which is intended as a medical practice. This would also generate demand for parking and the Council refer to Appendix 11 of the SLP. This advises that the parking requirements of doctors surgeries and dentists will be assessed individually. It also indicates that the maximum standards for purpose-built medical centres are four spaces per consulting room, and that in the case of medical centres disabled car parking may be required in excess of general standards.
17. I note that the front part of the appeal site is identified as falling within Public Transport Accessibility Level (PTAL) 1b indicating 'very poor' public transport accessibility, and that the rest of the site falls within PTAL 2 indicating 'poor' public transport accessibility. Appendix 11 of the SLP advises that in areas with PTAL of 0-1, and in some parts of PTAL 2, the maximum standards will generally be expected to be met in full. Given the limited accessibility to the site by public transport highlighted by this classification, it is likely that there would be some reliance by staff and visitors on private motor vehicles and this would generate a requirement for parking at the site. This may be further increased given the intended medical practice use and the likelihood that some visitors would have restricted mobility. The requirement for parking from staff and visitors to the medical practice would be in addition to demand arising from future occupiers of the proposed flats, and the total demand for parking would not therefore be fully met by the two proposed spaces on the site.
18. There are some parking spaces on Green Wrythe Lane to the south of the site and to some sections of nearby residential roads. However, at the time of my site visit, there were few spaces available and from the evidence before me including comments from local residents I have no doubt that the surrounding streets are often subject to parking pressure. As a result, the shortfall in parking on the site would add to existing parking difficulties in the area and would cause frustration and inconvenience to occupiers and users of the site and surrounding streets seeking an available space to park. This would be detrimental to their living conditions. Additionally, the relatively high volume of traffic that I observed using Green Wrythe Lane would in my view make manoeuvring into any available space on this road more difficult, and such movements by users of the appeal site would add to the potential for conflict with and obstruction of other users to the detriment of highway safety.
19. The appellant suggests that parking on the site could be used for the Use Class D1 ground floor unit during the day and for residents of the flats outside of

¹ Permission reference DM2018/01903

working hours. However, I have no details before me to indicate how any such arrangement would be managed and operated and therefore I cannot be sure that parking would be available to meet demand throughout the day.

20. I therefore conclude on this main issue that there would be inadequate parking provision to serve future users of the development, and that the shortfall in provision would be detrimental to highway safety and to the living conditions of users of the site and of residents and users of the surrounding streets. Accordingly, the development would conflict with SLP Policies 36 and 37. These policies advise that the impact of development on the highway and local environment will be considered, and require that development provides car parking taking into account public transport accessibility, parking provision and usage in the vicinity of the site and the need to deter unnecessary car use while avoiding overspill parking problems.

Other Matters

21. I note that the Council have previously granted permission for development on the appeal site². However, from the evidence before me, the appeal proposal differs from the development previously permitted including by reason of the inclusion of the Use Class D1 floorspace and the scale, siting and design of the building, and I have considered the appeal proposal on its own merits.
22. The Council raise no objection in relation to the provision of refuse, cycling storage facilities or communal space to serve the dwellings, or in relation to impact on neighbouring occupiers through loss of light or privacy. However, the absence of harm on these matters in is a neutral factor and weighs neither for nor against the proposal. The development would provide additional dwellings on the site and it would make effective use of this previously developed site which is located in close proximity to local shops and businesses. However, these are not factors which outweigh the harm that I have identified would be caused to the character and appearance of the area, to the living conditions of the occupiers of 61 Green Wrythe Lane and as a consequence of the inadequate provision for parking.

Conclusion

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

J Bowyer

INSPECTOR

² Permission reference DM2018/01903