



Appeal Decision

Site visit made on 29 October 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2019

Appeal Ref: APP/P5870/W/19/3234804

Land to the Rear of 44 & 44a, Link Lane, Wallington SM6 9EB

- 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 Mark Norman against the decision of the London Borough of Sutton Council.
 - The application Ref DM2019/00293, dated 11 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is a 'new 3-bedroom dwelling on land to the rear of 44 Link Lane, with new vehicular access and 2 no. parking spaces'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. It has been clarified by the Council that reference to Policy 29 of the Sutton Local Plan 2016-2031 (February 2018) (the 'Local Plan') in the Decision Notice under refusal reason 3 was in error and it should have read 'Policy 9' of the Local Plan. The proposal has therefore been considered against Policy 9 when considering the effect of the development on the living conditions of future occupiers.

Main Issue

4. The main issues in the appeal are:
 - The effect of the development on the character and appearance of the appeal site and the area;
 - Whether the proposal would provide satisfactory living conditions for future occupiers with regard to outlook and amenity space; and
 - The effect of the development on the living conditions of the occupiers of No. 42 Link Lane and No.2 Redford Avenue with regard to privacy.

Reasons for the Recommendation

Character and Appearance

5. The appeal relates to an area of land to the rear of 44 and 44a Link Lane but appears to have originally formed part of the back garden of No 44. The proposed development would front Redford Avenue. The area is residential in nature with Link Lane and Redford Avenue typically characterised by detached and semi-detached, two storey dwellings, with large rear gardens. To the west of the appeal site is the garden of No.42 Link Lane and to the south is No.2 Redford Avenue.
6. The appeal site currently provides a gap between the buildings on Link Lane and Redford Avenue which makes a positive contribution to a general sense of space in the area, distinguishing between the rows of houses on the roads, although the high fence currently enclosing the site detracts from this sense of openness a little.
7. The proposed two storey dwelling is of an architectural style which responds to the height and design of existing dwellings in the area. However, the properties in the surrounding area generally feature large rear gardens and, in contrast, the size of the appeal site does not allow for a large rear garden. The size of the garden is discussed below in terms of whether it is suitable for the future occupiers, but in terms of character, the positioning of the garden at one side of the dwelling with limited amenity space at the rear is out of character with the surrounding properties and results in a cramped development. Whilst in support of the appeal the appellant has provided an aerial photo showing some examples of other properties on limited size plots without rear gardens, it appears these are in the minority and are not characteristic of the area as a whole.
8. With regard to the positioning of the proposed dwelling within the appeal site, it was apparent from my site visit that there is some variation in the building line along Redford Avenue. However, the positioning of the proposed dwelling would be further forward than other properties along the road, and significantly forward of the adjacent dwelling at No.2, so would therefore be out of keeping with the more subtle variations in the building line that currently exist. As a result, the proposed dwelling would appear more prominent in the street scene than the neighbouring dwellings. I do not consider it would help to transition the building line between Redford Avenue and Link Lane due to the significant gap between the proposed house and No 44a.
9. The appellant has provided details of a number of planning applications and a planning appeal in the area that feature similarities to the appeal proposal in terms of location, nature of development or planning issues. However, these cases have different characteristics and their circumstances are not directly comparable with those which apply in this appeal. In particular the dwelling behind 5 Sandy Lane is broadly in line with the adjacent dwelling at 2 The Mead.
10. The proposed development would not reflect the building line on Redford Avenue and layout of gardens in the area and on this basis would be out of keeping with the character and appearance of Redford Avenue. I therefore

conclude that the proposed development would have a harmful effect on the character and appearance of the area and be contrary to Policy 13 of the Local Plan which seeks to ensure back garden land development does not occur where that area makes an important contribution to character and appearance, and Policy 28 which seeks to ensure development respects local context. It is also contrary to Supplementary Planning Document (SPD) Creating Locally Distinctive Places Sutton's Urban Design Guide which also seeks to protect local character.

Living Conditions – Future Occupiers

11. The Council have concerns regarding the width and depth of the proposed amenity space and whether this space would be practical and offer privacy for the future occupiers. Notwithstanding the harm that has been found in relation to the character and appearance of the area from the siting of the garden at the side of the proposed dwelling, I am satisfied that the amount of amenity space provided would be sufficient and that the rectangular shape of the lawn area would offer a suitable space for the future occupiers to enjoy. The high boarded fence and hedging proposed on the north, south and west boundary would ensure a sufficient amount of privacy for the future users of the amenity space.
12. The development would therefore accord with Policy 9 of the Local Plan and Policy 3.5 of the London Plan (March 2016) which seeks, amongst other things, to ensure that an adequate amount of amenity space is provided.
13. In terms of the outlook of future occupiers of the development from the rear first floor bedroom, I consider that, whilst the use of obscured glass here is important to prevent unacceptable overlooking, it would fail to provide a satisfactory view out of the bedroom window for future occupiers. Restricting their views in this way would result in harm to their outlook. Though there is no aspect of Policy 9 that refers to outlook, Policy 29 seeks to ensure future occupiers of development have an acceptable outlook. The proposal therefore fails to accord with this policy in this regard.
14. As such, overall, the development would fail to provide satisfactory living conditions for its future occupiers.

Living Conditions – 42 Link Lane and 2 Redford Avenue

15. The Council and local residents have raised concerns that the rear first floor windows of the new dwelling would result in harmful overlooking of the rear gardens of No. 42 Link Lane and No. 2 Redford Avenue. However, Plan 3776/1 shows that obscured glazing would be used for the first floor bathroom window and the lower half of the first floor bedroom window on the rear elevation which would obscure views of the neighbouring gardens. Notwithstanding this, it was also apparent at my site visit that mutual overlooking of back gardens is common in this built up residential area and the proposal is not incompatible with this characteristic.
16. The obscured glass will prevent overlooking from the first floor rear windows and therefore the proposal would not be harmful to the privacy of the occupiers of No. 42 Link Lane and No. 2 Redford Avenue. The proposal would be in accordance with Policy 13 and 29 of the Local Plan which seek to protect the amenity of neighbouring residents.

Other Matters

17. It is acknowledged that the appellant has sought to address the Council's concerns with this proposal from comments received on a previously refused scheme and pre-application advice, but I must consider the proposal before me.
18. The proposal would add a further dwelling to the housing stock in the area which would be a benefit, but as the proposal is only for one dwelling this benefit would be limited.
19. I also recognise that the Council states the proposed development is acceptable with regard to a number of planning matters including design of the dwelling, refuse and cycle storage, parking and overshadowing. However, these matters do not outweigh the concerns which I have identified above.

Conclusion and Recommendation

20. The absence of harm to the living conditions of occupiers of neighbouring properties, is outweighed by the harm that has been found in relation to the effect of the development on the character and appearance of the area and the failure to provide acceptable living conditions for its own occupiers. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR