



Appeal Decision

Site visit made on 15 January 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/P5870/W/19/3239743

Garage adjacent to 46 Devonshire Road, Sutton SM2 5HH

- 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 Tony Shields against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01216, dated 20 June 2019, was refused by notice dated 10 October 2019.
 - The development proposed is the erection of two x studio flats parking, cycle and bin store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: (i) the character and appearance of the area; (ii) the living conditions of future occupants of the proposed development, with regards to noise and light pollution and outdoor amenity space; and (iii) the housing mix in the Borough.

Reasons

Character and appearance

3. The appeal site comprises of a broadly square plot of land that is populated by a single storey double garage with a dual pitched roof and a flat roof to the northern side elevation. The site is on the west side of the road which is lined by street trees that, in tandem, with nearby residential properties provide a verdant setting to the area. Hardstanding extends across the sloping ground between the garage and the road from which vehicular access is taken. The site's boundaries are defined by low walls, fencing and hedges. To the north and south of the site are detached garages serving 46 Devonshire Road and 31 The Downsway. The former is set back slightly from the garage on the appeal site. Sutton Tennis and Squash Club is opposite the site.
4. The surrounding area is largely characterised by residential properties of varied form, styles and age. A number have been extended. There are also examples of flatted development nearby, with associated vehicular parking and circulation space extensively covering the ground.
5. There is no dispute between the main parties about the Council's ability to demonstrate a five-year supply of deliverable housing sites. Nor does the Council dispute the role that small and medium sites can make an important contribution to meeting the housing requirement of an area, as they are often

built-out relatively quickly. Despite this, Policy 28 of the Sutton Local Plan 2016-2031 (Local Plan) and Policy 7.4 of The London Plan (LP) both advocate the need for high-quality design that responds to the surrounding area.

6. The scale of the proposed building on its own would respond to the surrounding area. The verdant backdrop to the site is also likely to mean that the lack of a rear garden would not be appreciated from the public realm. Moreover, the use of a hipped roof would respond to the character and appearance of the area. However, the combined scale and footprint of the proposal would result in a form of development that would not respond to its local context as it would visually appear cramped within the plot. While the distance between the proposal and the site's flank boundaries may not be any different numerically to other residential development, my findings relate to the site's specific context and character. Having regard to this, the presence of an external balcony to the front elevation would also introduce a feature which is not a characteristic of the area and would emphasise the discordant feeling of fitting two studio flats and the associated provisions onto the appeal site.
7. Greening up of some of the site's frontage would help assimilate the development into the area, but it would not be possible to soften the scheme's introduction sufficiently with landscaping due to the plot's constraints and the proposed layout to mitigate the harm that I have identified.
8. I therefore conclude, on this issue, that the proposal would cause significant harm to the character and appearance of the area and conflict would be caused with Local Plan Policy 28 and LP Policy 7.4. These policies together seek, among other things, buildings to be of a high-quality design that respects the local context and responds to local character, having regard to scale and the setting of the site and/or townscape. Conflict would also be caused with Local Plan Policy 1 insofar as the built environment.

Living conditions

9. The appeal scheme proposes the provision of a private amenity area (8m²) for the ground floor studio and a balcony (6m²) for the first-floor studio. Given that both units would be 1 person dwellings, the proposal would numerically accord with Standard 26 of The Mayor of London's Housing Supplementary Planning Guidance (SPG) which seeks a minimum of 5m² of private outdoor space. However, the text associated with Local Plan Policy 9 explains that in a suburban setting, typical of large parts of the borough, this minimum private outdoor space standard is inappropriate. Sutton's Urban Design Guide Supplementary Planning Document 14 Creating Locally Distinctive Places (SPD14) therefore sets a minimum standard of 25m² for flats or one-bedroom units. Given the standards in the SPG and SPD14, Local Plan Policy 9 explains that the amount of amenity space will be considered on a case-by-case basis with reference to the minimum standards and local character.
10. In the site's suburban setting, vehicular parking and front gardens to the front of properties in the area is not uncharacteristic. Nevertheless, private rear gardens are also a feature of the area. In my view, the area's local character indicates that an adequate amenity space in line with SPD14 would be appropriate in this case.
11. As the only proposed outdoor spaces would be to the front of the proposed development, I agree with the Council that future occupants using these spaces

would be subject of noise and light pollution primarily from vehicular movements along Devonshire Road and to/from the site. Planting is proposed around the ground floor amenity area, while a clear glazed balustrade would extend around the first-floor balcony. However, neither would be likely to offer a sufficient degree of screening so that the spaces function well as private outdoor space, even if I were to place greater weight behind the standard sought by the SPG compared to the minimum standard of SPD14.

12. The case at 138 Miles Road¹ referred to by the appellant differs from the appeal scheme as that scheme met the space standards required for internal and external space. As such, it does not indicate that I should take a different stance to that explained above.
13. I conclude, on this issue, that the proposal would cause significant harm to the living conditions of future occupants of the proposed development, with regards to noise and light pollution and outdoor amenity space. The proposal would not, in respect of this issue, accord with Local Plan Policy 9, SPD14 and the SPG which jointly seek to provide occupants with adequate amenity space, having regard to the minimum standards and local character.

Housing mix

14. Local Plan Policy 9 (b) (ii) seeks all developments outside Sutton Town Centre to provide a minimum of 50% of all dwellings on the site with three bedrooms or more, unless it can be demonstrated that this would be unsuitable to the location or not viable. This is warranted because there is a pressing need for larger market homes, principally 2 and 3-bedroom homes and smaller affordable units, principally 1 bedroom homes.
15. If a 3-bedroom unit were to be provided, the collective minimum requirements for the internal living space and amenity space would, together with the provision of two parking spaces, mean that it would not be viable for the appeal site. There would also be likely knock on effects for neighbouring occupants living conditions.
16. Although a 3-bedroom dwelling would not be achievable on the appeal site, the proposal would deliver 2 smaller 1-bedroom homes. I note the appellant's proposal to let the homes as affordable units with tenants taken from the Borough's housing list. While there is no obligation for the appellant to do this given the scale of the scheme, there is no mechanism before me to secure the proposed affordable units. Therefore, it is a matter that carries no weight despite the appellant's intentions which I do not doubt.
17. I note the appellant's reference to Framework paragraph 68, but, in any event, it has been demonstrated that the provision of a 3-bedroom dwelling on the appeal site would not be viable. As such, the proposal would not conflict with Local Plan Policy 9 which seeks developments to provide a minimum of 50% of all dwellings on the site as having three bedrooms or more, unless it can be demonstrated that this would be unsuitable to the location or not viable.

Other matter

18. I note the appellant's 'do nothing' scenario, but the appeal has followed a previous refusal of planning permission and the appellant could well re-look at

¹ Appeal Decision Ref: APP/P3610/W/19/3225603

their scheme to see whether a solution can be found.

Conclusion

19. The proposal would make effective use of the site and would modestly boost the supply of homes in the Borough without affecting the living conditions of neighbouring residents. I recognise the role that these types of units can play, along with the site's location near to a range of facilities and services. However, the harm that I have identified in respect of the character and appearance of the area and the living conditions of future occupants outweigh these matters even with the lack of harm that I have found in relation to the housing mix.
20. For these reasons, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR