



Appeal Decision

Site visit made on 20 January 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/P5870/W/19/3241427

36 Park Lane, Wallington SM6 0TN

- 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 Miheer Mehta against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01386, dated 7 August 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the erection of a single storey detached outbuilding to rear garden and the formation of a new boundary treatment and entrance gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the development on the character and appearance of the site and the surrounding area, including the effect on an adjacent tree.

Reasons

3. The appeal site is located within a residential area that consists of a mixture of detached and semi-detached buildings, with most having long gardens to the rear. Trees, small outbuildings and garages are regular features of these garden areas. Overall, the area has a pleasant suburban environment. The tree that is adjacent to the appeal site, is a large specimen which can be seen from nearby gardens and houses, with glimpses of the tree also being visible from Taylor Road, Grosvenor Road and Park Lane. As such, although it has been indicated that the tree is not the subject of any form of protection, it contributes positively to the character and appearance of the area.
4. The appeal site consists of a parcel of garden land at the rear of 36 Park Lane that is partially enclosed by fencing and is accessed via a side passageway. The proposal would involve the erection of a single storey building at the site that would be inset from the site boundaries. The building would be used as a gym and would feature a mostly flat roof with pitched roofs at the edges.
5. Despite it being single storey, it appears that the building would be taller than most other outbuildings within the surrounding area and, due to the roof design, it would have a significant bulk and mass. Although the building would be well screened from the public domain by the existing built form of the area, the building would be seen from within the gardens and buildings surrounding the site and would, therefore, have an effect on the character and appearance of the area. As a result of its size and it being bulkier than the other outbuildings of the locality,

the building would have a dominating effect of the garden land at the appeal site and the surrounding area.

6. In relation to the adjacent tree, its crown extends above the appeal site and the position of the proposed building. No arboricultural assessment or tree protection details have been submitted and, as such, it has not been demonstrated that the development would not cause harm to the tree. Any harm to the tree could, in turn, reduce its ability to contribute to the character and appearance of the area.
7. Whilst the appellant has suggested that the nature of the structure would not require foundations to be dug, disturbance to the ground surface around the tree and the alteration of the ground environment around the tree would still be likely to occur as a result of the proposal. The effect of this on the health and retention of the tree has not been satisfactorily assessed and, as such, it has not been demonstrated that the proposal would not cause harm to the tree. In this instance, as the extent of the necessary mitigation and protection is unknown, it is not reasonable to impose a condition to require further details of tree protection to be provided as it is not certain that such a condition would be effective or could be complied with.
8. The appellant has identified that some incidental outbuildings can be erected under the terms of permitted development rights. However, the evidence before me does not indicate that those rights would enable the erection of the building that is proposed. Therefore, as it has not been demonstrated that permitted development rights represent a fallback position, I do not afford them weight in this case.
9. For the reasons given above, the proposal would have an unacceptable effect on the character and appearance of the site and the surrounding area and the adjacent tree. Therefore, the development would be contrary to policy 28 of the Sutton Local Plan 2016-2031 (SLP) which seeks, amongst other things, that development is designed to the highest standard, respects the local context, responds to local character and is of a suitable scale, massing and height relative to the setting of the site. The proposal would also conflict with the part of Policy 28 which requires that, where trees are present, their retention should be reflected in the proposed development layout and the latest arboricultural standards should be complied with.
10. Although the Council's Design of Residential Extensions Supplementary Planning Document has been referred to in the reason for the refusal of the application, it does not address outbuildings and does not appear to be relevant to this proposal. Whilst the development does not conflict with the content of that document, this does not alter my conclusion in respect of the conflict with the abovementioned policy of the SLP.

Conclusion

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

Ian Harrison

INSPECTOR