

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/19/3240126
109 Boundary Road, Wallington SM6 0TE

- 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 Brian Millington against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00749, dated 22 April 2019, was refused by notice dated 29 August 2019.
 - The development proposed is the erection of a detached property at the end of the garden at 109 Boundary Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the site and the surrounding area.
 - The living conditions of the occupiers of 105, 107 and 109 Boundary Road, with particular regard to the effect on privacy and outlook.

Reasons

Character and Appearance

3. The appeal site is located within a residential setting at the junction of Boundary Road and Brambledown Road. The surrounding area features detached and semi-detached dwellings on generous plots, the depth of which can be appreciated at the junctions of the roads where, in many cases, there are long side boundaries that reflect the length of the gardens and the spacing between dwellings. Gaps between dwellings and their side boundaries also create a degree of spaciousness around the built form of the locality. Trees and other vegetation are a defining feature of the character of the area and create a verdant suburban environment. The architecture and scale of the dwellings throughout the area is varied.
4. The appeal site contains the dwelling of 109 Boundary Road and an extensive garden to the rear of the dwelling which wraps around the rearmost part of the plot of 107 Boundary Road. The majority of the side boundary of the plot is defined by fencing and gates which front onto Brambledown Road, with the gates providing access to a garage that is located at the rear of the site. The area features changing ground levels, resulting in the part of the appeal site that is adjacent to 58 Brambledown Road being set higher than the dwellings of Boundary Road. The boundaries that are shared with 107 and 105 Boundary Road are defined by fencing, with tall trees and hedges within the neighbouring gardens. The site has

been the subject of previous planning applications and appeals, with the most recent being in 2014¹ and 2015².

5. The proposal would involve the erection of a 2 storey dwelling with a hipped, pitched roof that would include a small gable end feature at the front. The dwelling would be positioned in close proximity to the boundary that is shared with 58 Brambledown Road on a plot that appears to be markedly smaller than others within the vicinity of the site.
6. The proposal would reduce the gap at the rear of 109 Boundary Road and would therefore erode the contribution that the existing gap makes to the character and appearance of the surrounding area and the spaciousness of the locality. Furthermore, as a result of the comparatively small plot size and the proximity of the dwelling to the side boundary, the dwelling would not reflect the pattern of development within the locality and, in comparison to the other dwellings within the locality, would appear cramped on its plot. In this regard, the provision of a gap at one side of the dwelling would not compensate for the proximity of the dwelling to the boundary at the opposite side.
7. The scale and positioning of the proposed dwelling and the changing ground levels of the area would enable the dwelling to be reflective of the staggered heights of the dwellings at 109 Boundary Road and 58 Brambledown Road. Furthermore, due to the varied architecture of the dwellings within the locality and subject to the use of complimentary materials, the design of the dwelling would not have an unduly jarring appearance in the context of the surrounding dwellings. However, whilst the dwelling would be compatible with the locality in some respects, this would not prevent the dwelling appearing incongruous in its context and causing harm to the character and appearance of the area as set out above.
8. Whilst other developments within the wider area have been brought to my attention, I have not been provided with sufficient details of the planning history of those sites to be able to afford them more than minimal weight. In any event, as the identified harm is derived from the specific circumstances and setting of this site, those other developments do not appear to represent a reason to grant planning permission at this site.
9. The development would, therefore, have an unacceptable effect on the character and appearance of the site and the surrounding area. Accordingly, the proposal would be contrary to Policies 13 and 28 of the Sutton Local Plan 2016-2031 (SLP) which, amongst other things, require that development is of the highest standard, respects local character, responds to the local context and does not represent the development of back garden land that makes an important contribution to the character and appearance of the surrounding area. The proposal would also be contrary to Policy 7.4 of the London Plan (2016) which requires that development has regard to the pattern and grain of existing streets and has regard to the form, function and structure of an area.

Living Conditions

10. The depth, height and mass of the dwelling, its elevated position and the proximity to the rear elevations of 107 and 109 Boundary Road would cause it to be conspicuous from within those neighbouring properties. In this instance, due to the combination of the above factors, the dwelling would have a dominating effect on the outlook from within the neighbouring dwellings and gardens to an extent that would be overbearing and detrimental to the living conditions of the occupiers

¹ APP/P5870/A/2203899

² APP/P5870/W/15/3006134

of those dwellings. Whilst there is currently a belt of dense vegetation at the rear of 107 Boundary Road, the long-term retention of this cannot be guaranteed. As such, the presence of vegetation at the boundary of the site cannot be relied upon to mitigate the effect of the development. Furthermore, as built form is perceived differently to vegetation, the effect of the proposed dwelling would not be comparable to that of the existing vegetation.

11. A previous Inspector concluded that the adequacy of the separation distance between dwellings should be considered in the context of the prevailing character of the area. I share this view and, for the reasons set out above, consider that the separation distance would not be sufficient to mitigate the effect of the development on the living conditions of the occupiers of 107 and 109 Boundary Road.
12. Due to the position of the proposed dwelling relative to the rear elevation of 105 Boundary Road and its side boundary, the effect on the outlook from within that property and its garden would not be substantial. As views of the proposed dwelling from the neighbouring dwelling would be at an off-set angle, the dwelling would not have an overbearing effect on that property. Furthermore, the positioning of windows and the appropriate use of obscured glazing, would ensure that the proposal would not cause an unacceptable loss of privacy or overlooking within neighbouring properties. However, whilst I do not share all of the Council's concerns, this does not compensate for or mitigate the harm that has been identified in other respects.
13. Therefore, for the reasons given above, the development would cause harm to the living conditions of the occupiers of 107 and 109 Boundary Road with particular regard to the effect on outlook. Accordingly, the proposal would be contrary to Policy 29 of the SLP which requires that development does not adversely affect the living conditions of the occupiers of adjoining or nearby properties in terms of outlook and sense of enclosure.

Other matters

14. Whilst it has been suggested that the proposed dwelling would be occupied by relatives of the occupiers of 109 Boundary Road, Planning Practice Guidance³ advises that planning is concerned with land use in the public interest. Accordingly, I do not find that this aspect of the proposal outweighs the harm that would be caused and is contrary to the development plan.
15. The National Planning Policy Framework encourages pre-application engagement but, to the dissatisfaction of the appellant, such engagement did not lead to planning permission being granted. It is outside the scope of this appeal to comment on the actions of the main parties and, as such, this does not represent a reason to reach a different view in respect of the harm that has been identified.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR

³ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'