



Appeal Decision

Site visit made on 4 February 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/P5870/W/19/3240431
146 Stayton Road, Sutton, Surrey SM1 2PU

- 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 Andrew Lo against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00907, dated 29 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is demolition of existing rear garages and erection of a detached two storey dwellinghouse with a parking space accessed from Dibdin Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice on the banner above. This differs from the original narrative on the application form, but I note that the appellant has used the Council's description on the appeal form. I am therefore satisfied that there is no prejudice to the interests of either party.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area and the effect of the development on the living conditions of nearby residents.

Reasons

Character and appearance

4. The appeal site is located within a predominately residential area, lies adjacent to No 3 Dibdin Road and sits to the rear of Nos 142 to 146 Stayton Road. The site contains a garage in a poor state of repair. From the evidence in front of me, it appears that the site was an extended section of the rear amenity space of No 146, but access to the garage was taken from Dibdin Road.
5. The appeal proposal shows that a modest two storey, two bedroomed property would be constructed, with a parking space to the front, accessed from Dibdin Road. Private amenity space would be provided to the rear of the proposed dwelling toward the rear of the site.
6. The block of properties adjacent the site on Stayton Road generally follow a standard building line, with private gardens at the rear. The first two odd

numbered Dibdin Road dwellings (Nos 3 and 5) are single storey detached properties, again following a standard building line, with generous private gardens to the rear.

7. Whilst the proposed development would be modest in size, it would be visible from the rear of the Stayton Road dwellings and would be visible within the Dibdin Road frontage. I find that given the limited size of the site, and the location and design of the Dibdin Road single storey dwellings, the appeal proposal would be contrived in design to fit the very cramped site, with an extremely narrow frontage, widening to the rear and a full two storeys in height with that contrived siting would appear incongruous within the locality and would not relate well to any of the properties that surround the site. The nature of the appeal site does not reflect the relatively spacious curtilages of surrounding properties and does not sit comfortably within the established grain of local properties and plot sizes.
8. Therefore, by the restrictions of the appeal site, and the contrived design that attempts to overcome those restrictions, I find that the intrusive and incongruous nature of the proposal would be materially harmful to the character and appearance of the area, and as a result would be contrary to Policies 13 and 28 of the Sutton Local Plan (2018) (the LP) which, amongst other matters, state that development should be designed to the highest standard and respect local context and character.

Effect on living conditions

9. The Council have raised concerns with regard to the Juliet balcony at first floor level to the rear of the appeal proposal, and the actual and perceived overlooking of No 148 Stayton Road that would lead to a loss of privacy for that dwelling.
10. I find that the current relationships between the properties surrounding the appeal site allows overlooking of the private garden area of No 148 from other dwellings. The addition of a first-floor window, even with a Juliet balcony, would not lead to additional overlooking to such a degree that would cause material harm to the living conditions of No 148 Stayton Road, given the current situation.
11. As a result, with regard to this specific issue, I find that the proposals are consistent with Policy 29 of the LP as it relates to, amongst other matters, overlooking and loss of privacy.

Other Matters

12. I have considered the comments of the appellant regarding the nature of the dwelling, and its contribution to the housing needs of the Council. However, I find that the harm that I have identified by the contrived nature of the proposal would outweigh any benefits that have been forwarded in support of the appeal by the appellant.
13. I have also noted the willingness of the appellant to accept conditions, were the appeal to be allowed. However, I find that there are fundamental issues with the proposals which cannot be overcome by the imposition of conditions, and as a result, I cannot attach any reasonable weight to this argument.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Paul Cooper

INSPECTOR