



Appeal Decision

Site visit made on 4 February 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/P5870/W/19/3236237

Land at the rear of 106-108 Grove Road, Sutton SM1 2AP

- 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 James Hannah of Church Hill Holdings against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00831, dated 15 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is erection of four x three bedroom houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the area and 2) the living conditions of occupants of nearby residential properties with regard to outlook, noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises land to the rear of 106-108 Grove Road which is currently part of the rear garden of both properties.
4. The area surrounding the appeal site is predominantly residential in nature and contains a wide variety of property styles and sizes. There is also a wide variation in garden sizes with the gardens which form the appeal site being some of the larger gardens in the area.
5. The appeal site is surrounded by residential properties on all sides. The appeal site contains, and is surrounded by, several substantial trees and forms a mature landscaped area. Although forming private gardens, the area positively contributes to creating a pleasant, calm and quiet environment.
6. Despite some infill developments in the area, one of the key features is for dwellings to front onto, and have direct access to, existing roads. The proposal forming back-land development with a long access and rear parking court would conflict with this established arrangement, whilst removing a significant part of the gardens that are a positive characteristic of the area. The development due to its scale, mass and quantum would appear invasive to the existing tranquil and verdant character of the site. Whilst the proposed development would not be widely visible from the street-scene, it would

nonetheless, due to its siting, be at odds with the character of the area and visible from numerous surrounding dwellings.

7. The proposal would involve the removal of a significant number of trees and landscape features. The trees have significant amenity value and enhance the verdant character of the site. There are around 19 trees proposed to be removed. Of these trees, 5 have been identified as Category U – being trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboriculture management. Eleven have been identified as Category C - Trees of low quality and value; currently in adequate condition to remain until new planting could be established (Normally a minimum of 10 years), or young trees with a stem diameter below 150mm. 3 have been identified as Category B - Trees of moderate quality and value; those in such a condition as to make a significant contribution.
8. For the purposes of good landscape management and maintenance, I find no harm would be caused by the removal of the Category U trees. I consider that collectively, the cumulative impact of the removal of 11 Category C trees would have a harmful impact on the character and appearance of the area, particularly in the absence of any significant proposed mitigation. I find the removal of the 3 Category B trees on the eastern boundary (identified as trees 5, Scots Pine, 10, Sycamore, and 30, Wild Cherry) would have a harmful impact on the character and appearance of the area despite the retention of the trees to the other side of the site.
9. In relation to the trees to be retained, the appellant has submitted an Arboricultural Appeal Statement to address the concerns raised by the Council. Together with the Arboricultural Implications Assessment and Method Statement, this statement outlines the technical construction methods that could be adopted to ensure that the retained trees are not adversely impacted by the development. The Council have not commented on the Arboricultural Appeal Statement.
10. The submitted information shows that the proposed dwellings would be constructed outside the root protection areas and canopy spreads of the trees to be retained. Construction techniques are highlighted which could be adopted to ensure that harm would be avoided to retained trees and their roots. I am satisfied that through the appropriate construction techniques the development would be possible without causing harm to retained trees or their roots. Such measures could be conditioned were the appeal to be allowed.
11. The Council consider that due to the proximity of the proposed dwellings to trees, harm would be caused from the whipping of branches against the proposed dwellings. However, as the dwellings would avoid the canopy I find no significant risk in this respect. Concern is also expressed in relation to pressure from future occupants of the dwellings for the removal of the trees and that shading would be caused to the rear gardens by the trees. I find that there is no evidence to suggest that there would be pressure to remove the trees or carry out tree works, or that the trees would lead to unreasonable shading. The position of the trees leaves a garden area of acceptable size outside the canopies, also with the trees to the north and west of the dwellings any shading would be for a limited time of the day. The Council also comment on the potential impact of the development on the street trees on Grove Road.

There are no development works at the front of the site that would impact upon the existing street trees.

12. I find that in relation to the trees that are to be retained, sufficient evidence has been submitted to demonstrate that the development could proceed without causing harm to the trees which are shown to be retained.
13. The appellant has highlighted the residential development at Tormead Close in support of the appeal. This development is accessed off St James' Road via, what appears to be, an adopted highway. I do not have full details of the background of this development. However, Tormead Close has effectively created a new cul-de-sac, centred around the creation of a street and therefore its layout is not directly comparable to the one before me. In any event I do not find that its presence justifies the harm that would result from the proposed development.
14. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. It would be contrary to Policies 13 and 28 of the Sutton Local Plan (2018) which outline, amongst other things, that for back garden land, planning permission will not be granted where the site makes an important contribution to the character and appearance of the surrounding area and that development responds to natural features and retains trees, hedges and other landscape features and spaces of amenity value, where possible.
15. The proposal would also be contrary to Policy 3.5 of the London Plan (2016) which outlines, amongst other things, that the design of all new housing developments should enhance the quality of local places, taking into account physical context and local character. The Council consider the proposal would be contrary to Policy 3.4 of the London Plan (2016). This policy concerns optimising housing potential, and I do not consider that the proposal would be contrary to this policy.
16. The proposal would also be contrary to the Urban Design Guide Supplementary Planning Document (2008) which seeks that development, amongst other things; preserves the unique positive characteristics of the specific area, respects unique characteristics of the site and neighbourhood, including landscaping, and for 'Development In-Depth' such as within garden space, retains existing mature trees and landscaping.

Living conditions

17. The gable wall of plot 4 would be approximately 10m away from the rear elevation of numbers 3, 5 and 5A St James' Road. At 2 storeys high and with an imposing gable end of around 10m in height at its highest point, the proposal would create a dominant and oppressive feature which would have an overbearing effect upon outlook from both the back garden and the rear facing habitable rooms of these properties.
18. The proposed access arrangements involve the creation of a route of approximately 35m in length leading to a parking court and turning area for 7 vehicles. The access route would run immediately alongside 104 and 106 Grove Road with the parking court and turning area adjacent to the rear gardens of these properties and those at 108 Grove Road and nos. 1 and 3 St. James' Road.

19. The noise from vehicular movements that would be associated with the four dwellings from future residents, their visitors and delivery vehicles would cause harm to the living conditions of surrounding residents in terms of noise and disturbance. The noises associated with the use of the access, parking court and turning area would also include, engines, doors slamming, and stereos which cumulatively would contribute to causing harm. The additional noise source would be highly noticeable in comparison to the otherwise existing tranquil nature of the site that surrounding residents have become accustomed to and may reasonably expect in the rear of their properties and gardens.
20. The appellant has again drawn my attention to the example of Tormead Close to the north of the site, where vehicles pass the side and rear of residential properties. However, the existence of this does not justify further harm.
21. I therefore conclude that the development would have an unacceptable impact on the living conditions of occupants of nearby residential properties with regard to outlook, noise and disturbance. It would be contrary to Policies 13 and 29 of the Sutton Local Plan (2018) which outline, amongst other things, that for back garden land, planning permission will not be granted where the development of the site would adversely affect the amenity of those currently occupying adjoining or nearby properties, and that in general, planning permission will not be granted for development that adversely affects the amenities of those currently occupying adjoining properties with regard to, amongst other things, outlook, noise and disturbance.

Conclusion

22. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR