



Appeal Decision

Site visit made on 6 January 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/P5870/W/19/3237667 105 Burdon Lane, Cheam SM2 7BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Alan Swann of Overstone of Properties Ltd against the Council of the London Borough of Sutton.
 - The application Ref DM2019/01062, is dated 18 June 2019.
 - The development proposed is described as demolition of existing house and erection of 4 number 4 bed houses and 2 number semi-detached 4 bed houses.
-

Decision

1. The appeal is dismissed and planning application is refused.

Procedural Matters

2. The site already benefits from planning permission for the erection of four semi-detached houses, together with vehicle parking and landscaping, granted under appeal ref: APP/P5870/W/18/3211364. The present appeal is a new application on the same site and I have made my decision based solely on the information provided as part of this appeal.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the character and appearance of the area, including as a result of any effect on protected trees;
 - The living conditions of future occupiers, particularly in regard to noise and disturbance; and
 - Biodiversity.

Reasons

Character and appearance

4. The appeal site is located in a quiet residential street characterised by large detached dwellings in generous sized plots, set back from the road, with off-street parking to the front of the properties. The houses along Burdon Lane vary considerably in their individual design and appearance, but due to a broadly consistent building line and generous front gardens, the area has a consistently open, verdant and harmonious appearance.

5. The appeal site is a particularly wide plot which also extends significantly to the rear. The existing dwelling is consistent with other developments along the same section of the street in terms of building line, character and appearance. The site is verdant in nature with generous front and back gardens and open in appearance.
6. A number of dwellings on Burdon Lane do appear to have been erected following the subdivision of large residential plots, but their general character remains consistent with the wider area, particularly in terms of building line, garden space at the back and front, well set back from the main road and with a fairly similar density of the urban form.
7. The development proposal is for the demolition of the existing dwelling and erection of 4 detached and 2 semi-detached houses. Three of the detached houses are proposed to be built to the back of the plot, closer to the A217, and 1 detached and 2 semi-detached houses are proposed to be built to the front of the plot.
8. The proposed amount of development is significantly greater than that current found on site, leading to an increase in the amount of hardstanding on site and, consequently, a significant change in its character, making it more urban.
9. The present proposal would also result in a significant reduction of the length of the back garden for each proposed property compared to the existing house and the wider area. Although a reduction in the length of the back garden would not be immediately perceived from street level, it would result in an inconsistent building line in relation to similar properties in the area.
10. Furthermore, the site has a group of mature trees, at the back, that are protected by a Tree Preservation Order (TPO). These contribute to the verdant character of the site and wider area, and also provide some screening from the adjoining A217. The proximity of 3 of the proposed units to these trees would likely have an impact on the living conditions of future occupiers, for instance in terms of light and outlook, which would then likely lead to heavy pruning or the removal of these trees, thereby having a negative impact on the character and appearance of the area.
11. The appeal site carries no formal designation but it is in close proximity to the Burdon Lane Area of Special Local Character. Policy P30 of the Sutton Local Plan 2016-2031 (2018), requires development which would affect an Area of Special Local Character to conserve and where practicable, enhance the elements that contribute to its particular character or appearance.
12. The Burton Estates South Cheam Character Appraisal (2017) states that one of the principal design characteristics of the Burton Estates development is the spacious nature of the area in the context of its setting and in relation to its neighbours and the local streetscene. The appeal proposal, due to its dense urban form, would be incongruous to the existing spacious nature of the area.
13. Therefore, for the reasons given above, the proposed development would harm the character and appearance of the area and consequently, in that regard, be contrary to Policy 13 which is aimed at protecting housing and garden land, Policy 28 which is aimed at promoting good design and the character of an area, Policy 30 aimed at conserving and enhancing heritage and historic environments, Policy 31 aimed at reducing CO₂ emissions and Policy 37 on

parking of the Sutton Local Plan 2016-2031 (2018) and Policies 7.4, 7.19, 7.21 of the London Plan (2016) on local character, biodiversity and access to nature, trees and woodlands, respectively.

Living Conditions

14. The introduction of 6 dwellings would naturally lead to an intensification of vehicular and pedestrian movements in the site, as well as noise. In addition to this, the need to provide pedestrian and vehicle access to the back of the site, would result in the creation of a new shared internal access road that would increase noise and general disturbance further down the length of the appeal site.
15. This road would also be a feature on front, side and back elevations of Plot A and B, significantly increasing opportunities for these properties to be exposed to higher levels of noise and disturbance as cars and pedestrians would be using this access at all times of the day.
16. Such level of disturbance, particularly created by the need to provide access to plots D, E and F, would be considerably higher than reasonably expected having regard to the prevailing form and density of development.
17. Therefore, for the reasons given above, the proposed development would harm the living conditions of future occupiers and consequently, in that regard, be contrary to Policy 29, which seeks to protect the amenity of future occupiers and occupiers of nearby properties, of the Sutton Local Plan 2016-2031 (2018) and Policies 7.1 and 7.2 of the London Plan (2016) on promoting inclusive environments and lifetime neighbourhoods respectively.

Biodiversity

18. It has been suggested that a significant number of substantial trees and vegetation have been removed from the site, eroding its value for biodiversity purposes. This removal has led to the introduction of TPOs to protect the remaining trees of value to the rear of the site.
19. The appellant has provided no ecological information on which to form a baseline of what the site is worth for biodiversity, therefore the Council's requirement of a net gain cannot be assessed at this stage. Nevertheless, absence of such information is not, in itself, a reason for refusal, particularly considering that the previously approved appeal (APP/P5870/W/18/3211364) has already stated that it was considered that the site would not have any significant ecological value that would necessitate its retention as a garden on ecological grounds.
20. Furthermore, in the absence of substantive evidence from the Council to demonstrate the value of the site for the purposes of promoting biodiversity, and how the present proposal would effect its value. I therefore afford these concerns limited weight.
21. Consequently, for the reasons given above, the proposed development would not, in that regard, be contrary to Policy 13 which aims to prevent back garden development where it would adversely affect the amenity of future occupiers, Policy 26 which aims to protect biodiversity and 28 which is aimed at promoting good design and the character of an area, of the Sutton Local Plan 2016-2031 (2018) and Policy 7.19 of the London Plan which aims to ensure the

protection, enhancement, creation, promotion and management of biodiversity in London.

Other Matters

22. In reaching my decision I have had regard to the fact that the proposed development would add to the supply and mix of housing in the area and support the Government's objective of significantly boosting the supply of homes. I am also mindful that the construction of the development would generate economic benefits through employment and other benefits to the local economy.
23. However, as any such public benefits would be very modest given the small scale of the development, these would be substantially outweighed by the relatively significant harm arising from the proposal and the conflict with the development plan identified above.

Conclusion

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

Andre Pinto

INSPECTOR