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# Appeal Decision

Site Visit made on 7 October 2020

**by Mr Martin Allen B.Sc (Hons), M.Sc, M.R.T.P.I**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 November 2020**

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**Appeal Ref: APP/P5870/W/20/3253780**

**Geyfords Car Showroom/Store, Elgin Road, Wallington, SM6 8RE**

- 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 Geyfords Ltd against the decision of London Borough of Sutton.
  - The application Ref DM2020/00361, dated 3 March 2020, was refused by notice dated 30 April 2020.
  - The development proposed is the demolition of the existing garage and erection of 7 no. terraced houses with associated parking, cycle storage, refuse store, amenity and landscaping.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - i) the effect on the character and appearance of the area,
  - ii) whether the scheme includes an appropriate mix of units to meet identified housing needs,
  - iii) whether occupiers would experience satisfactory living conditions, with particular regard to garden space provision, and
  - iv) the effect on the living conditions of the occupiers of 1 and 3 Elgin Road, with particular regard to any increased sense of enclosure.

## Reasons

### *Character and appearance*

3. The appeal site comprises a single storey commercial building to the frontage of the site, with a concrete yard and two-storey warehouse-type building at the rear. The site adjoins commercial premises to the south, which have a frontage to Stafford Road, whilst to the north are residential properties. Notwithstanding its proximity to the more commercial in nature Stafford Road, the site shares a close affinity with the residential development in the area.
4. The appeal scheme proposes the erection of a terrace of seven properties and these would be located toward the northern extremity of the site. The terrace would run east to west. As a consequence, the dwellings would not have a frontage to the street but would face the communal landscaped area within the development. In this respect, it would depart from the prevailing form of

development that can be seen within the vicinity, that being generally buildings that have a frontage to the street. As a result, the development would appear as a discordant feature that would fail to integrate acceptably with the character of its surroundings.

5. I note reference to a nearby block of flats, which it is contended has a dual frontage, with part facing a rear parking area. Nonetheless, this example does have a frontage to two streets, Elgin Road and St Michaels Road. It is therefore clearly different from the appeal scheme.
6. In terms of the detailed design of the units within the terrace, the front elevations would include a round, centrally located element that would accommodate the internal staircase. This would be white rendered and extend the height of the front elevation up to eaves level. Whilst such a design feature is not present within the surrounding development, given the location of the site on a short length of road, I consider that there is scope for flexibility of design of the units and that it would add variety into the area. As such, in isolation I find that no harm would result from this design feature. This does not however overcome the harm I identify above.
7. I acknowledge that the appellant is seeking to deliver as high a density of development as possible, however I am not convinced that the proposed scheme would be the only way of achieving this. Furthermore, I am also conscious that the development would open up the frontage of the site and introduce a large amount of landscaping to the streetscene, however as I have outlined above, the general form of the proposals would result in a discordant development. Thus, these matters do not convince me that the scheme would be acceptable.
8. Accordingly, I find that the proposal would harm the character and appearance of the area. Thus, it would conflict with policy 28 of the Sutton Local Plan (the Local Plan), as well as policies 3.5 and 7.4 of the London Plan. Together, and amongst other things, these policies seek to ensure that development respects local context and responds to local character, that the design of new housing development should enhance the quality of local places and buildings should provide a high-quality design that has regard to the pattern and grain of existing streets.

#### *Housing need*

9. Policy 9 of the Local Plan sets out that outside of Sutton town centre, all developments should seek to provide a minimum of 50% of dwellings as having three or more bedrooms. The reasoned justification for the policy explains that 44% of the market need for dwellings is for three-bed units.
10. The scheme proposes the erection of seven, two-bedroomed dwellings. I note the appellants contention that the scheme seeks to achieve the highest possible density in order to optimise the use of the site, particularly given the location in proximity to a wide range of services. However, these matters do not in my view justify a development that would not address an identified housing need, as required by the development plan policy. Thus, it has not been sufficiently demonstrated that the required housing mix would be unsuitable for the location. There is also no argument put forward in terms of the required housing mix not being viable.

11. I note reference to paragraph 3.29 of the London Plan by the appellant, that higher density provision should be focussed in areas of good public transport, however the paragraph also specifically states that housing output should be determined primarily by an assessment of housing requirements. Thus, I am not convinced this excerpt provides overriding support for the proposal.
12. Accordingly, the appeal scheme would not include an appropriate mix of units and would fail to meet identified housing needs, in conflict with policy 9.

#### *Garden space*

13. Each of the dwellings would have a paved patio area to the rear, these would be a minimum of 9 square metres (sqm), albeit that the two end of terrace properties would have slightly larger patios and one of the properties would also benefit from a private front garden. In addition to this, there would be a communal landscaped area to the front of the properties, and each would benefit from a first-floor balcony of 1.5 sqm.
14. Whilst the private outdoor space provision would meet the minimum requirements as set out in the London Housing Supplementary Planning Guidance, it falls far below the minimum standard as set out in the Sutton Urban Design Guide. While the rear garden areas may be suitable as small areas for sitting out or hanging washing, they would allow for little else. I note the provision of communal space to the front of the properties, but this would not be private and thus is no substitute for a private garden area. Given the location of the private area to the rear of the dwellings, they would be hemmed in and therefore as a consequence of their limited extent, would not in my view be attractive areas.
15. I therefore consider that occupiers would not experience satisfactory living conditions, as a result of inadequate private garden space provision, in conflict with policy 9 of the Local Plan insofar as it seeks to ensure that new residential development provides an adequate amount of private amenity space.

#### *Sense of enclosure*

16. The terrace of properties would be located near to the boundary of the site, which is shared with existing properties located along Elgin Road. I accept that it would result in built development being located in closer proximity to the rear boundaries, and therefore the private garden areas of 1 and 3 Elgin Road. However, the proposed dwellings are single storey in height to the rearmost elevation and the rear elevations are stepped. In addition to this, the roofs of the proposed dwellings slope away from the neighbouring garden areas. As a consequence of these factors, whilst I accept that the dwellings would appear as new visual elements, they would not be in such close proximity or of such a dominant visual appearance as to result in unacceptable living conditions for the occupiers of 1 and 3 Elgin Road.
17. Accordingly, the proposal would have an acceptable effect on the living conditions of the occupiers of 1 and 3 Elgin Road, with particular regard to a sense of enclosure. The proposal therefore accords with policy 29 of the Local Plan, insofar as it seeks to ensure development does not adversely affect the amenities of adjoining properties.

### **Other Matters**

18. I acknowledge that the scheme would utilise a brownfield site within an area that is suitable for residential development. I am also conscious that the appellant is seeking to optimise the use of the site, where there is good access to local facilities and transport links. However, even when considered cumulatively, these matters are not sufficient to outweigh the harm that I have identified.

### **Conclusion**

19. Whilst I have found that the proposals would not result in unacceptable living conditions for neighbouring occupiers, through any unacceptable sense of enclosure, I do find that there would be harm to the character and appearance of the area, an unacceptable mix of housing units that fails to meet identified housing needs and unacceptable living conditions for occupiers of the proposed units. These matters are decisive.

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

*Mr Martin Allen*

INSPECTOR