



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: 3 November 2020

Appeal Ref: APP/P5870/W/20/3256073
33 Buckhurst Avenue, Carshalton, SM5 1NU

- 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 Dr A Aziz against the decision of London Borough of Sutton.
 - The application Ref DM2020/00353, dated 3 March 2020, was refused by notice dated 27 April 2020.
 - The development proposed is partial demolition and erection of an end of terraced two storey house.
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Decision

1. The appeal is allowed and planning permission is granted for partial demolition and erection of an end of terraced two storey house at 33 Buckhurst Avenue, Carshalton, SM5 1NU in accordance with the terms of the application, Ref DM2020/00353, dated 3 March 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. Part E of the appeal form indicates that the description of development has not changed from that on the application form, nonetheless a different wording has been entered. I have used the description as entered on the appeal form as this accurately describes the proposal.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site lies adjacent to an end of terrace dwelling located at the junction of Buckhurst Avenue and Oakfield Gardens. Dwellings in the vicinity are generally arranged in short terraces, with strong defined building lines along the roads. The use of materials as well as the siting of the built form creates a rhythm in the street.
5. The proposed dwelling would replace an existing single storey, flat-roofed extension to the side of the property. I acknowledge that the width of the proposed dwelling would be less than that of the dwelling to which it would be attached, however it would not be so narrow as to appear discordant within the context of the remainder of the terrace, or surrounding properties.
6. The roof of the dwelling would terminate with a hip to Oakfield Gardens, replicating that of the dwelling on the opposite side of this road. Furthermore, the scheme would also replicate the scale of the side extension to the dwelling

- opposite, as well as the close relationship with the footway and highway in Oakfield Gardens. Consequently, the proposal would mimic an existing relationship between the neighbouring property and the adjacent road, thus it would not appear as an alien or incongruous feature.
7. I note that the fenestration pattern would differ from that of the dwelling to which it would be attached, however it would be similar to that of the extension opposite. Whilst I acknowledge that the proposal is for a separate dwelling, rather than an extension, I find that the appearance of the dwelling would integrate appropriately with its context, as well as with the form and appearance of the surrounding built development. There is reference to a loss of balance and symmetry of the terrace, nonetheless I observed that additions in the form of both extensions and new dwellings had been added to a number of dwellings in the area, and as a consequence the symmetry of terraces was no longer absolute or a key defining feature of the townscape. As a result, the loss of symmetry in this case would not be harmful.
 8. Accordingly, I find that the proposal would have an acceptable effect on the character and appearance of the area and would accord with policy 28 of the Sutton Local Plan (2018) (the Local Plan), insofar as it seeks to ensure that development respects local context and responds to local character. The scheme would also accord with policies 3.4, 3.5, 7.4 and 7.6 of the London Plan which seek, amongst other things, to ensure that development takes account of local context and character, takes into account physical context and local character, has regard to the pattern and grain of existing streets and integrates well with surrounding streets.
 9. Policy 1 of the Local Plan has been referred to and whilst this policy seeks to encourage housing growth within stated areas and their surrounding Area of Potential Intensification (API), I find nothing within the policy that prevents housing development outside of these areas. Thus, the proposal would not conflict with this policy.

Conditions

10. I have imposed a condition in relation to the commencement of development and in the interests of clarity a condition to ensure compliance with the submitted plans. Conditions in respect of energy and water usage are required in the interests of sustainability. Similarly, I have also imposed a condition requiring details and implementation of surface water drainage.
11. In the interests of sustainable transport, details of cycle storage facilities are also required and in the interests of the amenities of the area, details of refuse storage also. I have imposed a condition requiring the parking spaces to be provided prior to occupation in order to prevent obstruction to the highway and inconvenience to road users. In order to safeguard the living conditions of neighbouring and future occupiers, a condition in respect of boundary treatments is necessary.
12. I have imposed a condition requiring a Construction Logistics Plan to be submitted for approval in order to ensure that a suitable living environment is maintained for local residents during the construction of the proposal; in order to ensure that appropriate measures are secured these details should be agreed prior to commencement of the development. Whilst a condition is recommended in respect of times of construction, provision for such details is

made within the required Construction Logistics Plan and as such an additional condition is not necessary.

13. A condition is recommended in respect of details of landscaping, however given that I observed there to be little or no planting within a large number of plots visible from the public realm, this is not necessary to make the development acceptable. A materials condition is also recommended, however as the proposed materials are shown on the approved plans, a condition is not necessary in this respect.
14. The Delegated Report refers to a condition in respect of restricting permitted development rights, however this has not been included in the Council's recommended conditions. In any event, no substantive justification for such a condition is provided, accordingly I am unable to find that a condition in this respect is necessary.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Mr Martin Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: N/01, N/02, N/03, N/04, N/05, N/06, N/07, N/08, N/09, , N/10, N/11, N/12.
- 3) Prior to the commencement of development, an Energy Statement incorporating 'as-designed' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing which demonstrates how the new dwelling will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to achieve at least a 35% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. The development must exceed the minimum Part L1A emissions standards through energy efficiency measures alone.
- 4) Prior to first occupation of the dwelling, as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures. All of the

approved measures must thereafter be retained for as long as the development is in existence.

- 5) Prior to first occupation of the dwelling, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption will be limited to 110 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purposes of Part G of the Building Regulations. The Water Efficiency Calculator should be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.
- 6) Prior to the commencement of development, a scheme for the management of surface water run-off must be submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy in London Plan Policy 5.13. The submitted scheme must:
 - (i) provide details of the design storm period and intensity, the outcome of infiltration testing, proposed SuDS measures to delay and control the rate of surface water discharged from the site and further proposed measures to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) include calculations carried out by an appropriately qualified professional to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the greenfield run-off rate for the same event;
 - (iii) where greenfield run-off rates cannot be achieved, evidence should be provided to justify the proposed measures and to demonstrate that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be no more than 3 times the calculated greenfield run-off rate for the same event; and
 - (iv) demonstrate that the 1 in 30 year rainfall event (plus 40% for climate change) can be contained without flooding; any flooding occurring between the 1 in 30 and 1 in 100 year event (plus 40% for climate change) will be safely contained on site; and that rainfall in excess of the 1 in 100 year event is managed to minimise risks.
- 7) Prior to first occupation of the dwelling, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further calculations carried out by an appropriately qualified professional must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the calculated greenfield run-off rate for the same event and no more than 3

times the calculated greenfield run-off rate for the same event. All of the approved measures must thereafter be retained for as long as the development is in existence.

- 8) The development shall not be occupied until there has been submitted to and approved in writing by the local planning authority details of the cycle and refuse storage, which shall be implemented prior to occupation and shall be retained for the life of the development.
- 9) Prior to occupation of the development the car parking shall be laid out in accordance with drawing no N/07 and shall be retained thereafter for the lifetime of the development.
- 10) Prior to the occupation of the development hereby approved details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation of the development.
- 11) No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of:
 - (a) loading and unloading of plant and materials;
 - (b) storage of plant and materials;
 - (c) programme of works (including measures for traffic management);
 - (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
 - (e) hours of operation; and
 - (f) means to prevent deposition of mud on the highway,has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.