
Appeal Decision

Site visit made on 4 November 2020

By H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2020

Appeal Ref: APP/P5870/W/20/3250735

Land Rear of 32 and 34 Victoria Road, located down Albert Road, Sutton, SM1 4RX

- 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 Power (Spring Developments Ltd) against the decision of the Council of the London Borough of Sutton.
 - The application Ref. DM2019/02029, dated 30 November 2019, was refused by notice dated 21 February 2020.
 - The development proposed is to remove the existing derelict and poorly maintained garages to make way for two semi-detached 2 bedroom, 3 person starter homes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal site has been taken from the application form rather than the appeal form, which is less specific about the location.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed, so I have used the one given in the original application.
4. Question C of the appeal form indicates that the Council did not issue a decision on the application, but question F confirms that the reason for the appeal is that planning permission was refused. To clarify, I have determined this appeal on the basis of the Council's decision issued on 21 February 2020, rather than as an appeal against non-determination.

Main Issues

5. The main issues are the effect of the proposal on the living conditions of occupants of 30 Victoria Road, with particular reference to outlook; and whether the proposed amenity spaces would meet the needs of future occupants of the proposed dwellings.

Reasons

Effect on Living Conditions of Occupants of 30 Victoria Road

6. The rear boundary of the appeal site forms a side boundary with the rear garden of 30 Victoria Road (No.30). The existing single storey garages and sheds on the appeal site have a reasonably limited impact on the outlook from the adjacent property as a result of their heights.
7. The appellant confirms that the proposed dwellings would be set 1.8m from the shared boundary with No.30. At this distance, two-storey buildings of the height and massing proposed would be unduly dominant to the outlook from No.30 and its rear garden. Although No.30 benefits from a reasonably long garden, the proposed buildings would be notable features alongside much of its depth. There would be modest gaps on the appeal site that would remain open for parking and amenity space, but otherwise the proposed dwellings would create an oppressive sense of enclosure that would undermine the outlook from No.30. This adverse impact would not be offset by the lower ground level of the proposed dwellings, or the appellant's suggested condition to change the proposed inset render on the rear elevation to a 'green wall'. The proposal would not cause loss of privacy, but this is a separate issue to outlook.
8. I am mindful that no objections to the proposal were submitted from any occupant of No.30, but the National Planning Policy Framework makes clear that developments should create places with a high standard of amenity for existing and future users¹.
9. I therefore conclude that the proposal would diminish the outlook for occupants of 30 Victoria Road to a degree that their living conditions would be significantly harmed, contrary to the aims of Policy 29 of the Sutton Local Plan 2016-2031 (2018) (LP), which seeks to resist development which adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties.

Proposed Amenity Space

10. The submitted plans indicate private garden areas of 27 sqm. and 33 sqm., excluding parking areas. LP Policy 9 advises that permission will not be granted for new residential development that does not provide an adequate amount of private amenity space, considered on a case-by-case basis with reference to the Council's minimum standards and taking into account local character. The standard is 40m² for two-bedroom units, although the Council acknowledges that this may be considered too onerous in Areas of Potential Intensification, which includes the area of the appeal site. I note the appellant's view that the proposal would comply with the minimum standards set out in The Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016, but the Council has set higher standards at a more local level based on the suburban setting typical of large parts of the Borough.
11. The appellant has identified parks within walking distance, but I do not consider that this would fully compensate for the small garden areas proposed, which would be significantly below the figure required by the policy. Allowing some flexibility as a site within an Area of Potential Intensification, this shortfall would be material. Given the potential occupancy of the proposed dwellings, I

¹ Paragraph 127 f)

- am not convinced that these modest gardens would meet the reasonable needs of future occupants of the dwellings. The parking areas cannot be included in calculations due to their location but also as they are needed for vehicle use.
12. The appellant has identified a number of planning permissions granted in the area and provided images of unspecified properties with small gardens. Limited details have been supplied of each development, and none to indicate the reasoning behind the grant of those permissions. On the basis of the available information there appear to be material differences from the appeal proposal, such as site size and/or the relationship with neighbouring properties, or in some cases the planning policies against which the developments were assessed. On this basis they do not justify allowing the appeal.
 13. I appreciate that the proposals have been designed to address the Council's concerns raised in a previous application, but it does not automatically follow that the changes made have resulted in a development that is acceptable in its own right.
 14. The appellant advises that a financial contribution can be implemented to cover the shortfall in amenity space, but no policy basis for such a contribution has been provided, nor any associated planning obligation. This offer therefore has no weight in this appeal.
 15. I therefore conclude that the development would not provide sufficient amenity space to meet the reasonable needs of future occupants of the proposed dwellings, to the detriment of their living conditions, contrary to the aims of LP Policy 9, and Policy 3.5 of The London Plan 2016, which amongst other aims seeks housing developments of the highest quality internally, externally and in relation to their context and to the wider environment.

Other Matters

16. There is no objection in principle to the redevelopment of the appeal site, and there is national and local encouragement in planning policy to make more effective use of previously developed land. The contribution that the proposal would make as starter homes is recognised, and the proposed form and contemporary design and detailing of the dwellings would be compatible with the street scene. However, this does not outweigh the harm I have identified above.
17. I do not doubt that the removal of the existing buildings and potential for fly-tipping would have a positive impact on the amenities and safety of the area, but that benefit would not justify a development which would introduce its own unacceptable harm.
18. The sustainable and accessible location of the appeal site is acknowledged but does not override the factors identified in the main issues.
19. A representation has been made outlining issues of land ownership and access rights, but these are civil matters that are beyond the scope of this appeal.

Conclusion

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

H Lock INSPECTOR