
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: 17 December 2020

Appeal Ref: APP/P5870/W/20/3253007
87 The Ridgway, Sutton, SM2 5JU

- 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 Syed Tariq Lutfullah against the decision of the Council of the London Borough of Sutton.
 - The application Ref. DM2019/01675, dated 4 October 2019, was refused by notice dated 28 November 2019.
 - The development proposed is demolition of existing outbuildings and construction of 2 new dwellinghouses together with 4 parking spaces, secure bike storage, waste storage and hard and soft landscaping at the land to the rear of 86C – 90 Upland Road with access through 87 The Ridgway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area, including the Sutton Highfields Area of Special Local Character.

Reasons

4. The appeal property is part of the large rear garden of 87 The Ridgway, and includes lawn, hard surfaced areas and outbuildings. The appeal site is on lower ground level than the frontage house, and the access slopes down towards the site. The site backs onto the rear gardens of dwellings in Upland Road, which sit on still lower ground.
5. The extract from the Sutton Local Plan 2016-2031 (2018) (LP) does not show the whole site to be within the designated Sutton Highfields Area of Special Local Character (ASLC), although the Council considers this to be a mapping

error. Although there is some disagreement between the parties regarding the ASLC boundary, the appellant's statement confirms that the Council's conclusion is accepted for the purposes of the application of ASLC policy and the character impact assessment.

6. The preamble to LP Policy 30 identifies the ASLCs as locally designated areas similar to conservation areas, and the policy confirms that within the ASLCs, development will be expected to conserve and, where practicable, enhance those elements which contribute to the Area of Special Local Character's particular character or appearance. As the policy applies the same expectations to development outside of an ASLC but which would affect it, whether or not the whole of the site is within or directly adjacent to the ASLC boundary does not materially alter my assessment.
7. The Sutton Highfields ASLC is noted as having an exceptionally high townscape value and architectural quality, with little infill compared to other roads. The properties share similar historic background, with many built by a local builder, Mr Windebank. The appellant has provided extracts from a 2002 document which highlights features of 'Windebank' houses. The area is characterised by low density housing, and predominantly detached properties set within large plots with substantial rear gardens. Although some modern 'infill' housing appears to have been introduced between the more traditional buildings, there is little evidence of 'backland' development in the vicinity of the appeal site.
8. In this context, the proposal would introduce a form of development that is not typical in the area, and given their size, scale and siting the dwellings would be notable features when viewed from surrounding properties. Notwithstanding the proposed ground levels, both would be visible in gaps between buildings in The Ridgway and Upland Road, albeit set back from the roads and partly screened from view by other buildings. However, I am not convinced that the new dwellings would be as 'hidden' as the appellant suggests, and given the prevailing pattern of development they would appear as large incongruous buildings in an otherwise open rear garden environment.
9. I acknowledge that the development would be low density and that a significant portion of the site would remain open, but Dwelling H1 would nevertheless appear unduly cramped in relation to the site boundaries, and at odds with the more spacious character and appearance of the area. The siting and orientation of the buildings would be at odds with the frontage housing, and the pair would be an unacceptable and unexpected intrusion that would detract from the characteristic openness and pattern of development in the ASLC. This would conflict with the aims of LP Policy 13 which seeks to resist the development of back garden land that makes an important contribution to the character and appearance of the surrounding area.
10. The appellant has identified various planning permissions granted in the area, although limited details have been supplied. On the basis of the available information, all appear to be materially different from the appeal proposal in terms of the siting of buildings, with most being infill sites with close direct access onto the roads which they front. I am also mindful that planning permission was granted for two triple garages in the area of Dwelling H1. No plans have been provided, but single-storey ancillary structures to the main house are likely to be materially different from the proposed dwelling in impact and character. As such, these do not warrant acceptance of this proposal.

11. In 2018, a pre-application response from the Council to a proposal for three dwellings indicated that a single dwelling on the area of hardstanding to the north of the site may be acceptable subject to detailed design and all other relevant material considerations. I note the appellant's view that the letter was a formal document, but it was not a formal and binding decision of the Council. Moreover, it is not the proposal the subject of this appeal, which I have determined on its own merits.
12. Having regard to the balance required by paragraph 197 of the National Planning Policy Framework (the Framework), I conclude that the proposal would harm the character and appearance of the appeal site and the Sutton Highfields ASLC, and that this harm would undermine qualities for which the ASLC is noted. The proposal would conflict with the design quality objectives of the Framework, Policy 7.4 of The London Plan, and LP Policies 13, 30 and 28, which amongst other things requires new development to respect the local context and respond to local character and heritage assets, and to be of a suitable scale, massing and height to the setting of the site and/or townscape; and with supporting guidance set out in Sutton's Urban Design Guide (SPD14).

Other Matters

13. The proposal would contribute towards housing supply and would bring some economic benefits. I note the intended occupancy, and appreciate the benefits that this would bring to the appellant and his family. However, in the planning balance, these factors are not justification to introduce a development which would materially harm the character and appearance of the area. The planting of additional trees with their ecological benefits, and the tidying of the appeal site, would not mitigate this harm.
14. Representations have set out various concerns, including the effect of the proposal on the amenities enjoyed by neighbouring residents. The change in ground levels means that proposed dwelling H1 in particular would appear as a dominant feature when viewed at close quarters from the ends of the gardens of the closest properties in Upland Road. However, I share the Council's view that the distance between the proposed and existing dwellings, and the garden areas most closely connected with those properties, would avoid a significant impact on the amenities of the neighbouring dwellings in terms of loss outlook, privacy, noise and disturbance. This issue alone would not warrant dismissal of the proposal but it reinforces my assessment that it would be an incongruous and alien form of development in this open rear garden environment.
15. There is a Tree Preservation Order at the site. Having regard to the submitted arboricultural assessment I am satisfied that the development could take place without undermining the protected tree.

Conclusion

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

H Lock

INSPECTOR