



Appeal Decision

Site Visit made on 24 August 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/P5870/W/21/3266471

5 Thompson Close, Sutton SM3 9QD

- 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 Rajeev Wadhwa against the decision of London Borough of Sutton.
 - The application Ref DM2020/01243, dated 12 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is erection of single storey single dwelling following the demolition of an existing ancillary garage building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the area; and
 - whether the proposal would comply with local planning policies which requires development to meet sustainable construction requirements.

Reasons

Character and Appearance

3. Thompson Close comprises a small cul-de-sac of five two-storey dwellings arranged in a terrace. The dwellings face a short estate road and some single storey communal garages. From the estate road the rear elevations and associated gardens of properties along Barrington Road, Sutton Common Road and Sherborne Road can be seen. These are primarily two storey semi-detached or terraced properties with frontage parking and rectangular rear gardens. There is general uniformity between these dwellings in terms of their overall height, mass and plot shape, whilst the relative depth of the private gardens ensures there is adequate and consistent spacing between groups of dwellings.
4. The area that would be developed is roughly square in shape resulting in a shallow plot depth. Given the proposed dwelling's scale and plot coverage it would have a constricted position very close to the site's rear (south-east) and side (north-east) boundaries. Together with the dwelling's L-shape footprint, the presence of on-site vehicle parking, bin/bicycle storage and garden paraphernalia such as outdoor seating, the proposal would convey a crowded appearance that would not reflect the more spacious arrangement of dwelling plots in the vicinity. The dwelling would therefore appear cramped and unacceptably discordant in its context.

5. The appeal proposal would replace the existing single storey garage that stands on part of the site. It would be a taller structure, while its more expansive footprint would result in it having a greater overall mass. When viewed from Thompson Close, and the rear gardens and windows of adjoining properties along Sutton Common Road and Sherborne Road, the proposed dwelling's single storey profile and shorter ridge height would have a squat appearance within the plot. This would contrast markedly with the scale of the surrounding two storey dwellings and the appearance of their pitched and hipped roofs, to the extent that it would appear out of kilter in its surroundings. Therefore, the proposal would appear harmful when viewed in relation to the prevailing building typology of the surrounding area.
6. In the appellant's view, the proposal would maintain the building lines, gaps and separation distances that define the area. Yet, its coverage within the plot would increase the extent of built development in the gap between No 5 Thompson Close and the rear of dwellings to the north-east fronting Sutton Common Road (Nos 235A-235D). This would perceptibly reduce the gap between those dwellings, while having an unacceptable encroaching presence that would diminish the sense of space that currently exists between buildings in the immediate locality.
7. I conclude that the propose dwelling would cause material harm to the character and appearance of the area contrary to the requirements of Policies 13 and 28 of the Sutton Local Plan 2016-2031, adopted 2018 (Local Plan), Supplementary Planning Document 14: Creating Locally Distinctive Places and Policy 7.4 of the London Plan. Collectively, these seek, amongst other matters, to protect garden land that makes an important contribution to the area's character and appearance, respect local context in terms of scale, form, and massing, the visual separation between dwellings and ensure similar plot sizes to those of existing dwellings. It would also fail to accord with the National Planning Policy Framework (2021 edition), where it requires proposals to be sympathetic to local character (Paragraph 130).
8. The Council's refusal notice refers to Policy 7.3 of the London Plan (2016), which relates to designing out crime. I have not referred to this in my conclusions on this main issue as the proposal's design and proximity to the street would not encourage opportunities for criminal behaviour.

Sustainable Construction

9. Policy 31 of the Local Plan states that all minor residential developments should achieve at least a 35% reduction in regulated CO₂ emissions on site, expressed as a percentage improvement over Part L of the 2013 Building Regulations. Accordingly, the policy requires applications for new dwellings to be supported by an Energy Statement incorporating 'as-designed' Building Regulations Part L outputs to demonstrate how the relevant targets for reducing CO₂ emissions will be met. The Energy Statement should include calculations of energy demand and emissions. In addition, Policy 33 requires that all new dwellings should limit domestic water consumption to 110 litres per person per day (l/p/d) in line with the Government's higher 'optional requirements' for water efficiency set out in Part G of the Building Regulations as amended.
10. The application was not accompanied by an energy statement. More detail on these matters is included in the appellant's statement of case where there is a commitment to reduce carbon emissions by 19% through incorporating double glazing/insulation and energy efficient lighting. Yet, I have no details on what this percentage reduction relates to nor are any calculations of energy demand and emissions included. Moreover, the paucity of detail relating to the type of glazing,

lighting and insulation does not present any compelling evidence to show how these measures reduce carbon emissions.

11. In terms of water consumption, the appellant commits to providing sustainable drainage (SuDs) to minimize surface water run-off. This commitment is welcomed, however, there is no quantifiable assessment of how the development would meet the standards for domestic water consumption laid out in Policy 33 of the Local Plan.
12. In light of the level of information presented, I cannot be certain that the proposed development would comply with the provisions of the policies referred to, and given the degree of uncertainty, the use of conditions would not be reasonable in this case.
13. The absence of the relevant information means that the proposal would not meet the sustainable construction requirements of the Council's climate change policies relating to CO₂ emissions and conserving water resources. As such, it would be contrary to Policies 31, 32 and 33 of the Local Plan, referred to above, and where they require proposals to include details of how SuDS measures will be managed and maintained. The proposal would also be contrary to Policies 5.2 and 5.13 of the London Plan 2016 where they require developments to make the fullest contributions to minimising carbon emissions and to utilise SuDs to manage surface water run-off.

Other Matters

14. My attention has been drawn to what the Appellant considers to be comparable developments to the appeal scheme, granted planning approval by the Council. In the case of Nos 11 and 15 Dibdin Road, these relate to larger dwellings where the pattern of nearby development is not the same as the appeal site and its surroundings. The examples at No 18 Dibdin Road, No 50 The Ridgeway and No 66 Wandsworth Road were not proposals for single storey detached dwellings, therefore they do not represent a direct parallel with the appeal proposal. In any case, I have determined the appeal on its own merits.
15. I do not dispute that more homes are required in London, however, the addition of one further dwelling would make only a modest contribution to the overall supply in the locality. As such, this matter does not outweigh the significant harm I have identified.
16. The proposal would result in the development of previously developed land which the appellant considers is currently under-utilised. Nevertheless, this would be at the expense of the local character and appearance of the area and accordingly this matter does not overcome my concerns.

Conclusion

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

RE Jones

INSPECTOR