
Appeal Decision

Site Visit made on 10 September 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/P5870/W/21/3269140

6 Onslow Gardens, Wallington SM6 9QN

- 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 V Kumaraswamy against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00810, dated 5 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is creation of a new dwelling in the rear part of the garden of the existing property with independent access from Onslow Garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted prior to the Government publishing the National Planning Policy Framework 2021 (the Framework) and the Mayor of London publishing the London Plan 2021 (the London Plan). I have sought comments from the main parties with regard to these matters. Where responses have been received I have taken them into account in determining the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the Blenheim Gardens/Onslow Gardens Area of Special Local Character;
 - The effect of the proposal on the living conditions of the occupants of Nos. 4, 6 and 8 Onslow Gardens, with particular regard to privacy; and,
 - Whether the proposal would provide a satisfactory reduction in carbon emissions, sustainable drainage measures and water efficiency measures.

Reasons

Character and appearance

4. The appeal site is located within an established built up area in the Blenheim Gardens/Onslow Gardens Area of Special Local Character (ASLC). Policy 30 of the Sutton Local Plan 2016-2031 (February 2018) (LP) states that the Council expects development within Areas of Special Local Character to conserve and, where practicable, enhance those elements which contribute to the Area of Special Local Character's particular character or appearance.

5. The ASLC is comprised mainly of late Victorian and early Edwardian semi-detached dwellings with pebble-dashed interwar properties being the other major type of dwelling and that the majority of gardens include mature trees, conifers and shrubs.
6. Onslow Gardens is a residential road with the appeal site located at its northern end. The road joins Stafford Road to the north which has a different character. The prevailing pattern of development along Onslow Gardens is of dwellings fronting the highway in a linear form. Although the rear gardens at Nos. 2 and 4 Onslow Gardens are small and wedge shaped, dwellings in the vicinity of the appeal site are predominantly set within rectangular plots that benefit from long rear gardens. In my view, this pattern of development makes an important contribution to the character and appearance of the ASLC.
7. The proposal, as a form of backland development would have no street frontage and would therefore fail to reflect the established form of development along Onslow Gardens. Moreover, each dwelling would be served by unusually short gardens given the surrounding context that I have set out above. The proposal, therefore, would introduce an incongruous form of development into the area at odds with the prevailing form of development and would unacceptably erode its character and appearance.
8. There is variation with regards to the scale and design of buildings along Onslow Gardens and the proposal would employ materials found in nearby development. However, the low level eaves and two large gable elements to the front and rear elevations would render the proposed dwelling with an incongruous and top heavy appearance. It would appear, therefore, as a poorly designed dwelling and would fail to relate well to its surroundings. Given its location, the proposal would only be glimpsed from the public realm in the street gap between Nos.4 and 6 Onslow Gardens. However, it would be highly visible from the rear of No. 6 Onslow Gardens and neighbouring dwellings and would reduce the appreciation of the quality of the environment in which nearby occupiers live.
9. I have also had regard to the existing building that the proposed dwelling would replace. This is a single storey and subservient structure to the host dwelling and so is not directly comparable with the appeal proposal. Further, while it is in a poor state of repair, this is essentially a maintenance issue which does not justify the unacceptable development proposed.
10. I conclude that the proposal would cause significant harm to the character and appearance of the Blenheim Gardens/Onslow Gardens Area of Special Local Character. As such, there would be conflict with LP Policy 30 that I have cited above and LP Policy 13 which resists the development of back garden land where the site, either individually or as part of a larger street block makes an important contribution to the character and appearance of the surrounding area. There would also be conflict with LP Policy 28, which requires, amongst other matters, new development to be designed to the highest standard, and to respect the local context and respond to local character. The proposal would also conflict with London Plan Policy D3 which requires development proposals to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape.

Living Conditions

11. The proposed dwelling would have a bedroom and WC at first floor with the windows serving these rooms on its front elevation. Given the relationship between the proposed dwelling and Nos. 4, 6 and 8 Onslow Gardens, these windows would afford views toward the rear of these properties from close proximity. This would include the rear gardens of those dwellings, including the most private areas up against the rear elevations. As a result, the proposal would make the rear gardens and the areas served by windows on the rear elevations of those dwellings significantly less pleasant to use and would cause unacceptable harm to the living conditions of their occupants.
12. Although one of the windows would serve a bedroom which may not be heavily used during the daytime, there would nonetheless still be a harmful perception of being overlooked even when the room is not in use, due to its proximity to the aforementioned dwellings. It is also reasonable to consider that the WC is likely to be in less frequent use and would be obscure glazed. Such obscure glazing could be secured by a planning condition along with a requirement that the window be fixed shut. However, I do not consider that such a solution could be applied to the bedroom window, as this would result in a poor living environment for its occupants.
13. I note the appellant's comments that there already exists a mutual sense of overlooking between properties in the area. However, the proposal would introduce a fresh threat of overlooking in respect of the aforementioned dwellings in a location from which no overlooking currently occurs. I also observed the presence of large trees on the boundary of the appeal site with No.4 Onslow Gardens. While these are likely to provide a degree of screening in terms of overlooking of the property, this is unlikely to be adequate to prevent the harm that I have identified. Moreover, there is no evidence that the trees are protected and so could be removed at any point.
14. I conclude that the proposal would cause significant harm to the living conditions of the occupants of Nos. 4, 6 and 8 Onslow Gardens with regard to privacy. As such, there would be conflict with LP Policy 29, which, in summary, seeks to protect the amenities of those occupying adjoining or nearby properties from unacceptable effects resulting from development proposals. There would also be conflict with London Plan Policy D3 which requires development proposals to deliver appropriate privacy.

Carbon emissions, sustainable drainage and water efficiency

15. Policy 31 of the LP seeks to achieve the highest design and environmental standards possible and to future proof buildings in terms of a changing climate. It requires that all planning applications for new dwellings should 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.
16. LP Policy 32 states that proposed developments should incorporate effective sustainable drainage (SuDS) measures as part of the design and layout of the development in order to manage surface water run-off as close to its source as possible. All development proposals should include details of how each SuDS measure, and the site drainage strategy as a whole, will be managed and

maintained throughout its lifetime, including proposed arrangements for adoption where relevant.

17. Policy 33 of the LP states that proposed developments should minimise vulnerability of people and property and be fully adapted and resilient to the future impacts of climate change. This includes, amongst other matters, developments achieving high standards of water efficiency with all new dwellings limiting domestic water consumption to 110 litres per person per day.
18. The design and access statement indicates that underground water tanks would be provided for rainwater collection with grey water usage for flushing toilets etc, as necessary. It also states that permeable paving would be used for the driveway and other paved areas will be provided to minimise impermeable areas. However, no detailed information beyond this demonstrating how the proposal would comply with the objectives of the above policies has been provided. The appellant suggests that such details could be secured by planning condition. However, the policies clearly indicate that applications for development should be supported with sufficient information to demonstrate that it complies with their objectives. There is no evidence before me in this case to indicate that a different approach should be taken.
19. In reaching the above conclusion, I note that London Plan Policy SI 5 indicates that planning conditions can be used to minimise the use of mains water at residential development. However, that policy also states that development proposals should, among other matters, incorporate measures such as smart metering, water saving and recycling measures to help to achieve lower water consumption rates and to maximise future-proofing. Based on the evidence before me, the proposal fails to demonstrate how it would comply with the full requirements of this policy.
20. I conclude that the proposal would fail to provide a satisfactory reduction in carbon emissions, sustainable drainage measures and water efficiency measures. There would be conflict with the LP and London Plan policies cited above. There would also be conflict with London Plan Policies SI 2 and SI 12. These seek, among matters, to ensure that development minimises greenhouse gas emissions and that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
21. The Council have referred me to London Plan Policy SI 4, which is concerned with managing heat risk from development. As the Council have not raised objections relating to adverse impacts on the urban heat island, this policy is not directly relevant to my assessment.

Other Matters

22. While the Council's uncontested evidence states that it can meet its five year housing target, the proposal would nevertheless contribute to the housing supply in the area. It would also be likely to result in economic benefits through the construction period and because future occupants are likely to use local services. However, the provision of one dwelling is likely to have a limited impact on these matters and I afford the benefits limited weight.

Planning Balance and Conclusion

23. The proposal would cause harm to the character and appearance of the ASLC and the living conditions for occupants at Nos. 4, 6 and 8 Onslow Gardens in

terms of privacy. It also fails to demonstrate that it could provide satisfactory reduction in carbon emissions, sustainable drainage measures and water efficiency measures. I attribute significant weight to those harms and consider that they would not be outweighed by the limited benefits that the proposal would bring in relation to the supply of housing and the economy.

24. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR