



Appeal Decision

Site visit made on 6 December 2021

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/P5870/W/21/3272208

83 Culvers Way, Carshalton SM5 2LN

- 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 Daniel Turner against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/02087, dated 11 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is described on the application form as 'The proposal is for the provision of an additional three bedroomed house to the side of No. 83 Culvers Way utilising a large portion of the underused side garden. This will create a new end of terrace for the existing row of houses, with No. 83 becoming a mid-terraced house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

3. The main issues are the effect of the development proposed on the character and appearance of the area, and on the living conditions of the neighbouring occupiers of 81 Culvers Way, with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site comprises a two storey semi-detached dwelling located opposite an area of public open space on Culvers Way, which forms part of the St Helier Estate. The property includes a driveway to the front which extends to the side alongside a garden, together with a long garden to the rear. The side garden is bounded by an established hedge which abuts the footway. The side elevation of the host property, which contains its main entrance door, is set back from the road which gives a spacious character to the plot and forms a notable break in the street scene. The gap between the end of the property and the public highway is broadly mirrored by 97 Culvers Way, which results in a largely symmetrical appearance to the group of dwellings, Nos 83-97.

5. The surrounding area is of established residential character consisting predominantly of terraced and semi-detached two storey houses with hipped roofs. Whilst not within a conservation area, Culvers Way is characterised by well balanced rows of properties of largely similar appearance, which, in my view, it is reasonable to accord appropriate protection to. There is a high degree of consistency of materials which comprise mainly brick or render and clay tiled roofs. Properties in the surrounding area are generally situated on generously sized plots and set back behind low boundary walls or hedges, though some are open to the road. This gives the area an open and spacious feel which contributes positively to the character and appearance of the area.
6. The appeal proposal would comprise a double fronted end terraced dwelling which would be attached to the side of the host property. It would occupy the driveway and garden area to the side of the host property. The latter would then become a mid terraced dwelling. In design, the proposed dwelling would be broadly reflective of neighbouring properties, particularly in terms of its roof profile and height, fenestration and external construction materials. Due to its positioning on a corner plot and proximity to the highway, the proposal would be a highly visible addition to the street scene.
7. The proposed dwelling would project partly along the side of No 81 and be positioned much closer to the public highway which would significantly reduce the gap which currently exists between the side of the building and No 81. That would create a cramped relationship with No 81 and an uncharacteristic sense of enclosure on this prominent corner plot, which would not reflect the prevailing open and spacious character of the area. Moreover, the way in which the end of the proposed dwelling would extend close to the road would disrupt the symmetry of Nos 83-97, which would be harmful to this part of the estate.
8. The appellant states that the side garden is currently underused and that the proposal would remove an unattractive car parking area. However, I have found that the area of land to the side of the host property provides a valuable break in the street scene which contributes to the character of the area. Due to its siting, scale and massing, I find that the proposal would not integrate well into the street scene and would appear as a prominent and discordant feature.
9. The appellant considers that the relocation of the main entrance door of the host property from the side to the front elevation would provide a more satisfactory street elevation. However, I have not been presented with any reason to suggest that the appeal proposal would be the only means to achieve this.
10. I therefore conclude that the development proposed would significantly harm the character and appearance of the area. The proposal would therefore conflict with Policies 7 and 28 of the London Borough of Sutton Local Plan (2018) (the Local Plan), Policy D3 of the London Plan (2021) and the Council's Urban Design Guide¹. Amongst other things, these policies and guidance seek to protect the character and appearance of an area and reinforce local distinctiveness.
11. I note the Council has referred to Policy 1 of the Local Plan in respect of this main issue. However, this policy appears to be more relevant to strategic

¹ London Borough of Sutton Supplementary Planning Document 14 'Sutton's Urban Design Guide' 2008

objectives and sustainable growth and is of little direct relevance to this decision.

Living Conditions

12. The proposed dwelling would project beyond the rear elevation of No 81 and extend to about 2.5 metres from the boundary with that property at the closest point. The neighbouring property includes windows on the rear and side elevations at both ground and first floor level, together with a rear garden which runs alongside the rear of the appeal site with a boundary fence in between.
13. At around 7.7 metres to the ridge, the proposal would rise substantially above the existing fence and hedge and extend for a considerable distance parallel to the boundary with No 81. The loss of the open aspect to the side of the host property arising from the scale and massing of the proposal would result in a significant reduction of outlook and uncomfortable sense of enclosure from the neighbour's rear garden, which would be harmful to their living conditions.
14. As the proposed dwelling would be off set relative to the neighbour's rear windows, any views from these windows towards the appeal proposal would be at an oblique angle. Whilst there are windows to the side elevation of the neighbour's property which would have more direct views towards the proposal, these appear to be secondary windows so that the effect would be limited. Consequently, there would not be a significant effect on the outlook from the accommodation within the house itself.
15. I acknowledge that no objections to the proposal have been received from neighbouring residents. Notwithstanding this, my assessment has been made on the effect of the proposal on the living conditions of both existing and future occupants and the absence of objections does not equate with there being no harm.
16. For the above reasons, I consider that the appeal scheme would harm the living conditions of the occupiers of 81 Culvers Way in respect of outlook, contrary to Policy 29 of the Local Plan, which seeks to protect the amenities of adjoining properties.

Other Matters

17. I have been referred to a number of examples of similar developments within the vicinity of the site. However, I do not have the substantive details of the planning history of these developments before me. Some appear to be original features of the estate rather than recent additions and pre-date the current development plan and the Framework. They have design considerations and a surrounding context which are materially different to the appeal site. The relationship between 58 and 60 Culvers Way is somewhat different to the appeal scheme in terms of their orientation, the effects on outlook and on the street scene. I have assessed the appeal scheme on its own merits in accordance with the requirements of the current development plan. In spite of these other developments, the area has retained a sense of cohesion. Therefore, the examples referred to do not provide a compelling precedent for allowing the appeal proposal.
18. The development would offer potential benefits in terms of providing a new dwelling to the Council's housing stock. It would also have economic benefits

through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. I have attached some weight to these factors. However, given the modest scale of the development, the weight attributable to these matters is limited and is not sufficient to outweigh the significant harm that I have identified and the conflict with the policies I have referred to.

19. The appellant contends that the Council's five year housing supply is marginal and lacks flexibility, and consequently the provision of an additional dwelling on previously developed land represents a significant benefit. Although there is no firm information before me in this respect, even were the Council unable to demonstrate a five year housing supply of deliverable sites relative to needs, inherent in my reasoning above is that the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits.

Conclusion

20. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

M Ollerenshaw

INSPECTOR