
Appeal Decision

Site visit made on 7 December 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/P5870/W/21/3275346

36 Muschamp Road, Carshalton, SM5 2SE

- 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 Neil Dalton against the decision of London Borough of Sutton.
 - The application Ref DM2020/01871, dated 11 November 2020, was refused by notice dated 15 March 2021.
 - The development proposed is the erection of a two bedroom, two storey end of terrace house with car parking space and a single storey rear extension to the host dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two bedroom, two storey end of terrace house with car parking space and a single storey rear extension to the host dwelling at 36 Muschamp Road, Carshalton, SM5 2SE in accordance with the terms of the application, Ref DM2020/01871, dated 11 November 2020, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal site lies adjacent to a pair of semi-detached properties located along Muschamp Road. Dwellings in the area are generally arranged in pairs or short terraces, with strong defined building lines along the roads. There are also a number of large blocks of flats within the vicinity. There is thus variety in the scale of residential properties in the area.
4. The proposed dwelling would be attached to the side of one of the dwellings forming the pair of semi-detached units. While this would depart from the appearance of the semi-detached units in the immediate vicinity, within the wider area there are examples of short terraces of properties, which the proposal would emulate. Given the variety in the form of properties that I have identified above, the appearance of semi-detached units is not a defining feature of the area, and the addition of a further property at this location would not result in a harmful addition.
5. I acknowledge that the width of the proposed dwelling would be less than that of the dwelling to which it would be attached, however there was some variety in the design of nearby dwellings and as a result, it would not be so narrow as to appear discordant within the context of the existing dwellings, or surrounding properties. Moreover, despite the proposal being located in close

proximity to the site boundary, it would be sited adjacent to open garden areas of neighbouring properties, ensuring that it would not appear as a cramped form of development.

6. The proposal includes a two-storey projecting element to the rear elevation, which would be visible when approaching the site from the east. However, this would not be so large so as to appear unduly prominent in the streetscene, nor would it have an unbalanced appearance, particularly given that the roofline of this element of the building would be set below that of the main ridgeline. Additionally, the proposed would not be so large as to dwarf the existing dwellings in the area.
7. I note that the Council state that the proposed additions to the rear of the properties conflict with guidance as contained within Design of Residential Extensions SPD4. However, given that I have identified that there would be no adverse effect arising from the proposal I find good reason in this instance to depart from the general guidance of this document.
8. Accordingly, I find that the proposal would not be harmful to the character or appearance of the area. It would therefore accord with policy 28 of the Sutton Local Plan (2018), insofar as it seeks to ensure that development respects local context and responds to local character. The scheme would also accord with policy D3 of the London Plan which seeks, amongst other things, to ensure that development has regard to building forms and proportions.
9. The Council's reasons for refusal refer to SPD14: Creating Locally Distinctive Places. However, no specific harm has been identified in respect of this document. Nonetheless, I have found that the proposal would not be harmful with regard to the development plan policies referred to above.

Conditions

10. I have imposed a condition in relation to the commencement of development and in the interests of clarity a condition to ensure compliance with the submitted plans. In the interests of ensuring a satisfactory external appearance I have imposed a materials conditions, although I have amended the suggested condition to require such details before above ground works take place.
11. I have imposed a condition requiring a Construction Logistics Plan to be submitted for approval in order to ensure that a suitable living environment is maintained for local residents during the construction of the proposal; in order to ensure that appropriate measures are secured these details should be agreed prior to commencement of the development.
12. In the interests of sustainable transport, details of cycle storage facilities are required. Conditions in respect of energy, solar panels and drainage are required in the interests of sustainability. I have also imposed a condition in respect of boundary treatments in the interests of protecting the living conditions of nearby occupiers.
13. A condition has been suggested in respect of the protection of trees, however as a condition has been imposed requiring the development to be carried out in accordance with the arboricultural assessment, this is not necessary.
14. The Delegated Report refers to a condition in respect of restricting permitted development rights, however this has not been included in the Council's

recommended conditions. In any event, no substantive justification for such a condition is provided, accordingly I am unable to find that a condition in this respect is necessary.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

Martin Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - P2-20-C-001 Rev C
 - P2-20-C-002 Rev C
 - P2-20-C-003 Rev C
 - P2-20-C-004 Rev C
 - P2-20-C-005 Rev C
 - P2-20-C-006 Rev B
 - P2-20-C-009 Rev A
 - Sustainability Report dated 11 January 2021 Revision – A
 - Tree Survey, Arboricultural Assessment and Method Statement dated 31 July 2020
- 3) No above-ground development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 4) No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of:
 - (a) loading and unloading of plant and materials,
 - (b) storage of plant and materials,
 - (c) programme of works (including measures for traffic management),
 - (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing,
 - (e) hours of operation, and
 - (f) means to prevent deposition of mud on the highway,has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.
- 5) The development shall not be occupied until there has been submitted to and approved in writing by the local planning authority details of cycle storage facilities, which shall be implemented prior to occupation and shall be retained for the life of the development.
- 6) Prior to the commencement of development, an Energy Statement incorporating 'as-designed' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing which demonstrates how the new dwelling will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to achieve at least a 35% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. The development must exceed the minimum Part L1A emissions standards through energy efficiency measures alone.
- 7) Prior to the commencement of development, details of the proposed solar PV array must be submitted to the Local Planning Authority and approved in writing, including:
 - (i) roof plans showing the amount of available roof space that is proposed to be used for the solar PV array with suitable orientation and lack of shading,
 - (ii) the number of solar PV panels and the total area of the proposed solar PV array,
 - (iii) detailed product specifications including the power output of each panel and revised estimates of the electricity that each panel will generate, and
 - (iv) calculations demonstrating the CO2 savings expected to be achieved.The development shall be carried out in accordance with the approved details.
- 8) Prior to first occupation of the dwelling, 'as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made

up through the application of further sustainability measures. All of the approved measures must thereafter be retained for as long as the development is in existence.

- 9) Prior to the commencement of development, a scheme for the management of surface water run-off must be submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy in London Plan Policy 5.13. The submitted scheme must:
 - (i) provide details of the design storm period and intensity, the outcome of infiltration testing, proposed SuDS measures to delay and control the rate of surface water discharged from the site and further proposed measures to prevent pollution of the receiving groundwater and/or surface waters,
 - (ii) include calculations carried out by an appropriately qualified professional to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the greenfield run-off rate for the same event,
 - (iii) where greenfield run-off rates cannot be achieved, evidence should be provided to justify the proposed measures and to demonstrate that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be no more than 3 times the calculated greenfield run-off rate for the same event, and
 - (iv) demonstrate that the 1 in 30-year rainfall event (plus 40% for climate change) can be contained without flooding; any flooding occurring between the 1 in 30 and 1 in 100-year event (plus 40% for climate change) will be safely contained on site; and that rainfall in excess of the 1 in 100-year event is managed to minimise risks.
- 10) Prior to first occupation of the development, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built, must be submitted to the Local Planning Authority and approved in writing. All of the approved measures must thereafter be retained for as long as the development is in existence.
- 11) Prior to occupation of the development hereby approved, full details of the position, design, materials and type of boundary treatments/means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.