
Appeal Decision

Site visit made on 8 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/21/3274287

Treetops, Hillcroom Road, Sutton, SM2 5EL

- 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 Robert McCall against the decision of London Borough of Sutton.
 - The application Ref DM2018/00933, dated 22 May 2018, was refused by notice dated 11 November 2020.
 - The development proposed is the demolition of existing single storey dwelling and associated outbuildings and erection of a pair of semi-detached, two storey, 3-bedroom dwellings with accommodation at roof level, each with two off street parking spaces, cycle and refuse storage, and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form as this accurately describes the proposal.

Main Issues

3. The main issues are whether future occupiers would experience satisfactory living conditions, with particular regard to private garden space provision, as well as the effect on the character and appearance of the area.

Reasons

Living conditions

4. The development comprises a pair of semi-detached units which, notwithstanding the description of development, each provide four bedrooms. The Council highlight that its Urban Design Guide SPD 14 requires that residential units which provide three or more bedrooms should provide a minimum of 70m² of accessible private garden space.
5. The Council also state that each of the dwellings would be provided with approximately 80m² of garden space in total and the appellant contends that the space provided exceeds the Council's minimum standard. However, I am conscious that the 80m² provision includes all of the external space associated with each of the dwellings. A substantial portion of each of the garden areas is located to the front of the units alongside the footway and road, as well as to the side.

6. In this respect, they would not be private areas, being open to views from the street and therefore in my view should not be counted as private garden provision. The Council contend that each of the dwellings would benefit from approximately 45-50m² of private garden space located to their rear. This falls well below the required minimum standard of 70m² and would fail to meet the day-to-day needs of occupiers, particularly given the size of the proposed dwellings. Thus, the garden space provision would be substandard. That the internal space provision would exceed the Nationally Described Space Standards does not overcome this.
7. Accordingly, I find that the future occupiers of the proposed units would not experience satisfactory living conditions, with particular regard to the provision of private garden space. The proposal therefore conflicts with policies 9 and 29 of the Sutton Local Plan (2018) (the Local Plan), insofar as they seek to ensure development provides adequate private amenity space and that future occupiers experience satisfactory levels of amenity.

Character and appearance

8. The appeal site is currently occupied by a detached, single storey property centrally located within the plot. There is a degree of spaciousness to the surrounding gardens providing separation between the existing dwelling and those neighbouring it. In this respect, the appeal site comprises somewhat of an anomaly within the townscape of the area. I observed the surrounding area to be generally characterised by substantial properties, mostly at least two-storey in height and generally occupying large extents of their respective plots. There is also a mix of both detached and semi-detached dwellings present. As a result, there was a density and compactness to the surrounding townscape, but despite this, there was a high quality to the streetscapes.
9. The proposed scheme would result in the replacement of the existing single property with a pair of semi-detached dwellings. The scale of the proposed building would be substantially larger than the extant property. However, the building would be sited within the plot such that it would not be close to the site boundaries (other than at one point to the side) and neither would it be positioned in close proximity to the neighbouring dwellings. Furthermore, the layout of the scheme includes the provision of front and side gardens. As a result, the form of the development would integrate acceptably with the general context within which it would be located. The separation between the proposed and existing dwellings would be greater than seen in many instances in the surrounding area and the set back from the footway would ensure that the development does not have an oppressive effect on the street.
10. The scale of the building would be commensurate with the general scale of development in the locality and would be smaller than a number of buildings that are located within proximity to the site. The design and detailing of the building would replicate the high-quality of the design of other dwellings in the area also. While the appeal site is located on a sharp corner, visible to approaching traffic from three directions, the proposed development would not be overly prominent but rather would be viewed within the context of, and integrate appropriately with, the varied designs of the surrounding development. Moreover, given the location on the corner site, the position of the building, in that it does not follow the building line along the adjacent streets, but still presents an appropriate frontage to both Hillcroome and

Upland Roads, would be an acceptable aspect of the scheme. In this respect it would not appear as an incongruous addition to the streetscene.

11. The Council refers to the nearby Highfields Area of Special Character but does not provide any further details of the extent of this area or its defining characteristics. Nonetheless, given that I have found that the scheme would not result in harm to the streetscene within which it would be viewed, there would also be no harm to this area.
12. Accordingly, I find that the proposal would have an acceptable effect on the character and appearance of the area. Therefore, the proposal accords with policies 28 and 30 of the Local Plan, insofar as they seek to ensure that development respects local context and that Areas of Special Character are preserved.
13. The Council refers to specific policies of the superseded London Plan within its reason for refusal but has not provided details of equivalent policies in the now adopted London Plan. Additionally, supplementary guidance has been referred to but not provided. Nonetheless, I have found that the proposal would comply with the policies of the Local Plan referred to above, in respect of this main issue.

Other Matters

14. I acknowledge that the proposal would result in the contribution of an additional unit of accommodation at this location and the use of a small site. However, the benefits of these matters are not sufficient to overcome the harm that I have identified.
15. I note the comments made in respect of the appellant being provided within conflicting advice during the course of the planning application. However, I have determined the appeal with regard to the planning merits of the scheme before. This matter is therefore not one which adds to my reasoning.
16. There is reference to the grant of planning permission subsequent to the submission of the appeal for a single dwelling. However, as that scheme is materially different from the scheme before me it has little bearing on my decision.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR