



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: 28 January 2022

Appeal Ref: APP/P5870/W/21/3273303

23 William Road, Sutton, SM1 4QT

- 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 Mrs Elizabeth Sewell against the decision of London Borough of Sutton.
 - The application Ref DM2020/01308, dated 1 September 2020, was refused by notice dated 22 October 2020.
 - The development proposed is described as a "New 2 bedroom dwelling at the rear of 23 William Road".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the date of application from the appeal form, as I am unable to make out the date stated on the planning application form.
3. The appellant has submitted amended plans with the appeal, amending the rear facing dormer window. The Council has had the opportunity to comment on these amendments and as such there would be no prejudice in me considering these revised details. The Council advises that these amendments overcome the reason for refusal in respect of the effect of the proposal on the living conditions of nearby occupiers. However, following the amendments the Council raise concern in respect of the living conditions of future occupiers. The appellant has had the opportunity to comment on this matter and as such, it forms part of the main issues below.

Main Issues

4. The main issues are:
 - whether future occupiers would experience satisfactory living conditions, with particular regard to outlook and garden space provision,
 - whether matters of sustainability are acceptably addressed,
 - whether there would be a harmful effect on highway safety, through increased pressure for on-street parking, and
 - the effect on the character and appearance of the area.

Reasons

Living conditions

5. As mentioned above, the appellant has submitted amended plans that show the rear dormer window, which serves a bedroom, being obscurely glazed to the outward face, with the upward facing pane being clear glazed to allow light to enter. While this amendment was undertaken in order to prevent harmful overlooking of neighbouring properties, the inclusion of obscured glazing would prevent any outlook from this bedroom, other than to the sky. While a secondary bedroom, the lack of any outlook would result in unacceptable living conditions for future occupiers.
6. The scheme includes the provision of a private garden area to the rear, which would extent to approximately 29m². The Council's Supplementary Planning Document - Creating Locally Distinctive Places, Sutton's Urban Design Guide (2008) sets out that the minimum standard for accessible private garden space for a 2-bed house is 40m², as such the proposal falls short of the required standard. I am also conscious that in light of the arrangement of surrounding properties, little of the proposed garden area would be private. I therefore find that the proposal would fail to provide adequate private garden space and thus, notwithstanding that there may be public open space nearby, occupiers would not experience satisfactory living conditions in this respect.
7. The appellant has drawn my attention to the requirements of the London Plan, which outline a lower outdoor space standard. However, this lower standard is applicable where there are no higher standards within Borough development plan documents, which in this case there are. As such, the London Plan minimum standards do not dissuade me from my findings above.
8. Accordingly, I find that the future occupiers would not experience satisfactory living conditions, having regard to the lack of outlook and lack of adequate garden space. Thus, the proposal conflicts with policies 9 and 29 of the Sutton Local Plan (2018) (the Local Plan), insofar as they seek to ensure that development provides adequate private amenity space and protects amenity.

Sustainability

9. Policy 31 of the Local Plan sets out standards in respect of the reduction of CO₂ emissions that new residential development is expected to attain, in order to achieve the highest possible design and environmental standards and to cut pollution.
10. The policy expects all non-major residential developments to achieve a 35% reduction in CO₂ emissions over Part L of the 2013 Building Regulations (the 2013 standard). In order to achieve this, planning applications should be supported by Energy Statements demonstrating how this standard will be met.
11. The appeal is accompanied by a "Predicted Energy Assessment" based on the "As Designed" proposal. The Council highlight that this assessment demonstrates that only a 2.1% reduction in CO₂ emissions compared to the 2013 standard would be achieved. While the appellant states that they are committed to the reduction of CO₂ emissions, the submitted information fails to demonstrate how, or even if, this can be achieved. The appellant contends that this matter can be addressed by planning condition, however given the lack of information to demonstrate the potential for the development to meet the

required standard, I am not satisfied that it would be appropriate to leave this matter to a condition.

12. Accordingly, the scheme fails to establish that matters of sustainability are acceptably addressed. Thus, the scheme conflicts with policy 31 of the Local Plan.

Highway safety

13. The proposed development includes no provision for off-street parking. The location is subject to a PTAL rating of 5, which indicates that there is a high level of accessibility to public transport and as such, a car-free development would be acceptable at this location.
14. However, the site is also located within a Controlled Parking Zone (CPZ). In the absence of a legal agreement preventing the issuing of permits to occupiers, demand would increase for parking in the permit-controlled areas, which I observed was already high. This could place additional pressure on the on-street parking in the area, potentially leading to parking at unsafe locations.
15. The appellant indicates that they are willing to sign a S106 legal agreement restricting eligibility for on-street parking permits in respect of the units. However, while I note the comments made in respect of the efforts made to enter into such an agreement, I have no completed agreement before me in this respect.
16. Accordingly, the scheme would be likely to lead to an increase in pressure for on-street parking within the CPZ and have a consequent adverse effect on highway safety, through inconsiderate and potentially hazardous parking and a risk to road users. It would conflict with policies 36 and 37 of the Local Plan, insofar as they seek to ensure development does not have unacceptable highway impacts and that parking provision is appropriate to the location.

Character and appearance

17. The proposed dwelling would front Palmerston Road and occupy part of the rear garden of a property which fronts William Road. While I note that the rear part of the gardens of 9 – 43 William Road (which also front Palmerston Road) comprise of parking areas and/or small garage buildings, there is also considerable variety in the buildings along Palmerston Road. Directly opposite are a number of residential and commercial properties, while further along the road there are also properties that appear to similarly truncate the rear gardens of properties along William Road. Thus, the presence of long rear gardens is no longer a defining characteristic of the locality. Within this context, the addition of the appeal proposal would not appear as an incongruous feature and would integrate acceptably with its surrounding townscape features.
18. Accordingly, I find that there would be no harm to the character or appearance of the area. Thus, the proposal accords with policies 13 and 28 of the Local Plan. Together, and amongst other things, these policies seek to ensure the development of garden land does not result in the loss of gardens which make an important contribution to the character and appearance of the surrounding area, as well as ensuring that development respects the local context.

19. 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. 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

20. I acknowledge there would be benefits arising from the scheme, including the use of a brownfield site and a contribution towards housing in general. However, any benefits are not sufficient to outweigh the harm that I have identified.

Conclusion

21. While I find that there would be no harm to the character or appearance of the area, this does not outweigh the harm that I have identified in respect of the other main issues, which is decisive.
22. For the reasons given I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR