



Appeal Decision

Site visit made on 7 December 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 2nd February 2022

Appeal Ref: APP/P5870/W/21/3276534

Land to the rear of 84/90 Egmont Road, Langley Park Road, Sutton SM2 5JS

- 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 Ms Olwen Edwards and Ms Anne Davidson against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/01238, dated 12 August 2020, was refused by notice dated 17 May 2021.
 - The development proposed is a single detached dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for a single detached dwellinghouse at land to the rear of 84/90 Egmont Road, Langley Park Road, Sutton, SM2 5JS in accordance with the terms of the application Ref DM2020/01238, dated 12 August 2020 and subject to the conditions in the attached schedule.

Procedural Matter

2. Planning law requires that applications for planning permission be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case, the development plan comprises the Sutton Local Plan (Local Plan) and the London Plan. The National Planning Policy Framework (the Framework) is a material consideration.

Main Issues

3. The main issues are:
 - The effect on the character and appearance of the surroundings.
 - The effect on the living conditions of occupiers of nearby residential properties.
 - Whether satisfactory provision is made for a reduction in carbon emissions, sustainable drainage, and water efficiency.

Reasons

Character and appearance

4. The area is residential in character with houses mostly of traditional appearance, including the substantial dwellings at the junction of Chalgrove Road which heavily influence the immediate surroundings of the site due to their proximity. The sports ground adjacent to the site and the wide, tree lined appearance of Langley Park Road also contributes to the character, providing a sense of openness and greenery. The sloping topography of Langley Park Road is also of note.
5. Due to its position on Langley Park Road, adjacent to the sports club and beyond the end of the deep rear garden of 90 Egmont Road, the site does not have a direct visual association with any of the existing groups of dwellings in the surroundings. In this respect, the proposed dwelling would be more isolated.
6. Notwithstanding this, the pattern of residential development in the area does not exhibit a high degree of consistency or appear strictly regimented. There are examples of different arrangements of buildings that provide an element of variety. As such, a single dwelling in this location would not appear incongruous by virtue of it running contrary to the existing pattern and grain of residential development.
7. The dwelling would be built up close to the side boundaries, utilising close to the full width of the plot. This is a common feature of most dwellings in the locality. A sense of openness around the dwelling as seen in key public views from Langley Park Road and Chalgrove Road would be provided by the adjacent sports club and gardens beyond the side boundaries. As a result, the proposal would not appear cramped when viewed in its wider context.
8. The plot size, along with the positioning of the dwelling more towards the centre of the site, would give the appearance of a smaller rear garden when compared to the deeper gardens of nearby houses. This aspect of the proposal would be perceived from a limited number of private vantage points and would be of a nature that would not have a harmful effect on the character of the surroundings.
9. The positioning of the dwelling described above would also allow for a greater set back from Langley Park Road, which would be beneficial in terms of preserving a sense of openness and the character of the street scene.
10. In terms of detailed design, the proposed dwelling would be of smaller proportions and plainer appearance than the larger houses opposite on Chalgrove Lane. However, given the relatively isolated nature of the site described above, the detailed design response would not be harmful to the character of the area. Indeed, the smaller and plainer appearance of the proposed dwelling would create a degree of subservience with the

grander houses nearby that would preserve the character and appearance of the locality, rather than visually detract from it

11. In conclusion on this matter, the proposal would not have a harmful effect on the character and appearance of the surroundings. Consequently, there is no conflict with policies in the development plan, specifically Policy D3 of the London Plan and policies 13 and 28 of the Local Plan which collectively seek to ensure that new development achieves a good standard of design that respects the character and appearance of the area.
12. In reaching a conclusion on this issue, I have paid regard to the Council's supplementary guidance insofar as it has been brought to my attention.

Living conditions

13. The Council raise concerns about the effect on outlook from the rear gardens of 86 and 88 Egmont Road and consequent impacts on living conditions for the occupants of these properties.
14. The proposed dwelling would be located within a close proximity to the rear boundary of both properties. As such, there would be a visible built presence that would alter the rear outlook as experienced from the rear gardens and windows of numbers 86 and 88.
15. Notwithstanding the change in outlook, I am not persuaded from the evidence provided that the nature and severity of the change would have a harmful effect on the living conditions of the occupants of these properties. This is particularly in light of the existing scale and pattern of built form in the area, the existing depth of the rear gardens of numbers 86 and 88, and the scale and location of the proposed development.
16. Whilst not referenced in the Council's reasons for refusal. I have considered potential effects on neighbours resulting from loss of light, privacy, enclosure or other impacts on living conditions. I find the proposal to be acceptable in this regard. This is subject to conditions relating to the glazing of upper floor windows, as discussed below.
17. In conclusion on this matter, the proposal would not have a harmful effect on the living conditions of occupiers of nearby residential properties. Consequently, there is no conflict with Policy 29 of the Local Plan regarding protection of amenity.

Carbon emissions, sustainable drainage, water efficiency

18. The Council have included a reason for refusal relating to energy, water efficiency and sustainable drainage measures. The inclusion of this reason for refusal is in the absence of more detailed evidence from the Appellant. The Council have not provided more detailed evidence of site

specific harm that would result from the proposal.

19. I understand the Council's wish to assess these matters upfront and what the relevant policies set out. However, given the evidence put forward I am satisfied that the issues could be considered at a later point by conditions without materially prejudicing the Council's position.
20. In conclusion on this matter, subject to conditions, the proposal would make satisfactory provision for a reduction in carbon emissions, sustainable drainage, and water efficiency. Consequently, there is no conflict with the development plan for the area, specifically Policies SI 2, 3, 5 of the London Plan and Policies 31, 32 and 33 of the Local Plan relating to these issues.

Other Matters

21. I have paid regard to comments from other interested parties. Comments relating to the main issues have been considered as part of my conclusions elsewhere in this decision, including effects on amenity and the character and appearance of the area.
22. Concerns about potential security risks are noted. However, I do not agree that residential development in this location poses a greater security risk than the existing circumstances. I also do not agree that the proposal would create a precedent for more wide scale residential development in the area, as each proposal must be considered on its own merits.
23. I have paid regard to all other comments received, which do not affect my conclusions on the main issues.

Conclusion

24. For the above reasons the appeal is allowed, subject to the conditions discussed below.

Conditions

25. I will consider conditions by reference to the numbering in the attached schedule.
26. (2) is necessary in the interests of certainty.
27. (3) is necessary in the interests of using the planning system to make appropriate provision for construction management. It needs to be a pre-commencement condition as the required plan may include measures that would need to be in place upfront. (4) is necessary to secure compliance with Policy 31 of the Local Plan. (5) is necessary to comply with Policy 32 of the Local Plan. (4) and (5) need to be pre commencement conditions as the details may include measures that could not be easily retrofitted at a later point.

28. (6) (9) (10) (12) are necessary to ensure a satisfactory standard of external appearance and landscaping and to reduce the risk of unreasonably impacting on the privacy conditions of neighbours. (7) (8) are necessary to ensure suitable provision for waste and cycle storage. (11) is necessary in order to ensure appropriate evidence is provided of compliance with water use standards. (13) is necessary to make appropriate provision for managing risks relating to land contamination.
29. Where used, I have amended the wording of the conditions suggested by the Council, as appropriate, in the interests of clarity and effectiveness.

D.R. McCreery

INSPECTOR

Schedule of conditions

Standard time limit

1. The development must begin not later than the expiration of three years beginning with the date hereof.

Details and drawings subject to which the planning permission is granted

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PG1 Rev A
 - PG2
 - PG4 Rev A
 - PG 8 Rev A
 - PG 9 Rev A
 - PG 10 Rev A

Pre-commencement conditions

3. Prior to commencement of development (including demolition and site clearance works) a Construction Logistics Plan shall be agreed in writing with the Local Planning Authority. The plan shall 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; (f) means to prevent deposition of mud on the highway. The development shall be carried out in accordance with the approved plan unless otherwise agreed with the Local Planning Authority.
4. 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 proposed 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 should exceed the minimum Part L1A emissions standards through energy efficiency measures alone. The development shall be carried out in accordance with the approved statement.

5. Prior to commencement of development a Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include consideration of sustainable drainage options, including a timetable for implementation and maintenance arrangements. The development shall be carried out in full accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.

Pre-occupancy or other stage conditions

6. Prior to development above foundation level the type and treatment of the materials, including samples, to be used on the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of obscured glazing to be used on the upper floor windows (including drawings that clearly identify the relevant windows). The approved details shall be used in the construction of the development and shall be retained thereafter unless otherwise agreed with the Local Planning Authority.
7. Prior to occupation of the development hereby approved, full details of refuse and recycling storage 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 unless otherwise agreed with the Local Planning Authority.
8. Prior to occupation of the development hereby approved, full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, the size and materials of the enclosure and the means of access. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.
9. Prior to the occupation of the development, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards (in particular, BS 3882: Specifications for Topsoil, Recommendations (2015) and BS 8545: Trees from Nursery to Independence in the Landscape, Recommendations (2014) or other recognised codes of good practice).

(condition 9 continued) The works shall be carried out prior to the occupation of the development or in accordance with the timetable agreed with the Local Planning Authority.

10. 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.
11. Prior to first occupation of the development, a completed Water Efficiency Calculator for New Dwelling shall be submitted to the Local Planning Authority showing that internal potable water consumption will be limited to 110 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purposes of Part G of the Building Regulations. The Water Efficiency Calculator should be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.

Post occupancy monitoring and management

12. Any tree(s) or planting work carried out as part of this permission that (within a period of five years after planting) are removed, die, or (in the opinion of the Local Planning Authority) are damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved, unless the Local Planning Authority gives its consent to any variation.
13. If during implementation of this development, contamination is encountered which has not previously been identified, the works shall cease immediately and the contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before works can continue. The agreed strategy shall be implemented in full unless otherwise agreed with the Local Planning Authority.