



Appeal Decision

Site visit made on 29 November 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/P5870/W/21/3273825

Dalmer, The Wood End, Wallington SM6 0RA

- 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 Andrew Thompson against the decision of London Borough of Sutton.
 - The application Ref DM2020/01656, dated 16 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is described as the demolition of the existing two storey detached house and garage and the excavation of the existing site to accommodate the construction of a new detached two storey house with loft accommodation at the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In their submission the Council advise that they had incorrectly applied the third reason for refusal as sufficient information had been submitted with the application. As such they have not sought to defend this reason for refusal. I have no reason to disagree and therefore have not pursued this matter.

Main Issues

3. The main issues are as follows;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect on the living conditions of the occupiers of Tauranga, with particular regard to privacy.

Reasons

Character and appearance

4. The Sutton Local Plan 2018 (Local Plan) advises that appeal site is located within the Woodcote Avenue Area of Special Local Character (ASLC) which is characterised by large gardens containing mature trees, with front boundaries defined by low level walls and mature hedgerows. The Wood End is a predominantly residential suburban area characterised by large, detached dwellings situated on large plots. The properties vary in their individual design characteristics however are traditional and have developed organically over time. The traditional appearance of the dwellings contributes positively to the street scene. There is a consistency to the materials used, with dwellings

- predominantly being finished in render under a clay tile roof. Many dwellings have mock Tudor design features.
5. The road is a cul-de-sac and has a pleasant green environment, with a central open space with mature landscaping and most properties benefitting from trees and hedgerows within their front gardens or as boundary treatments. Properties are set back from the road behind these gardens and parking areas. There is a slight slope to the road meaning that the appeal site is located at a slightly higher level than the neighbouring Tauranga.
 6. Whilst I accept that Dalmer is presently relatively modest compared to other properties nearby, nevertheless the proposed replacement dwelling would be a large modern dwelling finished in white render and stone cladding under a slate roof. Whilst there are other modern dwellings located in the area, these have been designed to appear more akin to nearby traditional dwellings and utilise matching material. The design of the dwelling, its associated height and bulk and use of stone cladding would create a development that would appear obviously modern and monolithic and would jar with and erode the traditional character and appearance of the street scene. There is little specific reference to picking up any design cues of the ASLC in the supporting Design and Access Statement, as opposed to the intention to create a modern design more broadly.
 7. Additionally, the proposal would be visible from a number of neighbouring properties and their gardens. The height, proposed glazing and balconies on the rear elevation of the proposal would be more akin to that of a block of flats rather than a single residential dwelling which characterises the wider area. I accept that modern architecture and traditional design are not inherently incompatible (noting the RIBA nominated scheme in the appellant's statement of case). However, the proposal and surrounding context there differ significantly from circumstances here.
 8. For the reasons above, I conclude that the proposal would harm the character and appearance of the area contrary to Policies 28 and 30 of the Local Plan, and the guidance contained within Sutton's Urban Design Guide Creating Locally Distinctive Places Supplementary Planning Document (SPD) (2008) which seek, amongst other things, to ensure that development is attractive, designed to the highest standards and respects the local context and responds to local character. The proposed development would also be at odds with paragraph 130 of the National Planning Policy Framework (Framework) which seeks to ensure developments are visually attractive and sympathetic to local character.

Living conditions of neighbouring residents

9. Due to the orientation of dwellings in this part of The Wood End there is little mutual overlooking between neighbouring properties. Additionally, there are no other dwellings to the rear of the majority of dwellings on this side of The Wood End, which backs on to an agricultural field. This means that dwellings, particularly rear gardens and rear-facing rooms, benefit from a high level of privacy.
10. The existing first floor rear windows of Dalmer are partially visible from neighbouring gardens, however the orientation of the dwelling results in windows that face towards their own garden and would only offer transient

glances towards neighbouring dwellings rather than any sustained opportunity of overlooking. The first floor windows of the existing dwelling serve bedrooms.

11. From my site visit I noted that no windows directly face towards Tauranga. The occupiers of Tauranga therefore benefit from a private garden space consistent with prevailing levels of privacy here and would have a reasonable expectation that this would be preserved.
12. The proposed dwelling would be located closer to the boundary between the appeal site and Tauranga and proposes large windows at first and second floor with the addition of three balconies. One first floor balcony would be located approximately 3 metres from the boundary between the appeal site and Tauranga. There is therefore the potential for direct overlooking of rear garden of Tauranga for more sustained periods than would be usual from a rear first floor window. The elevated position of the balcony heightens the sense of overlooking and so differs significantly from the relative privacy which is currently afforded to the occupiers of Tauranga. Given my reasoning above, relative to the prevailing baseline of privacy here, in my view the privacy of the occupants of Tauranga would be materially adversely affected.
13. Accordingly, the development would have an unacceptable effect upon the living conditions of neighbouring occupiers. This would be contrary to Policy 29 of the Local Plan which seeks to ensure that proposals do not adversely affect the amenities of those currently occupying adjoining or nearby properties. The proposal is also at odds with the advice set out in paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Other Matters

14. In their submission the Council have alluded to a substantive concern relating to drainage and water efficiency. This did not form part of their reasons for refusal. There is limited compelling evidence regarding a drainage problem in the area and the site is not located within an area with greater than low vulnerability to flooding. With regards to water efficiency and sustainability measures, had I been minded to allow the appeal, this could have been dealt with via planning condition. Even were the development acceptable, or could be made acceptable via conditions, in these and all other respects, that would carry little weight in favour of allowing the scheme. As such no matters alter my findings regarding the harm identified above.

Conclusion

15. For the above reasons given above, having considered the development plan as a whole, there are no relevant material considerations, including the approach of the Framework and all other relevant consideration, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR