



Appeal Decision

Site visit made on 29 June 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/P5870/W/22/3293441

4 Grosvenor Gardens, Wallington SM6 9QJ

- 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 Z Khan against the decision of the London Borough of Sutton.
 - The application Ref DM2021/02300, dated 16 November 2021, was refused by notice dated 11 January 2022.
 - The development proposed is the erection of two semi-detached dwellings following the demolition of existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two semi-detached dwellings following the demolition of existing bungalow at 4 Grosvenor Gardens, Wallington SM6 9QJ in accordance with the terms of the application, Ref DM2021/02300, dated 16 November 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with specific regard to the Blenheim Gardens/Onslow Gardens Area of Special Local Character (ASLC).

Reasons

3. The London Borough of Sutton Local Plan 2018 describes the ASLC as including semi-detached properties from the turn of the last century, with deep front gardens that contain mature shrubs; and gardens that include mature trees, conifers, and shrubs. Although there is similar consistency in the form of dwellings on Grosvenor Gardens in terms of their features and materials, there are also slight variations. That said, there remains a large degree of uniformity in the street scene.
4. The houses are set back a similar distance from the road forming a strong and consistent front building line. Most also feature a 2- storey gable end element on the front elevation, commonly consisting of bay or bay-style windows, which creates an even and consistent rhythm along the road. Nearly all the frontages on Grosvenor Gardens and in the surrounding area include hardstanding for parking, often interspersed with small trees and shrubs. However, some front gardens have no planting at all. The modest bungalow on the appeal site is out of scale and therefore somewhat anomalous in the street. Most of the front garden is laid to lawn, with hardstanding to park a car to one side and one small tree.

5. It may be that the proposal would be taller than the neighbouring house, No. 6 Grosvenor Gardens. However, it would be of a comparable scale and mass to the older semi-detached pairs that make up most of the street, albeit slightly narrower. Given it would be set back in line with its neighbours, by virtue of its scale and mass, it would be no more prominent in the street scene than any other house along the road and would not have an overbearing presence.
6. It would also incorporate similar design features and would use materials that are prevalent in the area. It would include a gable end element on the front elevation of each house, which would be consistent with, and add to the even rhythm of the street. Furthermore, the proposed gable end elements would help to define each dwelling, in a similar manner to the older semi-detached pairs, and break up the front elevation so that the bulk of the proposal is read as two properties rather than a single unit.
7. The proposal would be set in from the boundary of the site on each side, which would leave adequate gaps between itself and its neighbours for it not to appear cramped or overbearing. It may be that the appeal site is slightly narrower than most other plots containing semi-detached properties. However, the scale and massing of the proposal takes account of this, and the resulting gardens would still be generous. Although the front elevation of each dwelling would be narrower than the older houses, slight variations in scale are not uncommon.
8. The depth of the proposed front garden would be consistent with others on the street and within the area. While most of it would be used for parking, some planting is proposed. This would soften the appearance of the parking bays and ensure the hardstanding would not be overly dominant.
9. Accordingly, for the reasons above, I find the proposal would not harm the character and appearance of the site, street scene or surrounding area, and would conserve the distinctive character of the ASLC. As such it would be in accordance with the aims of policies 28 and 30 of the London Borough of Sutton Local Plan 2018 that seek to protect the character and appearance of the area and ASLC.

Other Matters

10. The Council have concluded the number of off-street parking spaces that would be delivered by the proposal to be sufficient for the locality. They also conclude that, due to the siting of the proposal and its separation distance to neighbouring properties, it would not result in loss of light and outlook to neighbours. Having regard to the evidence before me and my observations on site, I have no sufficiently compelling reason to disagree.
11. While I understand that construction activities may cause noise and disturbance to the occupants of neighbouring properties, as well as some obstruction from construction and delivery vehicles. This would however be the case for a time limited period and would therefore not be a reason to withhold permission.

Conditions

12. The Council requests that 16 conditions be imposed. I conclude on these below under the same numbers used in the Council's appeal statement at paragraph

- 2.2. In addition to the changes explained below, I have also made some minor amendments in the interests of clarity.
13. In addition to the statutory time limit condition (1), a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty (2).
 14. To protect the character and appearance of the area and the distinctive character of the ASLC a condition is necessary to clarify the external materials used in the construction of the houses (3) and the full details of the hard and soft landscaping, including its establishment and maintenance (4). For the same reason, as well as to ensure adequate living conditions for future and neighbouring occupants, conditions are required to clarify the details of boundary treatments (9) and refuse and recycling storage (10). As the details of the boundary treatments can be included in the details of the hard and soft landscaping, I have combined these requirements into a single condition.
 15. To protect the living conditions of occupants in neighbouring properties, it is necessary to outline the approach to be taken for managing construction works in a Construction Management Statement. I have reworded and removed some of the details required regarding this management so that the details are necessary and proportionate to the scale of development taking place (5). For the same reason, conditions are necessary to set out the hours that building works to implement the development can take place and to ensure that, other than those identified on the approved plans, no further windows are provided in the side elevations of the permitted dwellings at first or second floor level (16).
 16. To reduce parking pressures and protect highway safety, a condition is required to ensure that from occupation the development provides an appropriate level of off-street car parking and that these facilities are permanently retained for such use (7). However, it is not necessary to require these spaces are used solely by future occupants and this would be difficult to monitor and enforce. A condition is also necessary to ensure the provision of cycle parking facilities from occupation and their retention (8) in order to encourage sustainable modes of transport.
 17. In the interests of certainty and to ensure the required reduction in CO2 emissions, a condition is necessary to require the development to be undertaken in accordance with the approved Energy Statement and that it is demonstrated that the development has achieved the required reduction CO2 emissions (12). For the same reason, as well as to protect the character and appearance of the area and the distinctive character of the ASLC, a condition is necessary to clarify the details of the solar PV array proposed in the Energy Statement (11). Also, in the interests of certainty, and to ensure satisfactory implementation, a condition is necessary to require the development to demonstrate the water efficiency standard has been met (15).
 18. Conditions 13 and 14 deal with the surface water and foul water drainage of the development. These are necessary in the interests of certainty and the proper functioning of the proposed development, as well as to ensure satisfactory implementation of the approved details. While I am satisfied that the Drainage Strategy submitted as part of the application demonstrates that suitable surface water and foul drainage measures can be delivered for the development, the proposed conditions do not set out a course of action if the assumed infiltration rates are unsuitable. In these circumstances the measures

in the approved Drainage Strategy may need to be amended and there is no mechanism for this. This could make the development undeliverable and, therefore, the conditions in their current form are unreasonable. I have separated the requirements regarding surface water and foul water drainage so that details of surface water drainage are submitted and approved by the Local Planning Authority after the site infiltration testing has been carried out. The foul water drainage should be constructed in accordance with the approved Drainage Strategy.

Conclusion

19. With regard to the above, I find that the proposal would be in accordance with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it. The appeal should therefore be allowed.

Hannah Guest

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 plans: Nos PL20; PL13a; PL03; PL04b; PL10a; PL11; PL12a; PL15a; FE08; PL17a; PL18a; FE02; FE05.
- 3) Prior to the construction of any new buildings hereby permitted details and samples of the materials to be used in the construction of the external surfaces of the building must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples, prior to the first occupation of the first dwelling hereby permitted and retained thereafter.
- 4) Prior to the first occupation of the first dwelling hereby permitted, details of both hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. These details shall include a full planting schedule and plan, the position, design, materials and type of boundary treatments and a scheme of management and maintenance. The landscaping works shall be carried out in accordance with the approved details before any part of the development is occupied or in accordance with an implementation programme agreed with the local planning authority. If, within a period of 5 years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation. The approved hard and soft landscaping must thereafter be managed and maintained in accordance with the approved scheme.
- 5) No development shall commence, including demolition and site clearance works, until a Construction Management Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include a programme of works and details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; and (c) the erection and maintenance of security hoarding. The approved Construction Management Statement shall be adhered to throughout the construction period for the development.
- 6) Demolition or construction works shall take place only between the hours of 08:00 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Prior to the first occupation of the first dwelling hereby permitted the car parking spaces shown on drawing no. PL10a for 2 cars to be parked for each approved dwelling shall be laid out on site and retained thereafter, available at all times for the parking of vehicles.

- 8) Prior to the first occupation of the first dwelling hereby permitted details of secure storage for 2 bicycles shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, prior to the first occupation of the first dwelling hereby permitted, and retained thereafter, available for the parking of bicycles.
- 9) Prior to the first occupation of the first dwelling hereby permitted details of refuse and recycling storage shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, prior to the first occupation of the first dwelling hereby permitted and retained thereafter.
- 10) Prior to the construction of any new buildings hereby permitted details of the proposed solar PV array shall be submitted to and approved in writing by the local planning authority. The details should include: (i) revised roof plans showing the proposed layout and orientation of the proposed solar PV array; (ii) the number of solar PV panels and the total area of the proposed solar PV array; (iii) detailed specifications including the power output of each panel and estimates of the electricity that each panel will generate; and (iv) confirmation of the CO2 savings expected to be achieved. Development shall be carried out in accordance with the approved details.
- 11) The development hereby permitted shall be constructed in accordance with the approved Energy Statement (V1.0) prepared by Sustain Quality Ltd and dated November 2021 (Ref: 001065-FD). No dwelling shall be first occupied until as-built Standard Assessment procedure (SAP) outputs demonstrating that the development has achieved the required reduction in CO2 emissions have been submitted to the local planning authority and approved in writing. The measures set out in the approved Energy Statement (V1.0) prepared by Sustain Quality Ltd and dated November 2021 (Ref: 001065-FD) shall be retained thereafter.
- 12) Notwithstanding the submitted plans, and prior to the construction of any new buildings hereby permitted, details of the surface water drainage must be submitted to and approved in writing by the local planning authority. Before any details are submitted on-site infiltration testing shall be carried out and the results provided to the local planning authority. No dwelling hereby permitted shall be first occupied until the surface water drainage has been provided in accordance with the approved details and written confirmation submitted to the local planning authority and approved in writing. The approved surface water drainage shall be managed and maintained thereafter.
- 13) The foul water drainage scheme hereby permitted shall be constructed in accordance with the approved Drainage Strategy (SuDS) Report prepared by Lanmor Consulting Ltd and dated November 2021 (Ref: 211436/DS/MK/KBL/01). No dwelling shall be first occupied until the scheme has been provided in accordance with the approved details. The scheme shall be maintained thereafter.
- 14) Prior to the construction of any new buildings hereby permitted details of a completed Water Efficiency Calculator for New Dwellings shall be submitted to and approved in writing by the local planning authority. The calculation must demonstrate that internal potable water consumption for

each of the dwellings will be limited to 110 litres per person per day (l/p/d) and should be in accordance with the Government's national calculation method for water efficiency for the purpose of Part G of the Building Regulations.

- 15) Notwithstanding the plans hereby approved, no further windows shall be inserted in the first or second floor levels of the side elevations of the dwellings hereby permitted.