

Appeal Decision

Site visit made on 12 July 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/P5870/W/22/3293227

Land to rear of 379 London Road, Ewell, Surrey KT17 2DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms Lisa Banks against the decision of London Borough of Sutton Council.
 - The application Ref PIP2021/00001, dated 21 July 2021, was refused by notice dated 25 August 2021.
 - The development proposed is described as "Permission in principle for 1 architecturally designed 3 bedroom dwelling with associated parking and private amenity space to the rear of 379 London Road accessed via an existing dropped kerb on Sparrow Farm Road, as indicated by the red outline on the accompanying site plan."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An abbreviated description of development was stated on the decision notice and appeal form. However, I am not clear whether the appellant has expressly agreed to this revised description, so I have used the description of development as stated on the application form in the heading above.
3. The decision notice refers to the site as being in North Cheam, Epsom, whereas the appellant addresses it as Ewell, Surrey. Both use the same postcode and there is no dispute as to the geographical location of the site. I have therefore used the site address stated on the planning application form in the heading above.
4. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
5. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site is located in a predominantly residential area. It is currently part of the rear garden of the dwelling at 379 London Road. The appeal site has a frontage to Sparrow Farm Road, including an existing vehicle crossover and access gate.
8. The surrounding area comprises two storey dwellings laid out in a regular pattern, towards the front of long gardens, though set back from the road frontage. Most are semi-detached, although a few are detached. None of the dwellings neighbouring the appeal site front onto Sparrow Farm Road.
9. The application does not include details of the intended layout or design of the proposed dwelling and no such details are required with an application for permission in principle. However, the application does show that the proposed residential plot is significantly smaller than is typical for the area, particularly in relation to the limited distance between its frontage to Sparrow Farm Road and the proposed rear boundary.
10. The likelihood is that most of the plot would be occupied by the proposed three bedroom dwelling, leaving little space for the proposed car parking and garden areas. Due to the limited extent of the plot, it is likely that the proposed dwelling would be located significantly closer to the road frontage than is typical of the area.
11. The appeal site is one of several locations in the surrounding streets where garden land adjoins the road. In these locations, the absence of two storey buildings in rear gardens opens up views into the garden areas. This creates a sense of space which counter-balances the otherwise fairly intensively developed street frontages. As such, the long rear gardens adjacent to roads contribute positively to the character and appearance of the area.
12. Although there are some existing outbuildings in rear gardens in the vicinity of the appeal site, they are modest single storey structures which do not interrupt that sense of space.
13. The appellant has highlighted that there are some locations in the area where development continues further around the perimeter of a residential block. However, in the locations mentioned, the plots have been laid out in a planned manner to support such development. For example, the dwellings further along Sparrow Farm Road, which both parties describe as being around 250m from the appeal site, have considerably longer plots than is proposed at the appeal site. The greater distance from the road frontage to the rear boundary of these plots allows for the dwellings to be set back from the road, following a building line typical of the surrounding area. The detached properties around the end of Tudor Avenue also have longer plots, laid out on the diagonal around the curved perimeter of the block, allowing for the dwellings to be set back from the road and a consistent building line to be maintained.

14. In contrast, the proposed development would result in an incongruous and solitary detached dwelling which would not form part of any established building line. It would likely appear cramped on its limited plot and would intrude into the sense of space created by the existing rear gardens.
15. Turning to the other matters of principle, the proposed use of land for residential purposes would be consistent with the predominant land use in the surrounding area. With only a single dwelling proposed, the amount of development would be modest. However, I conclude that even a single dwelling on the appeal site would be inherently harmful to the character and appearance of the area for the reasons set out above. As such, the location is unacceptable in principle.
16. The proposed development would therefore conflict with policies 13 and 28 of the Sutton Local Plan 2016-2031 February 2018 (SLP) and Policy D3 of The London Plan – The Spatial Development Strategy for Greater London March 2021. These policies say, amongst other things that development should respect the local context and character and that development of back garden land will not be permitted where the site makes an important contribution to the character and appearance of the surrounding area.

Other Matters

17. The appellant states that there is no evidence that the appeal site and nearby rear gardens have any specific ecological value, that the appeal site is in an area of low flood risk and that there is no evidence of any impact on living conditions. These are considerations under parts b to d of SLP Policy 13 and as such have a bearing on the principle of development in this location. However, absence of evidence of harm under these criteria does not overcome the conflict with other aspects of Policy 13 and the development plan as a whole.
18. The appellant also highlights that the proposed development would provide an additional family home. However, this modest contribution to the supply of housing would not outweigh the harm identified. As such I have afforded this limited weight.

Conclusion

19. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR