



Appeal Decision

Site visit made on 13 July 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/P5870/W/21/3286313

12 and 14 The Brandries, Wallington SM6 7NA

- 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 S Redmonds against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/01059, dated 20 May 2021, was refused by notice dated 27 September 2021.
 - The development proposed is described as the demolition of existing detached garage to No.12, re-alignment of boundaries between Nos. 12 and 14, and erection of detached two-storey, 3-bed dwellinghouse, together with associated car parking, cycle parking and refuse storage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on character and appearance of the area;
 - The effect of the proposed development on living conditions of the neighbouring occupants with particular reference to privacy and outlook;
 - Whether the proposal would provide adequate living conditions for future occupants with particular reference to outlook; and
 - The effect of the proposed development on carbon emissions including sustainable drainage measures and water efficiency measures.

Reasons

Character and Appearance

3. 12 and 14 The Brandries sit to the left-hand corner of a cul-de-sac behind an existing hammer head. Semi-detached dwellings front onto this end of the cul-de-sac and within the immediate area the semi-detached pairs are well separated from each other. The corner plots to both sides of this cul-de-sac are also well separated and these gaps between the buildings, particularly at this end of the cul-de-sac, frame a sense of spaciousness and this is an important and positive feature within the street scene.
4. The proposed development is for the demolition of the existing single storey garage and the erection of a detached two storey dwelling. The proposed

dwelling would share a flank-to-flank relationship with No 12 broadly following the front and rear building lines of No 12. The front of the proposed dwelling would face onto the existing flank wall of No 14 which, due to the corner location, sits at a right angle to the proposed dwelling.

5. The dwelling as proposed would be sited close to No 12 and would also reduce the gap to No 14. While the existing single storey garage and boundary fencing already has an impact upon the character and appearance of the area, the greater two-storey height, width and depth of the proposed development would considerably reduce the existing sense of spaciousness. This would cause the proposed dwelling to appear cramped within the street scene, failing to respect the existing pattern of development.
6. Although some neighbouring dwellings have been extended, the sense of spaciousness has broadly been preserved by the retained gaps between the buildings. Furthermore, while there are detached dwellings elsewhere in The Brandries, the insertion of a detached dwelling within this section of a semi-detached street scene which surrounds the hammer head, would introduce an uncharacteristic house type compounding the harm I have identified above.
7. The proposed development respects the local prevailing theme of two storey family homes, it also respects the character of plot and garden sizes. However, these matters do not outweigh the harm to the character of the area I have identified above.
8. Accordingly, I find conflict with the relevant provisions of Policies 13, 28 and 30 of the London Borough of Sutton Local Plan 2018 (the Local Plan), Policies D3 and D4 of the London Plan 2021 and the London Borough of Sutton Supplementary Planning Document 14 'Creating Locally Distinctive Places' which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.

Living Conditions - Neighbouring Occupants

9. The proposed first-floor windows serving bedrooms 2 and 3 would be sited close to the garden area of No 14. While the direct line of sight would be onto the flank wall of No 14, views into the rear garden area of No 14 would still be possible from these windows. Such overlooking would cause a loss of privacy to occupiers of No 14.
10. While landscaping would be proposed to screen any potential overlooking, such landscaping would take time to establish and potentially leaf loss in the winter would reduce any screening properties. Even if the tree was evergreen, there is limited evidence before me that the tree's height and width would remain in perpetuity.
11. The right-angled arrangement of No 14 and the proposed dwelling in combination with the open views across the future garden of the proposed dwelling and the separation between the buildings would ensure that any views from the rear garden of No 14 would not be dominated by the proposed dwelling to cause a harmful loss of outlook. Additionally, the facing window at No 14 is a secondary window which serves a lounge with a dual aspect. As a result, I find the proposed dwelling would not harm the outlook of the occupiers of No 14.

12. While the proposed dwelling would be sited close to No 12, it would not significantly extend beyond the front or rear walls of No 12. I also observed, during my site visit, that all directly facing windows at number 12 do not serve any primary accommodation. Consequently, I find the proposed dwelling would not harm the outlook of the occupiers of No 12.
13. While I have found no harm in respect to outlook from neighbouring occupiers, the proposed development would have a harmful effect upon the living conditions of the occupiers of 14 The Brandries with particular reference to privacy. The proposal is therefore contrary to the relevant provisions of Policy 29 of the Local Plan. This, amongst other things, addresses the need for high quality design therefore respecting the living conditions of residential occupiers.

Living Conditions - Future Occupants

14. The proposed first floor windows serving bedrooms 2 and 3 would be sited near the flank wall of No 14. Both these rooms only have one source of outlook. While views would be possible around and above No 14 from these proposed windows, the direct line of sight would be onto the flank wall of No 14. This immediate and short-range views would dominate the outlook from these windows, materially harmful to the future occupiers of the proposed dwelling.
15. I note that windows to some of the other rooms have a more open outlook. However, the absence of harm in this respect is a neutral matter. The harm arises from the loss of outlook to the proposed bedrooms 2 and 3 as set out above.
16. The proposed development would fail to provide adequate living conditions for future occupiers with particular reference to outlook. The proposal is therefore contrary to the relevant provisions of Policy 9 of the Local Plan and Policy D6 of the London Plan. These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Carbon Emissions, Sustainable Drainage Measures and Water Efficiency

17. The development plan requires proposals to show how they would reduce carbon emissions and incorporate sustainable drainage and water efficiency measures. The appellant has suggested that this information could be secured by planning condition and the Council has not objected to this suggestion.
18. Given the proposal is for one dwelling with principles to achieve this set out in the appellant's Planning Statement and such initiatives are generally well understood, had this appeal been acceptable on all other grounds, appropriate conditions could have been imposed.
19. Therefore, and subject to planning conditions to secure agreement, the proposed dwelling would contribute to the reduction of carbon emissions and would incorporate sustainable drainage and water efficiency measures. The proposal would not conflict with Policies 31, 32 and 33 of the Local Plan and Policies SI 2, SI 4, SI 5, SI 12, SI 13 of the London Plan which seek to reduce carbon dioxide emissions and incorporate sustainable drainage and water efficiency measures.

Planning Balance and Conclusion

20. The proposed development has access to public transport and local amenities. It would be an efficient use of land and would provide one dwelling which would make a contribution to meeting housing need in the area. The proposed dwelling would deliver social and economic benefits which include temporary jobs created during the construction phase, a new homes bonus, CIL contributions, Council Tax receipts and increased consumer spending in the local area from future occupiers. I am also mindful that Policy H2 of the London Plan identifies small sites as having the potential to contribute toward housing and the local economy. I ascribe moderate weight to these benefits.
21. From the evidence before me, the proposed floorspace, room sizes, natural light, ventilation, outdoor space and parking provision are also acceptable. However, the absence of harm in these respects is a neutral matter which cannot be weighed against harm.
22. Clear harm, however, arises in respect of the impact upon the character and appearance of the area and the living conditions of both neighbouring and future occupiers. I attach significant weight to this harm. As such, the moderate benefits arising from the provision of one dwelling would not outweigh this harm.
23. The appeal scheme would therefore conflict with the development plan when read as a whole for the reasons I have given, and I consider there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The proposal does not represent sustainable development and in light of the above, the appeal should therefore be dismissed.

N Praine

INSPECTOR