



Appeal Decision

Site visit made on 28 November 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/P5870/W/22/3302793

Land adjacent to 25 Derby Road, Cheam SM1 2BL

- 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 Becky Perry against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/01545, dated 15 July 2021, was refused by notice dated 16 May 2022.
 - The development proposed is a storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have deleted the word 'retention' from the description of development in the banner heading above. In legal terms, the proposal seeks planning permission for the development shown on the submitted plans rather than the structure that has recently been built on the site. The two appear to be the same. Any variation would be a matter for the Council and appellant.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area
 - The living conditions of neighbouring occupants, by reason of noise and disturbance
 - Highway safety and obstruction.

Reasons

Character and appearance

4. The area is residential in character, consisting mainly of detached or semi-detached houses in a regular layout with buildings fronting the streets. Those dwellings between Cheam Road and Salisbury Avenue are designated as the Landseer Road Conservation Area, its significance lying in the regular pattern of semi-detached Edwardian villas fronting tree-lined streets, with a commonality in building design and detailing, being an example of suburban development around the turn of the last century. The boundary of the conservation area runs between the appeal site and the adjacent property at

25 Derby Road. While the appeal site lies outside the conservation area, it nevertheless forms part of its setting, as well as the wider residential area.

5. The part of the building visible from Derby Road is flat roofed and clad in timber weatherboarding with matching timber clad doors. It is slightly taller than the adjacent garages and its front elevation follows a similar building line. The appearance of the timber cladding is still quite stark but is likely to weather down over time. It is utilitarian in appearance but that part of it which can be seen is domestic in scale. It does not reflect any of the architectural detailing or materials found on buildings in the conservation area, and therefore cannot be said to preserve or enhance its setting. However, the harm so caused is relatively minor and at the lower end of the less than substantial scale when assessed against the test set out in the National Planning Policy Framework (the 'Framework').
6. The use of the building as a commercial storage unit however is not characteristic of the area. Derby Road and the surroundings streets are all residential. The use of the building for storage purposes, with the coming and going of commercial vehicles, loading and unloading, is atypical of the pattern of activities associated with the residential dwellings and detracts from the domestic nature of the area.
7. I conclude that, although the visual impact of the new building is relatively limited, the minor harm arising to the setting of the Landseer Road Conservation Area, and the disruption arising from the activities associated with a storage use, would collectively harm the character and appearance of the area. This would conflict with Policies 28 and 30 of the Sutton Local Plan 2018, which require new development to be attractive and well designed, and conserve and where practicable enhance those elements that contribute to a conservation area's significance.

Living conditions

8. The storage building replaces earlier structures that appear originally to have been a domestic garage and outbuildings to 10 Salisbury Road, although at the time the application was made the site was in separate ownership and being used for storage by the appellant in connection with a cleaning business.
9. Photographic evidence submitted by the appellant and a representor show that the outbuildings to the rear of the former garage to have been at least partly open sided, and only partly covered the appeal site, there being trees or shrubs further to the rear. In comparison, the appeal structure covers the whole of the site and is fully enclosed.
10. The Council says that neither the building nor the use have planning permission. It is not clear from this statement whether the Council considers the storage use to be lawful, nor is it the role of this appeal to determine whether that is the case. Even assuming that the storage use is lawful, it is clear that the building constructed is both larger and more useable for storage purposes than the previous structures, and therefore enables a significantly more intensive use of the site than previously. That use is also materially different to its former use as a domestic garage and outbuildings.
11. The appellant says that vehicle movements associated with the current building are by transit van and usually only once or twice a week, although when the

current building was first constructed there were more. This is refuted by representors, who have provided photographic evidence to show at least one larger vehicle than a transit visiting the site, and say that the number of vehicle movements generated by the storage use is a few times a day, with loading and unloading taking place at weekends, early in the mornings and in the evenings.

12. Irrespective of exactly how the current business operates, I consider that the storage building enables a scale of commercial use which is disturbing to neighbouring residential occupants through the noise and activity associated with vehicle movements, loading and unloading, all taking place in what is otherwise a quiet residential street. I have considered whether these activities could be controlled through conditions such as to make the use acceptable in a residential area. However, given the size of the building, and since storage uses commonly require equipment and materials being picked up and dropped off at the start and end of the working day, I consider that would not be practical. I consider the activity generated by the storage building to be incompatible with this residential neighbourhood.
13. I conclude that the living conditions of neighbouring occupants are harmed by the noise and disturbance associated with the storage building. This harm conflicts with the requirements of Policy 29 of the Sutton Local Plan 2018, which seeks to avoid unacceptable impacts of new development on residents of the surrounding area.

Highway safety

14. The appellant states that the site can accommodate 3 parking spaces - 1 on the driveway and 2 in the building. The front doors are wide enough to admit a domestic scale vehicle, but as the primary purpose of the building is for storage rather than garaging, and as it is not large enough to accommodate some of the vehicles shown in representors' photographs, in practice I consider parking provision is likely to amount to the 1 space on the driveway.
15. The Council has not provided any parking standards in support of its reason for refusal, and Policy 37 of the Sutton Local Plan 2018 refers to restraint-based maximum car parking standards, so the provision of only 1 space would not appear to conflict with that policy. However, the limited amount of off-street parking and loading space associated with the building is likely to result in commercial vehicles stopping or parking on Derby Road, as is demonstrated in the representations received on the application and appeal.
16. Although I do not consider such vehicle movements give rise to a highway safety concern, the lack of adequate parking and loading/unloading space does lead to occasional obstruction either of the road or neighbouring occupants' drives. This reduces the free flow of traffic along Derby Road, and is a contributory factor in the harm caused to the character of the area and living conditions of neighbouring occupants. For that reason, the development conflicts with Policy 36 of the Sutton Local Plan 2018, which requires new development to minimise any adverse impact on the highway network and maximise the use of sustainable modes of transport.

Other Matters

17. The appellant has suggested that a benefit of the building covering the whole site is to prevent it from becoming overgrown. While that may be the case, it does not overcome the harm identified above to the character of the area or the living conditions of neighbouring occupants.
18. The appellant has also suggested planting over the roof, for biodiversity and to improve the view from neighbouring dwellings. Whether or not the structure is physically capable of supporting such a roof, these are matters on which the Council has not raised any concerns, and therefore are not relevant to this appeal.
19. Following my decision on this appeal, it is for the Council to decide the most appropriate action to take in relation to the unauthorised storage building.

Conclusion

20. I recognise that the storage building is of benefit in helping to support the activities of a local business. However, I consider that the harm caused to the character and appearance of the area, including the setting of the Landseer Conservation Area, and the living conditions of neighbouring occupants through noise, disturbance and occasional obstruction of the road caused by vehicles loading and unloading, outweighs that benefit. The development therefore conflicts with the development plan when taken as a whole and there are no countervailing material considerations which suggest my decision should be taken otherwise than in accordance with it. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

