



Appeal Decision

Site visit made on 16 December 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/P5870/W/22/3296106

79 Beddington Gardens, Carshalton SM5 3HL

- 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 Mrs Jan Sillett against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/01337, dated 22 June 2021, was refused by notice dated 11 February 2022.
 - The development proposed is demolition of existing garage & development of new 3 bedroom 4 person house at land to the side and erection of cycle and refuse stores and two new dropped kerb to the front and side to provide additional parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on demand for on-street parking;
 - Whether the proposal would affect existing street trees;
 - Whether the proposal would provide satisfactory sustainable drainage measures.

Reasons

Character and Appearance

3. The appeal relates to a semi-detached dwelling occupying a corner plot to the south-western side of Beddington Gardens. The estate road wraps around the side of the site, with substantial school buildings on the opposite side of the road. Otherwise, the immediate area is characterised by generally consistent semi-detached pairs of dwellings in a typical suburban layout. This is the case for the stretch of dwellings from Nos 61 to 87 of which the appeal site forms part, which are of similar design with hipped roofs, double storey bay windows and integral front porches. Most of the dwellings have modest single storey garages to the side, though I note Nos 61 and 67 have extended over these.
4. It is proposed to remove the garage and erect a two storey side extension with rear dormer window. The extension would however form a separate three-bedroom dwelling, with the front drive becoming a shared parking area, the rear garden subdivided and a parking space created to the rear.

5. It is of note that planning permission has already been granted for a two storey extension to the dwelling under Council Ref DM2021/00237. This scheme features a hipped roof to the extension to match that of the main dwelling. The current proposal would instead have a gable end to the side. However, an earlier lawful development certificate (Council Ref DM2020/01869) confirmed that a hip-to-gable extension to the main dwelling would be lawful. Consequently, the Council does not oppose the design of the appeal scheme in terms of its overall effect on the host dwelling or visual impact within the street scene. Having regard to its overall design, including the slightly recessed front building and ridge lines, and the examples of extensions elsewhere in the street, I concur with the Council in this respect.
6. However, unlike the preceding applications, the proposal would create a separate dwelling on the site, and it is this that forms the basis of the Council's reason for refusal. This dwelling would be significantly narrower than neighbouring dwellings and wholly different in form, lacking characteristic features such as the bay windows. As a result, it would conflict with the consistent pattern of broad, semi-detached dwellings along the street. I recognise that the design stems from an intent to portray the dwelling as an extension to No 87. However, it would be identifiable as a dwelling by its separate front entrance, its divided rear garden and the rear dormer window that would stand conspicuously to the outer edge of the overall roof slope, in a position that would be uncharacteristic of a dormer in a traditional roof conversion where it would be expected to sit within the main body of the roof. Given these factors, the dwelling would appear as an anomalous addition to the street scene that would harmfully interrupt the consistent pattern of development that contributes positively to the character of the area.
7. Moreover, the presence of two households may lead to an increase in car parking on the front drive, creating an impression of the additional dwelling being squeezed onto the site in a cramped and contrived manner. The subdivision of the rear garden would also result in both the existing and proposed dwellings having gardens markedly smaller in size and different in shape than most neighbouring properties. These effects would be demonstrative of a denser form of development that would fail to respect the rhythm, shape and space of surrounding plots.
8. The appellant also refers to the development improving this section of the townscape. From my observations, the site is not in a particularly poor condition, but is reflective of surrounding development. I place little weight, therefore, on the argued opportunity to improve the townscape.
9. The appellant refers to a number of other purportedly similar developments permitted by the Council. Of the six examples, three relate to side extensions where no new dwelling was created, a principle the Council accepts in this case. I have limited information about the other examples, with no details as to the site circumstances or the planning context in which they were considered. However, from the images provided, I note some differences. The dwelling at Birchwood Avenue appears wider and more in keeping with the size of the adjacent dwelling, whilst also replicating its design details. The examples at 134 and 238 London Road both involved creation of a dwelling of virtually the same size and design as the host dwelling, effectively forming a semi-detached pair. I do not regard any of these examples as directly comparable to the

nature or design of the appeal scheme, and they do not alter my conclusions which I have reached on the specific planning merits of the proposal.

10. I am also aware that the appellant could construct the physical extensions under the extant permissions. Whilst this represents a fall-back position, the specific harm in this case arises not from the scale of the extension, but the creation of a dwelling. None of the preceding permissions enables the appellant to form a new dwelling. Therefore, I am not persuaded that these fall-back options would present an equivalent or greater degree of harm than the appeal scheme. Consequently, they are not considerations which attract favourable weight in the planning balance.
11. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policies D4 of the London Plan (March 2021) (the LP21) and Policy 28 of the Sutton Local Plan (February 2018) (the SLP), which together require development to deliver high quality design that respects the local context and responds to local character.

Parking Provision

12. Under Policy 37 of the SLP development is expected to provide car parking in accordance with the Council's restraint-based, maximum car parking standards and taking into account levels of public transport, existing parking availability and usage around the site and the need to deter unnecessary car use while avoiding overspill parking problems. LP21 Policy T6.1 sets out maximum parking standards. The site falls within the Outer London PTAL 2-3 category, to which a maximum provision of 1 space per 3+ bed dwelling applies. I am not provided with any different local standards for Sutton.
13. The existing dwelling is indicated to have one parking space, though on site I saw that there is ample space for two vehicles. The plans submitted indicate one retained space for No 87 and two spaces for the proposed dwelling, one at the front and one at the rear of the garden access by a new footway crossover. It is not explained by the appellant why two spaces are proposed when the maximum standard is one space.
14. The Council is critical of the plans showing the creation of an additional pavement crossover to the front to access the parking space for the existing dwelling as it argues this crossover falls outside of the red line of the appeal site and is unlikely to be permitted due to its proximity to a street tree. However, my observations on site indicated that the existing front garden/driveway has space for two if not three vehicles, all of which could access the site over the existing crossover, should the driveway be retained as a shared space. Setting aside my concerns above with the number of parked cars a second dwelling would lead to, such an arrangement would negate the need for a separate access and use of the existing access would not pose a significant risk to the street tree.
15. The Council does not specifically oppose the provision of two spaces for the new dwelling despite this exceeding the LP21 standard. The proposal would provide accessible off-street parking for each dwelling. The spaces at the front would not require a new access and so would not affect the existing availability of parking on street. Nor, given the level of off-street parking to be provided, would the development materially add to the demand for on-street parking. Therefore, despite exceeding the LP21 parking standard, I find no harm would

arise in respect of parking provision either on site or on the street, and by extension, the development would not pose a risk to highway safety. As such, there would be no conflict with the overall aims of Policies 37 or T6.1.

Effect on Street Tree

16. As set out above, I have found that the development could be undertaken without the proposed crossover to the front and so the risk of damage to the existing street tree would not occur. The Council is also critical of an absence of details about how the street tree would be protected during construction. However, such measures are commonly deployed as part of construction projects, and I am satisfied that appropriate details could be secured by condition to address this matter. I therefore find no conflict with Policy 28 of the SLP, which requires that developments respond to natural features and retains trees, hedges and other landscape features and spaces of amenity value where possible, or the similar requirements of Policy G7 of the LP21.

Sustainable Drainage

17. Policy 32 of the SLP requires that developments should incorporate effective sustainable drainage (SuDS) measures as part of the design and layout of the development in order to manage surface water run-off as close to its source as possible. Proposals should explain how each SuDS measure and the overall site drainage strategy will be managed and maintained throughout its lifetime.
18. The appellant has not provided details of any sustainable drainage measures, instead requesting that this matter be dealt with by way of a pre-commencement condition. Such an option may be appropriate where the principles of any SuDS have been established, but I have no details before me of the site conditions or any site constraints which may exist. Consequently, there is no certainty as to the extent to which surface water drainage may be a problem on site or the feasibility of any particular system in addressing it. Given such uncertainty, and the potential for surface water drainage to affect properties beyond the appeal site, I am not satisfied that this is a matter that can be left to be addressed by condition.
19. Therefore, the proposal fails to demonstrate that the development would adequately manage surface water run-off, in conflict with the requirements of Policy 32 of the SLP and the aims of Policies SI 5 and SI 13 of the LP21 to manage London's water infrastructure and reduce flood risk.

Other Matters

20. The Council did not identify harm in respect of other matters, including the standard of accommodation the new dwelling would provide, the effect on neighbours' living conditions, cycle parking, energy and water efficiency and fire safety, some subject to conditions to secure further details. On the evidence before me, I have no firm reasons to conclude otherwise in these matters. However, the absence of harm means these are neutral considerations in the planning balance.
21. The appellant refers to the proposal making use of an otherwise vacant brownfield site. However, the National Planning Policy Framework (the Framework) specifically excludes residential gardens from the definition of previously developed land. In any event, whilst the Framework supports the effective use of land, this should be done whilst safeguarding and improving

the environment. The proposal would not improve the immediate environment in terms of the character and appearance of the area. Therefore, I do not regard the proposal as making effective use of the land that would amount to a benefit to be weighed in favour of the proposal.

Planning Balance

22. The proposal would add an additional dwelling to the housing stock in line with the government's desire to boost the supply of housing. However, the small scale of the proposal means this would be no more than a limited benefit weighing in its favour.
23. There would also be economic benefits associated with the construction of the dwelling and use of local services by future occupants, though again, such benefits would be limited, and in part temporary.
24. Set against these benefits, the proposal would cause significant harm due to the adverse effect on the character and appearance of the area and failure to address surface water drainage. This results in conflict with the development plan, taken as a whole, to which I afford significant weight. The other material considerations in this case, taken together, do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

25. Therefore, for the reasons given, the appeal should be dismissed.

K. Savage

INSPECTOR