



Appeal Decision

Site visit made on 9 November 2022

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/P5870/W/22/3301112

252 Winchcombe Road, Carshalton, SM5 1SA

- 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 Kadar Meda against the refusal of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00098 dated 19 January 2022, was refused by notice dated 5 May 2022.
 - The development proposed is a 2 bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; the living conditions of the intended future occupiers and whether the new dwelling incorporates sustainability measures in its design.

Reasons

Character and Appearance

3. The host property is an end of terrace located on the corner of Winchcombe Road and Thornton Road, situated on a large estate of two storey brick properties of largely the same architectural style and type. The design is typical of the period and the estate has open spaces designed into the layout, particularly at crossroads and junctions, which contribute to a sense of openness of the area. The appeal property is one such property and its space to the side makes a positive contribution to the character and appearance of the area, along with other properties at this junction.
4. The proposed house is not within the Area of Special Local Character but the locality does have similar characteristics to it, which I noted on my site visit. In particular, the openness of the corner plots relieves the urban form of the estate.
5. The proposal would be sited to the side of the host property and whilst a similar design to the host property and terrace as a whole, it would as a result of its presence significantly erode the openness between the built form along Winchcombe Road and the junction with Thornton Road.

6. This reduction in openness would reduce the contribution the appeal site makes to the character and appearance of the area and as a consequence harm would be caused to the character and appearance of the area which would be in conflict with Policy D3 of the London Plan (2021) which seeks to have due regard to existing and emerging street hierarchy, building types, forms and proportions and also responds to site context. It would also conflict with Policy 28 of the Sutton Local Plan (Adopted February 2018) which states that it is important that new development respects local character.

Living Conditions

7. The proposed new dwelling would have a small area of garden space to its rear, which would be largely private given its relationship to other properties. A larger area of space would be provided to the side of the property but adjoining Winchcombe Road, which would not be private.
8. Such provision would fall below the amenity space standards set out within the Council's Supplementary Planning Document Creating Locally Distinctive Places Sutton's Urban Design Guide (SPD). Whilst the side garden space would be of a size that could be enjoyed by the intended future occupiers for various activities, the restricted size of the private garden space to the rear would be likely to be cramped and unpleasant given its restricted size and shape. Moreover, there would be little space for children of this small family sized dwelling to play outside safely and securely. Occupiers of the new dwelling would be unable to enjoy their outside private space and as a consequence, poor living conditions would result for the intended future occupiers.
9. The Council has suggested that a bedroom in the side elevation of the new dwelling would need to be obscure glazed to prevent a loss of privacy to the neighbouring occupier. As this window would face towards the side garden of No 165, Thornton Road and the property concerned benefits from a private rear garden, I consider that the side facing bedroom window would not be harmful to the living conditions of the occupiers of No. 165. Accordingly, it would not need to be obscure glazed as suggested by the Council. The living conditions of the intended future occupiers of the new dwelling would therefore be of a high standard in terms of the design of the dwelling.
10. Notwithstanding my findings in respect of the accommodation standards, the proposal would fail to provide adequate private outdoor space for the dwelling's intended occupiers, which would result in poor living conditions for them. This would be in conflict with Policy D6 of the London Plan (2021), Policy 9 of the Sutton Local Plan (2018) and the SPD which seek to ensure acceptable levels of private outside space.

Sustainability Measures

11. The Appellant has submitted a Surface Water and SuDS Assessment together with an Energy Statement including a Predicted Energy Assessment. These suggest that the proposed house could meet the Council's sustainability targets in relation to the future impacts of climate change. The Co2 reduction, water consumption limits and surface water/SuDS requirements could be satisfactorily dealt with by conditions which require the Appellant to meet the relevant criteria prior to the proposed house coming into use.

12. Given the above, I conclude that the new dwelling could include sustainability measures in accordance with Policies SI 2, SI 4, SI 5, SI 12, and SI 13 of the London Plan and Policies 31,32 and 33 of the Sutton Local Plan.

Other Matters

13. The Appellant has drawn my attention to two nearby developments, but these were approved before any of the more recent planning documents came into force. Given the different policy context, they do not provide justification for harmful development. I have therefore attached little weight to them.

Conclusion

14. I therefore conclude that the proposal would harm the character and appearance of the area and be contrary to the Development Plan in respect of the amount of private outdoor space provided. For the above reasons the proposal conflicts with the development plan taken as a whole. There are no other considerations which outweigh this finding. The appeal is dismissed.

D Barlow

INSPECTOR