



Appeal Decision

Site visit made on 5 April 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MAY 2023

Appeal Ref: APP/P5870/W/22/3308072

Land R/O 70-72 Sandy Lane, Cheam, Surrey SM2 7EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs M Bryant against the London Borough of Sutton.
 - The application Ref DM2022/00262, is dated 23 February 2022.
 - The development proposed is erection of a two-storey detached dwelling; provision of new access onto Northey Avenue, parking spaces and soft landscaping.
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Decision

1. The appeal is dismissed and planning permission for erection of a two-storey detached dwelling; provision of new access onto Northey Avenue, parking spaces and soft landscaping is refused.

Preliminary Matters

2. The address of the proposed development as it appears on the planning application form is *Land Rear Of 70-72 Sandy Lane, Cheam fronting Northey Avenue*. However, the address on the appeal form is more succinct and includes the post code of the development, and therefore I have used this address in my banner heading above.
3. The planning application form details a company name in respect of the applicant. However, it is clear from the planning application form and the appeal form that the company name refers to the agent representing the applicant. Therefore, I have simply referred to Mr & Mrs M Bryant in my banner heading above.
4. The appeal is made against the failure of the Council to give notice of its decision within the prescribed period. The Council has provided a putative reason for refusal, which has framed my main issue.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

6. The appeal site is located within the Burton Estates Area of Special Local Character (ASLC), and it abuts the boundary of the ASLC at Northey Avenue. A character appraisal¹ (CA) sets out the history of the Burton Estates, together

¹ The Burton Estates South Cheam Area of Special Local Character – Character Appraisal, May 2017

with its principal characteristics, which include its low density; the spacious nature of the area in the context of its setting and in relation to its neighbours and the local street scene; and the distinctive architectural and design features of the arts and crafts movement. The area is characterised by large, detached dwellings in generously sized plots, set back from the road, with off street parking to the front of the properties. Overall, the area has an open and verdant appearance.

7. The appeal site comprises garden land to the rear of 70 (No.70) and 72 (No.72) Sandy Lane, which are detached properties within long and spacious plots, typical of the character within the ASLC. No.70 is a corner plot, and its return frontage extends for a considerable length along Northey Avenue. Thus, the appeal site forms part of a substantial gap between the built forms of No.70 and 132 Northey Avenue (No.132), notwithstanding its enclosure by a tall fence. Due to its location close to the junction of Sandy Lane/Northey Lane, this substantial gap is highly visible from the public realm.
8. At my visit, I saw a similar length of return frontage on the opposite side of Northey Avenue to the appeal site, enclosed by a tall fence, with a substantial gap between the built forms of 68 Sandy Lane and 131 Northey Avenue. This area of land also lies within the ASLC.
9. Consequently, despite the presence of a somewhat stark, tall fence along the site boundary, the appeal site makes an important and positive contribution to the open and spacious character of the ASLC both individually, and in combination with the opposite return frontage on Northey Avenue.
10. The proposal would result in the sub-division of the plots at Nos.70 and 72, and their respective plots would be significantly shallower than the prevailing character of generously long and spacious plots along Sandy Lane.
11. It is clear from the CA and my visit that plots along Sandy Lane have a different plot character to those further west of the appeal site on Northey Avenue, beyond the boundary of the ASLC. The site is at the boundary with the ASLC and, to some degree has an intrinsic relationship with those dwellings to the west beyond it. However, as part of the substantial rear garden landscape character of the area along Sandy Lane, the appeal site is an intrinsic component of the open and spacious landscape character of the ASLC. In this regard, the proposed development would undermine the integrity of the ASLC.
12. Moreover, while plots are comparatively shorter and narrower beyond the boundary of the ASLC on Northey Avenue, increasingly so further towards the west, the appeal plot would be shallower than that of No.132. It would also be shallower than the plot at 130 Northey Avenue, and to the detached properties immediately opposite the appeal site along Northey Avenue.
13. Consequently, the appeal plot would not respect the prevailing plot character of the ASLC, nor that of the immediate area along Northey Avenue.
14. The proposed development would introduce two-storey built form into a substantial return frontage. While a gap in built form would remain in the form of the remaining garden to No.70 as a result of the proposal, the gap would be significantly eroded. Therefore, the proposal would undermine the separation character of long plots to the rear of properties along Sandy Lane within the ASLC, and significantly harm the open character of the immediate area.

15. The design of the proposed dwelling would respect the important architectural features of the ASLC, particularly in terms of its appearance, form, and respect for building lines. However, architectural features are not the only important design characteristic of the ASLC. The CA clearly sets out at paragraph 5.2 the other key characteristics, including the setting of a property, its relationship to its neighbours and the local street scene.
16. My attention is drawn to examples of return frontage development within the wider area. I also note that the CA seeks to maintain good separation from property to the rear; and that back garden development, whether by gaining access through an existing or created gap in the street scene or by using the return frontage of a corner plot, where there are no examples in the near vicinity, is strongly discouraged.
17. In this regard, the examples before me are material. However, I do not know the full circumstances of the examples before me, nor the policies that applied at the time of their consideration. The majority of examples put forward are located on Warren Avenue and Northey Avenue. In this regard, I note that the CA states that Warren Avenue and Northey Avenue are mainly 1960/1970 back garden infills and have their own distinct characters.
18. While now a long-established part of the townscape, those examples I saw do not appear as particularly representative of the original concept for the area, so to some extent they serve to confirm that such development changes the nature of the relationship between built forms and plot sizes, to the extent that they undermine the original character of the area. They do not justify further development such as that now proposed. In any event, I have determined the appeal on the evidence before me and my own observations.
19. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. It conflicts with Policies 7, 13, 28 and 30 of the London Borough of Sutton Local Plan 2018. These policies seek (among other things) to conserve and enhance the borough's historic environment, including Areas of Special Local Character; to ensure that new development is suitable, respectful and responsive to local context and character and takes into account the characteristics of Areas of Special Local Character; and to resist development on back garden land where the site makes an important contribution to the character and appearance of the area.

Other Matters

20. The proposed development would be located within a suitable location for housing; and it would support the government's objective to significantly boost the supply of land for homes. It would assist in meeting the housing needs within the borough and for London, although a single unit would be a small contribution. As a small site, the proposal could be built out relatively quickly, and it would support the effective use of land. The economic effects of the proposal would include the additional household expenditure to the economy, and the temporary benefits arising during construction.
21. Such benefits would be supported by the National Planning Policy Framework (the Framework). However, paragraph 124 of the Framework also requires me to take account of the desirability of maintaining an area's prevailing character and setting (including residential gardens); and the importance of securing well-designed, attractive and healthy places. Paragraph 130 requires me to

ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). In this regard, the proposal would increase density but unacceptably harm the special character of the area. Therefore, the benefits of the scheme as referenced above would not outweigh the unacceptable harm to the character and appearance of the area that I have found.

Conclusion

22. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed, and planning permission is refused.

J Moore

INSPECTOR