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# Appeal Decision

Site visit made on 5 June 2023

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 JUNE 2023**

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**Appeal Ref: APP/P5870/W/22/3310425**

**49 St Barnabas Road, Sutton SM1 4NS**

- 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 Ashok Garg against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2022/00136, dated 24 January 2022, was refused by notice dated 22 September 2022.
  - The development proposed is demolition of existing garage and storage and erection of an attached two storey dwelling together with the alteration to the roof line.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In the banner heading above, I have used the description of development given on the Council's decision notice, rather than that given on the planning application form. This description, which the appellant indicates has been agreed with the Council, best reflects the development for which planning permission is sought and does not change anything fundamental. I have omitted the site address from that description to avoid repetition.
3. During my site visit I observed that construction of a part two storey, part single storey extension to the side of the property was already well underway. The appellant states that this construction relates to a separate application for an extension to the property which was allowed on appeal<sup>1</sup>.

## Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and the host property; and whether the proposal would provide satisfactory living conditions for the existing occupiers of the host property, with particular regard to private external amenity space.

## Reasons

### *Character and appearance*

5. The appeal property is one half of a two storey semi-detached pair of dwellings situated on the western side of St Barnabas Road on a corner plot at the junction with Lower Road. In common with many other properties on St Barnabas Road, the appeal property is set back from the road with a front

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<sup>1</sup> Appeal ref. APP/P5870/D/22/3308942

driveway with low level boundary wall, and a larger rear garden. Due to its corner position, the plot is irregularly shaped and is wider at the front than the rear. The property previously included single storey side extensions.

6. The surrounding area is predominantly characterised by two storey semi-detached dwellings mainly featuring hipped roofs. On this stretch of St Barnabas Road there is a strong sense of uniformity and rhythm partly due to the hipped roofs, broadly similar widths of properties and the even spaces between them. Properties are arranged in a linear fashion with consistent building lines. Together with the planting in the front gardens and street trees, this positively contributes to the area's well-ordered and verdant character.
7. The proposal seeks permission for an attached two storey dwelling to the side of the existing property. The ground floor part would be wider at the front than the rear with a stepped side elevation. The proposal would include hipped roofs above the first floor and over the ground floor elements. The first floor would be notably narrower than the ground floor.
8. Taking into account the set back from the existing front elevation of the host property, lower roof line, and the hipped roof form, the proposal would appear as a subservient addition to the original building. I do not consider that the proposal would be harmful to the character and appearance of the host property. However, as a separate dwelling the proposal would be uncharacteristic of this particular area. The proportions and form of the proposal, including its irregular footprint and the narrow first floor, would be at odds with the rhythm and uniformity of nearby dwellings. The lack of a first floor window to the rear elevation of the proposal would emphasize its failure to reflect the area's character.
9. The siting of the proposal would be close to the side boundary of the site with limited external space surrounding it. In the context of surrounding dwellings, a new dwelling here would appear unduly cramped upon its plot. The resultant size of the remaining garden would be very small and significantly out of keeping with other dwellings in the area. Although the site is within an Area of Potential Intensification, the overriding factor is that the proposal would fail to respect the prevailing pattern of development in the area.
10. The proposal would be similar to the extension which has been allowed on appeal at this site. However, that proposal would have been assessed as an extension rather than as a new dwelling on a separate plot. Consequently, this approved development is not directly comparable to the appeal scheme and does not alter my above findings.
11. The appellant has referred to another development allowed on appeal at 35 Grennell Road. However, the limited details provided indicate that the specific site circumstances of the other development are not comparable to the appeal scheme and it does not provide compelling justification for allowing the appeal. In any case, I have determined the appeal on its own merits.
12. For the above reasons, I conclude that the proposal would be significantly harmful to the character and appearance of the area. As such, it would conflict with Policy D4 of the London Plan (2021), Policies 7 and 28 of the London Borough of Sutton Local Plan (2018) (the Local Plan) and the Council's adopted Supplementary Planning Document 14: Creating Locally Distinctive Places (the SPD). Amongst other things, these policies and guidance seek to ensure that

development delivers good design that responds to local character, including in terms of scale, massing, height, density and architectural detailing.

### *Living conditions*

13. The existing private rear garden would be subdivided to create two separate gardens, for both the host dwelling and the new dwelling. The private external amenity space for the host dwelling would consist of a rear patio adjacent to the rear elevation of the property and a lawn beyond. This would reduce the size of the host dwelling's rear garden to 56 square metres. The occupiers of No 49 would also have access to the existing outside space to the site frontage which includes off road parking and bin storage, but this is not a private space.
14. The host dwelling has 3 bedrooms and would consequently require a minimum private outdoor space of 70 square metres in accordance with the standards set out in the SPD. Therefore, the shortfall would be significant and contrary to the requirements of the SPD. The private amenity space available would be too restricted to meet the needs of the likely number of occupiers of the dwelling.
15. The appellant indicates that the size of the garden for the host property could be increased to 70 square metres, but I have no alternative scheme before me. Increasing the size of the host property's garden could potentially render the remaining garden area for the proposed new dwelling too small and unusable.
16. In Areas of Potential Intensification, the minimum private outdoor space standard may be considered too onerous as set out in Policy 9 of the Local Plan. However, that policy also explains that surrounding local character should be taken into account. In this case, the proposed garden would not reflect the more generous private rear gardens of properties typically found in the area.
17. The appellant refers to developments elsewhere within the borough where the garden spaces have not achieved 70 square metres. However, I do not have the substantive details or planning history of these other cases before me and each inevitably has design considerations and a surrounding context specific to it rather than to the appeal site. Accordingly, I have determined the appeal on its own merits and do not find that the presence of previous approvals outweighs or alters my findings above.
18. For the above reasons, I consider that the proposal would fail to provide satisfactory living conditions for the existing occupiers of No 49, having regard to the provision of private external amenity space. In this respect, the proposal would conflict with Policy D6 of the London Plan and Policy 9 of the Local Plan which, amongst other things, seek to ensure that housing development includes the provision of an adequate amount of private amenity space.

### **Other Matters**

19. Whilst not one of the Council's reasons for refusal, the delegated report also raises a concern that no fire safety information has been submitted to accord with Policy D12 of the London Plan. As I have found harm in relation to the main issues, it is not necessary for me to consider this matter further.
20. I acknowledge the appellant's frustration about the pre-application advice received, but this has had little bearing on the planning merits of the scheme.

21. The appellant contends that the proposal would optimise the use of the site. However, in the manner proposed this would be at the expense of the character and appearance of the area and the living conditions of the occupiers of the host property.
22. The proposal would offer benefits in terms of providing a new dwelling in a sustainable location. Economic benefits would arise through employment opportunities created during the construction phase of the development and spending in the local area by future occupiers. Given the modest scale of the development proposed, the weight attributable to these matters is limited and would not outweigh the harm that I have identified.

### **Conclusion**

23. The proposal does not accord with the development plan as a whole and there are no other considerations, including the National Planning Policy Framework, that indicate that I should take a different decision other than in accordance with this.
24. For the reasons given above, I conclude that the appeal should be dismissed.

*M Ollerenshaw*

INSPECTOR