



Appeal Decision

Site visit made on 18 July 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/P5870/W/23/3314862

83 St. James' Road, Sutton SM1 2TJ

- 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 M Page against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/01152, dated 21 June 2022, was refused by notice dated 2 December 2022.
 - The development proposed is demolition of existing garage and erection of two storey dwelling with off street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the banner heading I have used the description of development from the application form as there is no evidence that the parties have agreed to the amended description on the decision notice.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of 83 and 85 St James' Road and 6 St James' Avenue with particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site is currently occupied by a single storey garage building, accessed from St James' Avenue which is to the rear of 83 St James' Road. No 83 is a large semi-detached dwelling which currently used as flats.
5. The area is characterised by mixed residential properties comprising mainly two storey semi-detached, terraces and blocks of flats mainly set in large plots and set back from the highway. It also lies within an Area of Potential Intensification identified in the Sutton Local Plan 2016-2031 (2018) (SLP) where an increased density of development would be appropriate, in accordance with Policy 7.
6. The garage is single storey with a mono pitched roof, adjacent to two flat roofed garages situated. The proposal would see the creation of a two storey, two bedroom detached dwelling with an asymmetrical roof design and garage

style doors to the front elevation, with an area to the side that would be used as private amenity space. The design of the dwelling would fail to reflect the substantial and well-balanced proportions of surrounding dwellings. It would also not sit comfortably against the modest height and scale of the adjacent garages. It would look extremely incongruous as a result.

7. This would result in a building which would have an unbalanced appearance, being disproportionally tall in relation to its limited width exacerbated by the single storey of the adjoining garages. The narrow, detached form would not reflect the nearby semi-detached character of the locality. The proposed dwelling due to the limited plot size would be considerably narrower than the nearby houses and as such would not reflect their proportions or fenestration pattern. It would therefore fail to reflect the well-balanced proportions of the surrounding dwellings.
8. I acknowledge that the appellant has made changes to the proposed scheme, following a previous refusal of a planning application to address the reasons for refusal and that the scheme meets minimum space standards. However, for the reasons given it would harm the character and appearance of the area.
9. Therefore, the proposed development would be harmful to the character and appearance of the area. This would be contrary to Policies D3 and D4 of the London Plan 2021 (LP) and Policies 1,7,13 and 28 of the SLP which together, amongst other matters seek to ensure that development respects the local context and is of a suitable scale, massing and height. The proposal would also be in conflict with the guidance in Sutton's Urban Design Guide Supplementary Planning Document 14 (2008).

Living conditions

10. Whilst the proposed dwelling would be set in from the boundaries of the site, it would still be closer to the rear elevations of 83 and 85 St James' Road than the current garage. From the evidence before me, the additional massing and height of the building would be prominent from both the rear gardens of the neighbouring dwellings and from the rear first floor windows of No 85. Due to the presence of the remaining garages and the setback, the proposal would be further away from 6 St James' Avenue. It would however be taller than the existing garage and prominent in views from the rear garden.
11. Although the first-floor bedroom window of the proposed dwelling would be roof lights with obscured glazing to the lower sections, they would give the appearance of overlooking the rear private amenity space of 83 and 85 St James' Road which would give a sense of loss of privacy for the occupiers.
12. I conclude that the two storey dwelling would harm the living conditions of 83 and 85 St James' Road with particular regard to outlook and privacy. I would therefore conflict with Policy 29 of the SLP which amongst other matters seeks to ensure that development does not adversely affect the amenities of occupiers of nearby properties.

Other Matters

13. I acknowledge that the existing garage is in need of some updating and that its removal would be a benefit to the area. However, any benefits from the removal of this structure would not outweigh the harm caused to the character and appearance of the area by the replacement dwelling.

Conclusion

14. Whilst the proposal would accord with the aims of the planning policies which encourage residential development on brownfield land close to town centres, I have identified clear harms and conflict with other policies which outweigh this consideration. Therefore, the proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

H Senior

INSPECTOR