



Appeal Decision

Site visit made on 13 June 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/P5870/W/22/3313263

3 Edinburgh Road, Sutton SM1 3LX

- 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 Fareeth Ansari Shahul Hameed against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/01345, dated 3 August 2022, was refused by notice dated 18 November 2022.
 - The development proposed is changes to the roof of existing dwelling and erection of 2 storey detached dwelling of 2 bed and study with car parking and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for changes to the roof of existing dwelling and erection of 2 storey detached dwelling of 2 bed and study with car parking and refuse storage, at 3 Edinburgh Road, Sutton SM1 3LX, in accordance with the terms of the application, Ref DM2022/01345, dated 3 August 2022, subject to the conditions listed in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development, specifically the new detached dwelling, on the character and appearance of the area.

Reasons

3. The appeal site comprises a semi-detached house on the corner of Edinburgh Road and Grennell Close. The surrounding area is predominantly residential, with dwelling types including houses and flats of varying 20th century architectural styles.
4. The appeal property and its adjoining dwelling, No 1 Edinburgh Road, are built in a traditional style featuring first-floor bay windows. When viewed from the front, the dwellings retain a strong degree of their original symmetry. The pair of dwellings on the opposite side of the Grennell Road junction have a similar appearance. However, despite the similarities between these dwellings, the wider area exhibits a greater degree of variation in the appearance of dwellings. The neighbouring dwellings to the west of the appeal site, including Nos 1a, 1b and 1c Edinburgh Road, are built in a different and presumably later architectural style to the appeal property and its adjoining dwelling. Furthermore, whilst Nos 1a and 1b are semi-detached, No 1c, which sits between two pairs of semi-detached dwellings, is detached. Accordingly, the immediate area exhibits a strong degree of architectural diversity.

5. The evidence sets out that planning permission has previously been granted for a new dwelling attached to 3 Edinburgh Road. Although I do not hold full details of the previously approved scheme, I understand the main difference between the two schemes is that the appeal proposal is detached and set closer to the edge of Grennell Close, whereas the previous scheme was attached to the existing dwelling.
6. Whilst I note the reference to various examples of corner developments in the area, there are notable differences between these examples and the development proposals, and as such they hold very limited weight in my decision. Nevertheless, the effects of the development on the character and appearance of this corner location do require consideration. Although the existing semi-detached dwellings immediately to either side of the Grennell Close junction are similar in appearance, the general variety in the appearance and pattern of development in the vicinity provides an environment to which the proposed development would not appear alien. Furthermore, although it would be detached, it would include certain details that would reflect the semi-detached dwellings currently flanking the junction.
7. The front elevation of the new dwelling would be slightly set back from that of the existing semi-detached dwelling. However, the other dwellings in the immediate row, specifically Nos 1 a, 1b and 1c Edinburgh Road, feature varied front building lines and sit at disparate angles to one another. As such, the slight set-back nature of the proposed dwelling would not appear uncharacteristic.
8. The proposed development would extend the built form on the western side of the junction closer to the edge of the Grennell Close footway. However, a gap would still be retained. Furthermore, the gap would widen towards the rear, providing a reasonable separation between the dwelling's side elevation and the footway, and also ensuring the provision of reasonably sized gardens for both the existing and proposed dwellings.
9. The side boundary currently features a tall mature hedgerow which provides a significant amount of screening. Although the plans illustrate that some of this would be removed to facilitate the development, I am not aware of any restrictions that would prevent this taking place in any event. Furthermore, even if this was removed, I am satisfied the proposal would retain a sufficient separation from the side boundary to ensure it would not appear as a cramped form of development.
10. For the above reasons, the proposed development would not be harmful to the character and appearance of the area and would accord with Policies D3 and D4 of The London Plan – March 2021, and Policies 1 and 28 of the Sutton Local Plan 2016-2031 – February 2018. Together these policies seek, among other objectives, to deliver development that is attractive and designed to the highest standard, to make the best use of land by following a design-led approach that optimises the capacity of sites, to enhance local context, to respond to the existing character of a place, and to deliver housing growth. The proposals would also accord with the London Borough of Sutton Supplementary Planning Document 14 'Creating Locally Distinctive Places – Sutton's Urban Design Guide', which has similar aims.

Other Matters

11. Objections have been submitted in relation to various matters. The Council has raised no fundamental concerns with regard to parking, cycle storage, highway and pedestrian safety and effects during the construction process. I do, however, note the Council considers that conditions may be necessary in relation to some of these matters. I acknowledge that the adjacent road is a bus route and there is a bus stop opposite the site, and I note the presence of some traffic calming measures in the adjacent road. However, based on the details before me, I have no reason to reach an alternative view to the Council on these matters, and I will address any potential conditions in the following section. In relation to one specific objection referring to the potential for access directly on to Grennell Close, I can see no indication of this on the plans, with all access to the site being provided via Edinburgh Road.
12. Regarding effects on wildlife and biodiversity, I am provided with no substantive evidence that the proposals would lead to any adverse effects in this regard. If it is necessary to address these matters through conditions, this will be discussed in the following section.
13. I note reference to previous planning applications that have been refused at the site, but I am provided with no substantive details relating to these cases and can therefore afford them only limited weight. I am aware of concerns that the proposals would set a precedent for future larger developments. However, I cannot speculate on any potential for future proposals and have based my decision solely on the details applied for at this time.
14. Concerns have been raised that there is a lack of demand for new properties in this area, and that recently constructed properties nearby have met this demand. However, the proposals would contribute to the delivery of housing, with the National Planning Policy Framework (the Framework) setting out that the measure of housing need should be set as a minimum. As such, even if local housing targets have been met through other development, this is not a matter that would weigh against the proposals.

Conditions

15. The Council has provided a list of suggested conditions that I have considered against the provisions of Paragraph 56 of the Framework and the Planning Practice Guidance (the PPG). Where necessary to ensure compliance with the provisions of the Framework and PPG I have amended, and in some cases omitted, certain conditions.
16. Conditions relating to the statutory time limit and a list of approved plans and details are necessary in the interests of certainty. A condition requiring the external materials to match closely with the existing building is necessary to ensure the development delivers a high standard of design and reflects the local character.
17. A condition requiring the submission of a scheme of wildlife and nesting features is reasonable and necessary in the interests of avoiding harm to the biodiversity of the site and protected species. I note the officer report provides evidence from the Council's Biodiversity Officer to support this.
18. A condition requiring the scheme to be built in accordance with the submitted statement relating to the photovoltaic panels is reasonable and necessary to

ensure the development is environmentally sustainable. Following installation of the measures, this condition will require the submission of a report confirming the built development delivers the required levels of energy performance.

19. The Council has requested the submission of additional details relating to cycle storage. However, the approved plans illustrate secure cycle storage in an unobtrusive location in the rear garden. I am satisfied that the details provided are acceptable, and accordingly this could be imposed as a compliance condition.
20. A condition has been suggested requiring the submission of a Construction Logistics Plan in the interests of highway and public safety and to ensure the living conditions of neighbouring occupiers are protected. Due to the location of the site on a busy bus route, the existing traffic calming measures, and the proximity of other residential properties, I am satisfied that it would be reasonable and necessary to secure these details through a pre-commencement condition. The appellant has confirmed their agreement to this.
21. I note the Council has suggested conditions requiring additional drainage details. However, I am provided with no substantive evidence as to why this is necessary. A drainage strategy report has been provided, detailing an outline drainage strategy that can be secured as part of the approved details. Given the limited scale of the development and the site's location in Flood Zone 1, I do not find additional conditions to be reasonable or necessary.

Conclusion

22. Taking all above matters into account, I conclude that the proposed development would accord with the development plan and there are no material considerations that would outweigh these findings. Accordingly, the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:
 - Site Location Plan
 - Proposed Block Plan
 - Proposed Ground Floor – Dwg. no D1
 - Proposed First Floor – Dwg. no D2
 - Proposed Roof – Dwg. no D3 R1
 - Proposed Right View & Section AA – Dwg. no D4 R1
 - Rear Elevation – Dwg. no D5
 - Front Elevation – Dwg. no D6 R1
 - Proposed Car & Cycle Parking, Refuse and Rear Garden – Dwg. no D7 R1
 - Boundary Treatments – Dwg. no D8 R1
 - Proposed Left View – Dwg. no D9 R1
 - Streetscene – Right View and Front View – Dwg. no D10
 - Water Efficiency Calculator – Dated 04/12/2021
 - Fire Safety Statement – Land at 3 Edinburgh Road, Sutton SM1 3LX
 - Drainage Strategy Report – Ref PGC 393 Issue 2
- 3) No development, including demolition and site clearance works, shall commence until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include details of:
 - (a) loading and unloading of plant and materials;
 - (b) storage of plant and materials;
 - (c) programme of works (including measures for traffic management);
 - (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
 - (e) hours of operation;
 - (f) means to prevent deposition of mud on the highway.Thereafter, the development shall be constructed in accordance with the approved CLP.
- 4) Prior to occupation of the new dwelling hereby permitted, a scheme to avoid adverse effects on biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of:
 - (a) Hedgehog-holes in east/west facing garden fence lines to increase connectivity between garden land for hedgehogs;
 - (b) Features within the structure of the new development for birds and insects;
 - (c) A plan and schedule of soft landscaping to provide varying structure, nectar, pollen and fruit resources;
 - (d) External lighting.All soft landscaping secured through this scheme shall be carried out in the first planting and seeding seasons following occupation of the new dwelling and retained for a minimum period of 5 years thereafter. Any trees or plants which die, are removed or become seriously damaged or diseased within this 5-year period shall be replaced in the next planting season with others of similar size and species.

All other details secured through this scheme shall be implemented prior to the occupation of the new dwelling and retained thereafter.

- 5) All solar photovoltaic (PV) panels shall be constructed in accordance with the details shown on the approved plans and the 'PV Panels and Energy Assessment' report dated December 2021. Prior to first occupation of the new dwelling hereby approved, 'as-built' Standard Assessment Procedure (SAP) outputs together with written confirmation that the proposed solar PV array has been implemented and achieved the targeted reduction in CO2 emissions, shall be submitted to and approved in writing by the Local Planning Authority. The solar PV panels shall be retained thereafter in accordance with the approved details.
- 6) The new dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. D7 R1 for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 7) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

**** End of conditions ****