



Appeal Decision

Site visit made on 3 October 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/P5870/W/23/3318290

300B Croydon Road, Wallington SM6 7LQ

- 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 Vyacheslav Makaravichyus against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00573, dated 18 March 2022, was refused by notice dated 20 January 2023.
 - The development proposed is the demolition of existing bungalow and development of 2x1 bed and 2x2 bed (8no.) flats together with associated parking and amenity spaces, bin store and bike store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, it is clear that the description used on the decision notice and appeal form is the most accurate. This describes the development as 'Demolition of existing dwelling and erection of a four storey detached building to provide 8 self-contained residential units with car parking bays to the front and provision of detached cycle and refuse stores'. I have proceeded accordingly.
3. I note that the Council no longer contest the third or fourth reasons for refusal, which concern the nearby tree and landscaping of the appeal site, as it considers that adequate tree protection measures could be used and the introduction of landscaping could be addressed by way of conditions. Accordingly, there is no need for me to consider these matters further.

Main Issues

4. The main issues are therefore a) the effect of the proposal on the character and appearance of the area; and b) the effect of the proposal on the living conditions of occupiers at 302A Croydon Road and 36 and 38 Bloxworth Close, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site is a narrow, yet lengthy, plot which currently comprises a detached bungalow. There is no defined architectural style or building type within this predominantly residential area, which comprises a mix of blocks of flats, semi-detached and detached dwellings, amongst others.

6. The proposed building would fill much of the width of this restricted plot and would be four storeys in height. The top floor would largely read as a full floor given the prominent design of the mansard roof and dormers. The building would also have a substantial depth, with a footprint considerably larger than the existing bungalow. The resultant rear garden area would be limited.
7. As a result of its excessive width, depth and height, along with the constrained nature of the plot and the close relationship with 302 Croydon Road, the proposed development would have a significant bulk and mass and would appear cramped and uncomfortable within its plot. It would be disproportionate to it and this overly dominant arrangement of built form would be readily apparent from the public realm given its close siting to the highway and the large and open nature of the adjacent flattened development at Bloxworth Close. All this leads me to conclude that the design of the proposal would not be exemplary.
8. I appreciate that the scale of the proposed building is largely reflective of the adjacent properties which are taller. I also find that, whilst close to the boundary with No 302, a building of merit, this does not result in significant harm to its individual character or setting. Nonetheless, this does not overcome the scheme's disproportionality with its plot and the resultant harm to the streetscene which I have identified.
9. Whilst the appeal proposal takes design cues from 324 Croydon Road, this example is not directly comparable. No 324 may have a greater width than the appeal proposal however it is set in a larger plot with an access road to one side, is smaller in height and is well set back from the highway thus is not prominent in the street scene. Even if its building to plot ratio may be relatively similar to the appeal proposal, by virtue of these features and the arrangement of built form, it does not appear cramped in its plot.
10. Accordingly, the proposal would harm the character and appearance of the area and thus would conflict with Policies D3 and D4 of The London Plan, The Spatial Development Strategy for Greater London (March 2021) (the London Plan) and Policy 28 of the Sutton Local Plan 2016-2031 (February 2018) (the SLP). Collectively, these policies aim for development of a high standard of design which is of a suitable scale, massing and height to the setting of the site, amongst other things.

Living conditions

11. The rear elevation of the proposed building would be within close proximity to the boundary with 302A Croydon Road. Whilst I acknowledge that the main garden space of No 302A may be on its northwest side, away from the proposed development, there are nevertheless windows facing the proposal. These are finished in transparent glazing and thus they may serve habitable rooms. There is no evidence before me to indicate otherwise. The proposed upper floor rear balconies would therefore provide direct views into those rooms.
12. Further, the positioning and height of the rear balconies, their open aspect to the rear and the depth of the proposed development would allow for clear views into habitable rooms and private outdoor space of 36 and 38 Bloxworth Close.

13. There is no conclusive evidence provided which indicates that reduced separation distances between buildings is an established feature in this locality. Moreover, the excessive height of the development combined with the balconies would nevertheless result in far greater overlooking than that which would typically occur in residential areas between dwellinghouses.
14. I note that concerns are raised within the officer report that the proposal would be overbearing to occupiers of No 302, however this has not been included as a reason for refusal and is omitted as an area of concern in the Council's statement of case. Regardless, as this matter would not be decisive given the remaining concerns, there is no need for me to consider it further.
15. Nonetheless, the proposal would result in a loss of privacy for occupiers of No 302A and Nos 36 and 38 and thus would harm their living conditions. It would therefore conflict with Policy 29 of the SLP which seeks to avoid development which adversely affects the amenities of occupiers of nearby properties.

Other Matters

16. The evidence before me indicates that the appeal site no longer falls within the Beddington Park Conservation Area, following amendments to its boundary. As such, there is no need for me to consider this matter further.
17. I note the appellant's concerns regarding the Council's handling of the planning application however this is not a matter for me within the context of this appeal, which I have determined on its own merits.

Conclusion

18. A key aim of the National Planning Policy Framework (the Framework) is to boost the supply of housing, including making an effective use of land. The proposal would increase the density of development on site and provide eight new dwellings. This would generate economic and social benefits during construction and on subsequent occupation. These benefits would however be limited given the scale of the development proposed.
19. Conversely, the Framework also requires planning decisions to be sympathetic to local character and maintain a strong sense of place, as well as creating places with a high standard of amenity for existing occupiers. For the reasons given above, the proposal would not accord with these objectives.
20. Accordingly, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR