



Appeal Decision

Site visit made on 19 February 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/P5870/W/23/3328306

130 Croydon Road, Beddington, Sutton CR0 4PG

- 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 John Bryant against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/01313, dated 14 July 2022, was refused by notice dated 22 June 2023.
 - The development proposed is described as the "erection of three houses with appropriate facilities (a pair of four-bedroom semis and a detached four-bedroom house)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fourth reason for refusal relates to the lack of a S106 agreement to provide biodiversity compensation. However, the Council has confirmed that conditions could secure the provision of wildlife nesting features and a biodiversity enhancement management plan. Therefore, it is not pursuing this reason for refusal. As such, my decision is based on the outstanding issues in the remaining reasons for refusal.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties were not invited to make further comments.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the development would provide acceptable living conditions for future occupants of plot 3, with particular regard to private amenity space.

Reasons

Character and appearance

5. The site comprises a detached house, located on the corner of Croydon Road and Cedars Road. The immediate locality is largely characterised by two storey, hipped-roof semi-detached dwellings. There is also a large, modern school building with a double pitched roof adjacent to the site as well as some

detached single and two storey houses in Cedars Road and the wider area. The existing properties are set back from the road, with the houses mainly sited in generous plots with long rear gardens.

6. The proposed development would replace the existing house with a pair of semi-detached dwellings facing Croydon Road (plots 1 and 2) and a two-storey detached house fronting Cedars Road (plot 3). The appellant indicates that the design concept is in response to a previous permission which was refused in 2020 (planning application ref DM2020/00498).
7. The proposal would result in three dwellings with small curtilages, with plots 1 and 2 having only short rear gardens and plot 3 having a narrow wraparound garden. The Sutton Local Plan 2016-2031 (SLP) addresses housing density and within suburban heartlands requires developments to respect the positive features of Sutton's character and reinforce local distinctiveness. Although it does not prohibit the development of back garden land, the proposed plot sizes and arrangement of dwellings would not relate well to the oblong shaped, sizeable residential plots predominant in the locality. Therefore, the development would result in a cramped layout which would fail to reflect the prevailing pattern of development.
8. The detached house on plot 3 would significantly reduce the gap between the dwellings on Cedars Road and Croydon Road. Although there are outbuildings in the garden on the opposite side of Cedars Road, the proposed dwelling would be considerably higher than these. Due to its height, size and position, the structure on plot 3 would harm the openness of this corner location, particularly incongruous in views from Cedars Road and its junction with Croydon Road.
9. The appellant refers to other dwellings built on corner plots at junctions with Croydon Road, but limited information is provided. From my observations on site, they are smaller scale developments which retain reasonable gaps between the buildings and are not comparable to the proposal.
10. The semi-detached form, depth and width of plots 1 and 2 would reflect other dwellings on Croydon Road and the contemporary design is intended to replicate the principles of the houses on the opposite corner. However, the building's large, pitched roof would be at odds with the hipped-roof forms prevalent on houses in the street. Further, due to the different facing materials on the ground floor compared to the upper levels, the recessed entrances and the scale of the roof, the structure would have a top-heavy appearance. In addition, the varied sizes, shapes, and projections of the front windows would give an incoherent appearance. Therefore, the scale and design of the semi-detached properties would result in a prominent and discordant addition to the street scene, particularly conspicuous in views from Croydon Road.
11. It is indicated that the detached dwelling on plot 3 is intended to reflect those on the opposite side of Cedars Road. However, the ground floor bay window would project forward of the front gable, which together with the flat roof cover above the front door, would introduce incongruous features. Further, the stepped roof height and horizontal form of the proposed building with its long, pitched roof would be at odds with the hipped roof, vertical form of the detached houses opposite. As such, the detached house on plot 3 would be a discordant addition to Cedars Road.

12. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies H2 and D3 of the London Plan 2021 (LP) and Policies 10 and 28 of the SLP. Together, these require new developments to be attractive and designed to the highest standard, respecting local context and having regard to existing building types, forms and proportions, amongst other things. It would also conflict with the Framework which sets out that development should be sympathetic to local character and development that is not well designed should be refused.
13. I do not find conflict with Policy H1 of the LP which relates to achieving housing targets.

Living conditions

14. Policy 9 of the SLP requires new residential development to provide an adequate amount of private amenity space which will be considered on a case-by-case basis with reference to minimum standards set out in the Council's Urban Design Guide SPD (the SPD) and taking into account local character. The supporting text to the policy and the SPD refer to a minimum standard of 70m² for three bedroom units.
15. Policy D6 of the LP recognises that the importance of qualitative aspects to ensuring successful housing, and associated table 3.2 requires private amenity space to be usable and have a balance of openness and protection, appropriate for its outlook and orientation.
16. The area of private garden space around the proposed house on plot 3 would exceed 70m² and wrap around the dwelling. Whilst wraparound gardens are common features of suburbs, the narrow width of the proposed garden, together with its shape and location sandwiched between the house at 1 Cedars Road and existing and proposed high boundary fences, would create a very enclosed, poor quality space. This would be harmful to the living conditions of the future occupants of this house.
17. Further, much of the rear garden on plot 3 would be overlooked from the upper floor rear windows of the houses on plots 1 and 2. Whilst planting could provide greater privacy to those using the garden, this would exacerbate the harmful sense of enclosure of that space.
18. The appellant considers that the proposed gardens are equal to many in the locality, but there is no reference to any specific examples.
19. Therefore, I conclude that the proposal would provide unacceptable living conditions for the future occupants of plot 3, with particular regard to private amenity space. This would be contrary to Policy D6 of the LP and Policy 9 of the SLP. It would also conflict with the SPD. In addition, it would be contrary to the Framework which requires decisions to provide a high standard of amenity for future users.

Other Matters

20. The proposal would make more efficient use of the land on a small site in accordance with national planning policies. It would contribute three family dwellings towards the supply of housing, close to facilities and public transport. The Council has identified sufficient housing sites to demonstrate that it can meet the minimum five-year housing land supply required by the Framework.

This tempers the weight I have attached to housing delivery, notwithstanding that it is still a limited benefit to be factored into the planning balance.

21. The Council does not raise concerns or find development plan conflict in relation to several other matters, including internal floorspace and ceiling heights, living conditions for neighbouring occupiers, relationship to the school, car parking, cycle storage, vehicular access, landscape and trees, fire safety, energy efficiency, archaeology, and flood risk. There is no compelling evidence before me that would lead me to reach a different conclusion to the Council on them. However, the absence of harm is a neutral factor in the planning balance.
22. I appreciate that a neighbour supports the proposal, but this does not alter the harm that I have found.

Planning Balance and Conclusion

23. I have found harm to the character and appearance of the area, and unacceptable living conditions for the future occupants of plot 3. These are planning harms which attract considerable weight. The delivery of housing attracts limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.
24. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR