



Appeal Decision

Site visit made on 11 March 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25.03.2024

Appeal Ref: APP/P5870/W/23/3325198

16 Kingston Avenue, North Cheam, Sutton SM3 9TZ

- 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 Ray Farrington against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00403, dated 1 March 2022, was refused by notice dated 5 January 2023.
 - The development proposed is the erection of a new 3 bedroom dwellinghouse with associated hard and soft landscaping following the demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether or not the proposal would include satisfactory carbon reduction and water efficiency measures.

Reasons

Character and appearance

3. The appeal site is located on a corner at the junction of Kingston Avenue and Chertsey Drive. The dwellings here sit on plots of varied dimensions, but are predominantly semi-detached or in short terraces, and are in a broadly similar style, often with bay windows or gables to the front, and with rendered walls. They are typically set back from the road, although less so on some corner plots. Trees next to the pavements, and sections of grass verge, provide some visual relief to the streetscene, and contribute to the area's character.
4. As a result of this scheme, an existing single storey extension, which is set in slightly from the host's side boundary, would be demolished and would be replaced by a much larger building. The flat roofed first floor section of that building would have a very limited depth and would not therefore appear discordant. However, the building's gable would virtually abut the pavement on Chertsey Drive. As a result of that, and its large rear dormer, which would be set in only marginally from the side wall, it would be a very prominent and bulky development.

5. Consequently, notwithstanding its light pebble-dashed finish, it would draw-the-eye and it would appear cramped on the plot. That would be particularly so in views from the north-west, where it would stand well forward of the rows of set-back houses in Chertsey Drive.
6. I observed that, on the opposite side of this junction, the dwelling at 18a Kingston Avenue ('No 18a') forms a short terrace, and that a bungalow has also been constructed to the rear. However, unlike this scheme, No 18a's side wall facing Chertsey Drive is single storey and set back slightly from the pavement, and its two storey flank is set further back and angled away from the road. Thus, compared to this proposal, it does not stand out as being at odds with the prevailing grain and pattern of development, or have a similar dominating impact on the streetscene.
7. On other nearby corner plots, 11 Kingston Avenue has a roof which slopes down towards Walton Avenue; and its flank is single storey, and is set back, and angled away from, the road. The flanks of 13 Kingston Avenue and 85 Walton Avenue are similarly set back and angled away from those two roads.
8. I also observed the modern detached houses at 23A and 25A Brocks Drive on either side of the junction with Chertsey Drive, one of which was allowed at appeal. Their two storey flanks virtually abut the pavement, thus effectively breaking the building line on Chertsey Drive. However, they have hipped roofs which serve to reduce their bulk, they are a little distance away, and they are not characteristic of this site's immediate context.
9. For these reasons, whilst the building's style and the proposed plot dimensions would broadly respect those of other houses in the vicinity, the scheme would fail to reflect the prevailing pattern and grain of development.
10. There are two large pollarded trees located on a narrow grass verge close to the appeal site. In the BS:5837 Tree Survey by JB Arboriculture ('the JBA Survey') these are identified as T1 - a Norway Maple, which is classified as a C2 tree of medium landscape value, and T2 - a Lime, which is classified as a B2 tree of high landscape value.
11. Both these trees are fairly tall, and make a significant contribution to the streetscene. According to the subsequent Arboricultural Survey by Arbtech, they are in average physiological condition, and I concur with their 'B' classification in that survey. The Arbtech Survey recommends that an arboricultural impact assessment is required to ensure that there are no irrevocable issues with regards the scheme's effect on these trees.
12. Only the JBA Survey includes an arboricultural assessment. It is brief and states that the scheme would result in a minimal incursion into the periphery of these two trees' root protection areas ('rpa'), and that root development on the appeal site will be minimal given the 'up to' 450mm drop in levels. It thus concludes that, subject to suitable protection measures, these trees will not be affected.
13. The Council's Tree Officer disagrees. He considers that the drop in levels is not sufficient to prevent root ingress onto the site, and that the JBA Survey stem diameter measurements are incorrect and give a false calculation of the trees' rpa. He therefore concludes that the JBA Survey fails to meet the standards in BS5837:2012.

14. The trunk diameter calculations in the Arbtech Survey are slightly larger than in the JBA Survey. On that basis, I agree that these trees' rpa will be slightly greater. Additionally, whilst I observed that there is a drop in levels to the appeal site, it is not uniform. In the absence of cogent evidence to the contrary, I am not persuaded that significant parts of the root systems of T1 and T2 do not spread into the appeal site.
15. Furthermore, although the canopies of these trees have been recently reduced, given their very close proximity to the proposed dwelling, I consider it likely that future occupiers would seek further frequent heavy pruning as a result of concerns regarding property damage or, having regard to the sun's trajectory, loss of natural light and overshadowing.
16. Consequently, I am not persuaded by the arboricultural impact assessment and recommendations in the JBA Survey, which the appellant acknowledges contained errors. In the absence of further information, I cannot be reasonably certain that the health and vigour of these significant trees would not be adversely impacted. Should that be the case, it would cause additional harm to the character and appearance of the area.
17. I recognise that undertaking a further arboricultural investigation prior to determination would incur additional cost, but for the above reasons, I am not satisfied that this matter could be addressed by a pre-commencement condition as suggested by the appellant.
18. The Arbtech Survey does not identify a clear causal link between the failing boundary wall and Tree T2; and whilst I observed the relationship between a street tree and the approved dwelling at No 18a, to which the Council's Tree Officer did not object, it does not change my conclusions regarding this proposal's impact.
19. The scheme would significantly harm the character and appearance of the area. It would therefore fail to comply with the general thrust of London Plan 2021 ('LP') Policy D1 to ensure that an area's capacity for growth is informed and defined by its character, including green infrastructure. It would also conflict with LP Policy G7 which requires existing trees of value to be retained wherever possible; and with Policy 28 of the Sutton Local Plan 2016-2031 (2018) ('SLP'), which requires development to respect the local context and respond to local character, considering matters such as the streetscene, and the retention of trees of amenity value having regard to the latest arboricultural standards.
20. However, as LP Policy D4 sets out how development can be assessed and scrutinised to maintain design quality, it is of limited relevance on this issue.

Sustainability measures

21. The Council's second reason for refusal maintains that the proposal does not provide evidence to show that it will achieve a satisfactory reduction in carbon emissions, and appropriate water efficiency measures. The appellant responds that these matters could be dealt with by means of planning conditions.
22. Amongst other things, SLP Policy 31 states that planning applications for new dwellings should be supported by an Energy Statement to demonstrate how targets for reducing carbon dioxide emissions will be met. LP Policy SI 2 seeks to minimise greenhouse gas emissions, but as it is directed at major development it is not applicable to this scheme.

23. SLP Policy 33 requires development to achieve high standards of water efficiency and to limit water consumption; whilst LP Policy SI 5 adopts a similar approach, adding that limiting water consumption can be addressed by means of a condition.
24. I note that in a written ministerial statement on local energy efficiency standards on 13 December 2023 the Government set out that it does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations, as the proliferation of multiple, local standards can add further costs to building new homes by adding complexity and undermining economies of scale.
25. Additionally, in his consultation response, the Council's Sustainability Officer observed that the matter of water efficiency could be dealt with by means of a condition. By reference to the stance in LP Policy SI 5, I agree.
26. Consequently, notwithstanding the limited conflict with SLP Policy 31, having regard to other material considerations, I am satisfied that the provision of appropriate sustainability measures could be dealt with by means of a condition should the appeal be allowed.

Other matters

27. Planning permission for an attached dwelling was previously granted on this site. However, based on the drawings at Appendix 2 of the appellant's statement, it was set further in from the side boundary compared to this scheme and it had a different form. In any event, it has long since lapsed, and I have dealt with the scheme before me on its planning merits and against the current development plan.
28. In its favour, the scheme would make a very modest contribution to addressing the pressing need for housing in London. It would make an effective use of land in an area which, whilst relatively poorly located with regards accessibility to public transport, is nevertheless reasonably close to many daily amenities. In those regards, it finds limited support from some LP and SLP policies and from some policies in the National Planning Policy Framework.

Planning Balance and Conclusion

29. Summing up, I have found that the provision of appropriate sustainability measures could be addressed by means of a planning condition should the appeal be allowed. However, the scheme would significantly harm the character and appearance of the area, including, in the absence of cogent evidence to the contrary, as a result of damage to the health and vigour of highway trees.
30. Whilst the scheme would contribute to the supply of housing, the modest benefit of one additional unit, would not outweigh the significant harm that I have identified. The scheme would conflict with the development plan when considered as a whole and, having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR