



Appeal Decision

Site visit made on 24 April 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/P5870/W/23/3329496

15 Fir Road, Sutton SM3 9JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kuldeep Sahota against the decision of London Borough of Sutton.
 - The application Ref is DM2023/00485.
 - The development proposed is construction of 2 bedroom detached house to replace existing garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; the effect of the proposed development on the character and appearance of the area, the quality of living conditions for existing and future occupiers with particular regard to garden space, and whether the proposed development would include suitable sustainable drainage, energy and water efficiency measures.

Reasons

Character and Appearance

3. Fir Road and its surrounding streets are characterised by pairs of semi detached residential properties on regular, generous, plots. At the corner of the roads the pattern of development includes a pair of dwellings angled towards the corner with a clear gap between the neighbouring properties. A number of houses have been extended, but these are generally subservient to the main dwellings and therefore these regular characteristics remain apparent. This results in a pleasant sense of uniformity and consistency.
4. The appeal site is part of the side and rear garden of 15 Fir Road. The host property forms part of a pair of semi detached houses facing the corner of Fir Road and Poplar Road and has a generous side garden. There is a greenhouse and single storey detached garage in this garden which, due to their size and siting, appear secondary to the main house. These features reflect the attractive consistent characteristics of the area described above. Therefore, the dwelling and garden at 15 Fir Road make a positive contribution to the character of the surrounding area in these respects.
5. The appeal scheme would subdivide the plot of no 15 to create two irregularly shaped plots and proposes a two storey house in the existing side garden area.

Its footprint would narrow towards the rear of the site and the eaves height and ridge height would be above the adjoining property.

6. The proposed dwelling would have similar materials and detailing to the surrounding properties. However, its irregular footprint, detached appearance and increased height would be visually jarring against the attractive regular character. Furthermore, the appeal scheme would create two narrow awkwardly shaped plots. These features would unacceptably undermine the consistent pattern of development and would be harmful to the character of the surroundings.
7. Therefore, the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to policies D3 and D4 of the London Plan (2021) (LP), policy 28 of the Sutton Local Plan 2016-2031 (2018) (SLP). As well as the advice in Supplementary Planning Document Creating Locally Distinctive Places (2008) (SPD). Together these seek good design and set criteria that should be achieved, including that development should respect local context and distinctiveness.
8. Policy 1 of the SLP seeks sustainable growth to deliver homes, jobs, centres and infrastructure. Therefore the policies set out above are more relevant to this main issue.

Living Conditions

9. Policy 9 of the SLP seeks an adequate amount of private amenity space referring to the guidance in the SPD which sets a minimum standard of 40sqm for 2 bed houses and 70sqm for 3 or more beds. Policy D6 of the LP requires a minimum of 5sqm of private outdoor space for 2 bedroom units where there are no higher local standards.
10. The appellant and the Council provide different figures for the amount of garden area created. As such, the three bedroom host dwelling would retain between around 37-39sqm of rear garden area and the new two bedroom dwelling would have between around 29-35sqm. Whilst this would exceed the 5sqm minimum standard set by the LP, they would nevertheless be clearly below the locally specific requirements that are relevant to this site. This space is therefore notably undersized for the size of the dwellings proposed and as such would provide inadequate private garden space for the occupiers of both the proposed and host dwelling.
11. The new dwelling would have around a 97sqm front garden area, and the host dwelling would retain approximately an 81sqm front garden area. However due to their position and the likely boundary treatment indicated in the application, these would be relatively open and would not provide a similar function to private amenity space. As such this would not alter my conclusions.
12. There is no dispute between the main parties regarding the effect on the living conditions of existing or future occupiers in any other respects. However, any lack of harm in these regards would be a neutral factor which would not weigh in favour of the development.
13. Therefore, the proposed development would provide an inadequate quality of living conditions for existing and future occupiers with particular regard to garden space. As such it would be contrary to Policy 9 of the SLP and Policy D6 of the LP. Also the advice in the SPD, the aims of which are set out above.

Sustainable Drainage, Energy and Water Efficiency

14. Although it is stated that the development would seek to achieve level 3 of code for sustainable homes, limited details are provided as to how a reduction in carbon emissions or suitable water efficiency measures would be achieved. Additionally, the Council have identified specific concerns that the submitted Sustainable Urban Drainage (SUD)s Assessment would not meet the greenfield run-off rates and volumes for the site pre development, and the whole site area has not been assessed.
15. Without any information as to what strategies may be required or the detail needed for adequate SUDs on this site, I am not satisfied that such matters would not require significant changes to the appeal scheme in this case. Therefore, in these circumstances, this could not be resolved by condition. Whilst similar matters may be covered by building regulations I am not provided with evidence that the scope and considerations in these regards are similar to those required for planning in this case.
16. Therefore, the proposal would not include suitable sustainable drainage energy and water efficiency measures. Consequently, it would be contrary to policies SI2, SI4, SI5 SI12 and SI13 of the LP and policies 31, 32 and 33 of the SLP. Together these seek to minimise greenhouse gas emissions, reduce carbon emissions, manage heat risk, incorporate sustainable drainage measures, manage flood risk and minimise the use of mains water.

Other Matters

17. The proposed development would provide a single new dwelling in an accessible location and the social and economic benefits associated with this. However, taking into account the scale of the proposal, the benefits in these regards are modest.
18. On the other hand, the proposed development would be harmful to the character and appearance of the area, would result in inadequate living conditions for existing and future occupiers and would not provide appropriate energy and water efficiency measures. Taken together, these multiple harms would be significant. As such the modest benefits would not outweigh the significant harm in this case.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR