



Appeal Decision

Site visit made on 15 April 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2024

Appeal Ref: APP/P5870/W/23/3334209

4 Coleridge Avenue, Sutton, Surrey SM1 3RQ

- 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 Joe Teakle against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/00306.
 - The development proposed is the construction of one detached 105 sqm two-storey, three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023 the Government published a revised National Planning Policy Framework (NPPF). At my request, the Council confirmed what it considers to be its current housing land supply position and the appellant made comments on this. I have taken account of these submissions in determining the appeal.
3. The 'main road' has been referred to as Colston Avenue and is marked as such on some plans, but according to road signs it is further to the east. Coleridge Avenue has a junction with Westmead Road, which is the relevant main road.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers of the dwelling having regard to external amenity space.

Reasons

Character and appearance

5. The inner perimeter block of similar two-storey houses in Court Drive, including some along the west side of Coleridge Avenue, is a discrete relatively recent residential infill development. Two-storey circa 1930s houses line the outer perimeter of Court Drive and the east side of Coleridge Avenue, including No.4. Aside from variation in detailed design features, most of these older houses are essentially similar in appearance and external materials, including some mainly render elevations painted white which are a consistent, unifying part of their

design. Some of these houses are side on to the west side of Coleridge Avenue with more pronounced, mostly blank white painted render elevations. The 1930's houses are locally distinctive in Coleridge Avenue and this part of Court Road, as well as in similar tree lined roads in the surrounding garden suburb.

6. The wide triangular shaped side garden of No.4, alongside Coleridge Avenue, faces mainly open rear gardens, some with domestic outbuildings, behind houses in Court Drive and Westmead Road. It is also next to access or circulation areas behind a crescent of buildings at Westmead Corner, some with single-storey extensions or detached domestic or commercial outbuildings in these plots. The side garden is visually and spatially part of this pocket of less intensively developed land. It has a spacious feel at this point in Coleridge Avenue, amongst the otherwise more built-up surroundings and continuous road frontages.
7. No.4 and the side garden therefore make a positive contribution to the character and appearance of this area. The side garden would be redeveloped with a two-storey detached house forming a new plot.
8. Most of the houses along the east side of Coleridge Avenue are in broadly consistent building lines with similar set back from the road, though the siting of Nos.6, 8 and 10 are stepped to follow a stagger in the road alignment. However, the proposed house would be at the end of the building line in the other direction established by Nos.4 and 6, in this short but straight section of the road beyond the stagger. Most of the front elevation width of the house and a significant part in depth would be forward of the main front elevation of Nos.4 and 6, thus this building line. As a result, this part of the house would protrude noticeably closer to this part of the road, including a narrow but tall nub (with ground floor entrance) closer still.
9. No.2 Coleridge Avenue is dual aspect, so in part faces this road quite close to it. But its siting and orientation has more in common with the south facing parade of buildings at Westmead Corner and the building line of houses in Westmead Road. An intervening gap would keep it distant from the proposed house, so not in a continuous building line with it or others in Coleridge Avenue. Nor would this siting therefore mean it 'framed the entrance' into this end of Coleridge Avenue as the appellant suggests, it would be too far back.
10. The triangular plot at No.4 is unusual in Coleridge Avenue but the new plot would reflect the same shape, so not alter the status quo in this respect. The residual plot of No.4 would be smaller in area than others in Coleridge Avenue referred to by the Council, but not by much in some cases, and the broadly rectangular plot with conventional arrangement of front and back garden would be similar to most others, including in width.
11. However, the new plot would be significantly smaller than would be retained at No.4 or compared to these other plots; between just over half to about three-quarters in size. The floorplan of the house would occupy a significant part of it, about a third. To fit onto this plot the indented design of the house at the back (with corresponding projection at the front) would follow the angled rear boundary and reducing triangular shape of it. This would consume a significant proportion of the plot, including the deepest and widest part next to No.4, and in places be close to boundaries on three sides, including at the front. Even the most open part of the plot to the side of the house would quickly taper into a narrow, tight corner.

12. Though the house would be similar in width to No.4, it would be wider. While the ridgeline would be comparable in height to No.4, even with the shallow pitch the eaves level would be notably taller. These individual and cumulative differences would be especially evident given the resulting increased width and step up in height in close proximity to No.4, but also in relation to other nearby houses. Albeit articulated by the indented floorplan and projecting narrow front nub, a large expanse of gable above first floor windows would stretch across the front elevation of the house and at a more elevated level.
13. A two-storey house would be compatible in principle next to No.4 and with its surrounding context. But the extent and layout of staggered floorplan in this case combined with the position and extent of vertical elevations, so overall scale and massing of built form, would be inserted into an overly constrained size and shape plot. The house would appear imposing and dominant, as well as cramped in its plot so unduly reduce spaciousness. The proposal would therefore not respect important features of the prevailing pattern of residential development in this area and as such be out of keeping. A discordant presence would be noticed in short and longer public views in either direction in Coleridge Avenue, from the closest end of Court Drive and from the junction with Westmead Road and Westmead Corner so jar in these streetscenes.
14. The duality of the houses in Court Drive and those in Coleridge Avenue is the most obvious and relevant 'mixed' or 'varied' character in this appeal, not the variations in detailed design of the 1930s houses. While not in a conservation area or listed buildings, these houses are more than mediocre in architectural form and historic significance, with notable visual amenity presence, especially the white painted render elevations. Though uncluttered by traditional features (such as hipped dormers, projecting gables or bays) the main white brick elevations of the proposed house would, in my view, complement – so not fundamentally alter or unduly undermine – this characteristic of the 1930s houses. The proposed fenestration and roof materials would be quite different but an integral part of the overall aesthetic of this otherwise well-designed contemporary house. A planning condition could secure a dark metal roof to match more closely the colour of the roof tiles of the 1930s houses.
15. I consider that this would reflect relevant Council design principles and guidance. These set out that respecting local character does not necessarily mean replicating it but can mean combining existing character of the locality with contemporary design¹, so new and old buildings can coexist together², even if with more limited scope in areas of existing distinctive character, such as in this case³. A dwelling adopting the principles of the contemporary design in this appeal would be observed next to, but on the south side of No.4, just beyond, so not interfere with, the main sequence of the rows of 1930s houses north in Coleridge Avenue and west around Court Drive.
16. I recognise that on the face of it this is a different planning judgement to a previous Inspector who dismissed an appeal for two 'modern' semi-detached dwellings on the site⁴. However, there is no evidence before me about the 'contrasting materials' in that case nor plans of the house designs. I cannot

¹ Paragraph 2.9 and 3.34 - 'Creating Locally Distinctive Places' Urban Design Guide Supplementary Planning Document, January 2008 (SPD)

² SPD paragraph 3.35

³ SPD paragraphs 3.37 and 3.38

⁴ APP/P5870/W/21/3286357

therefore be certain the Inspector considered that proposal was in conflict with the same specific Council design principles and guidance, or to what extent it was directly comparable to the current appeal proposal.

17. Nevertheless, I find that by virtue of its siting and form, including footprint, scale and massing in relation to plot size, the proposal would have a significant adverse effect on the character and appearance of the area. Consequently, it does not comply with Policies 13 and 28 of the Sutton Local Plan, February 2018 (SLP) or Policies D1, D4 and D8 of the London Plan, March 2021 (LP). These policies include that development of garden land should respect the local context, urban form or structure and sense of place, be suitable in scale, massing and height to townscape and protect important local views as part of the public realm.

Living conditions

18. There is no dispute that the quantity of external amenity space in square metres would exceed the Council's relevant minimum guideline standard for a 3-bedroom house. The appellant intends it to be high quality in surface materials and landscaped, with bi-fold doors for seamless transition from internal rooms and different outside experiences in two main garden areas.
19. However, much of the 'rear and side' terrace would essentially be narrow corridor in a zig-zag shape. In places it would be pinched to within about 2m or 3m of a 2.4m high boundary fence with trellis, next to a wide albeit flat roofed adjoining outbuilding about 3m high to eaves level, near the end of a roughly 4m high hedge and next to the tall side and rear corner of No.4. It would also be tight against the abrupt two-storey high rear elevations of the proposed house and on its east side.
20. The 'side and front' garden would by comparison have a more spacious and conducive south and west aspect. But a significant part in the far corner would effectively be rendered out of practical use by position and obstruction of a parked car. A car in such close proximity and open to the rest of this relatively small essentially L-shaped part of the garden would be a limiting factor on its use by hindering activity or fear of damage. The deepest 10m or so strip from the back edge of pavement would be less than 5m wide between this parked car and the side of the house. The part directly in front of the house would only be about 4m deep, sandwiched between the tall front elevation and a 1.8m high front boundary wall.
21. As a result, while there would be opportunity for shade, both spaces would be irregular in shape and significantly constrained or overshadowed so overly oppressive. In the absence of an objective report by a competent person to the contrary, I consider that parts of the rear and side terrace would receive little or no direct sunlight during the early morning or at all for most of the afternoon, nor the entire evening. This would be at times when most likely to be used for relaxation, sitting out or entertaining. Furthermore, though a private space behind the wall, the side and front garden would not be sufficient in position or shape (thus useable or in extent) for a wide range of domestic activity, including children's recreation or play requisite for a 3-bedroom family sized house, so not meet normal living expectations in this respect.
22. Accordingly, I find that the proposal would not provide satisfactory living conditions for future occupiers having regard to the qualitative amount of

external amenity space. As such, it is contrary to SLP Policy 9 which amongst other things requires an adequate (and in the SPD⁵ 'accessible' thus including convenient or available) amount of private amenity space.

Other Matters

23. Subject to conditions, the house would use high-quality external materials and the proposal would have suitable surface water drainage and make satisfactory provision for car and cycle parking, means of access and bin storage. Conditions could also secure an archaeological desk based appraisal and hours of working in accordance with a construction logistics plan could avoid the most anti-social times of the day and reduce disruption or disturbance. The house would provide satisfactory internal living conditions for future occupiers. The absence of harm in these regards is a neutral factor in my decision.
24. The proposal is a revised scheme further to previous refusal of residential development at the site by the Council and the dismissed appeal. The appellant considers it addresses these decisions. Some local residents objected to the proposal and some supported it as did some ward councillors. By a narrow split decision members of the Council's Planning Committee resolved to agree the office recommendation to refuse planning permission. I have determined the appeal on its individual planning merits.
25. The Council can currently demonstrate a 5 year supply of deliverable housing sites against the housing requirement set out in the London Plan, March 2021⁶. This is not disputed by the appellant. The Council did not fail the 2022 Housing Delivery Test (at 123%). By virtue of footnote 8, NPPF paragraph 11 d) is therefore not engaged in this appeal so the presumption in favour of sustainable development (the 'tilted balance') does not apply in this case.

Planning Balance and Conclusion

26. The site is located where residential intensification, in this case by subdivision and redevelopment of an existing plot, is acceptable in principle under the development plan. The proposal would meet an identified need for larger 3-bedroom market houses in the borough. Subject to conditions it would also be low-carbon energy and water efficient and there would be ecology enhancement at the site. This would support the Government's objective in the NPPF of significantly boosting the supply of new homes, meet the living needs of families and make efficient and effective use of a windfall site that could be built relatively quickly. It would also achieve aims of the NPPF to help meet the challenge of climate change and secure significant bio-diversity net gain. Though important considerations, a single house would make a small contribution in these regards so these public benefits have modest weight in favour of the appeal.
27. On the other hand, the proposal would result in material harm to the character and appearance of the area and to the living conditions of future occupiers of the house. This would be at odds with the development plan, which is consistent in these respects with other aims of the NPPF. These include to ensure that development achieves well-designed places, is visually attractive in layout and adds to the overall quality of the area, sympathetic to local character and history of the surrounding built environment. It should also

⁵ Paragraph 2.14, page 11

⁶ Council's Five-year Housing Land Supply Assessment 2023-24 to 2027-28, April 2023

function well with a high standard of amenity for future users. In my view, the support in the NPPF to delivering housing does not dispel that residential development must be satisfactory for those who would experience it as part of the local environment and for those who would live in it, and once built the development would be permanent, so these considerations have substantial weight against the appeal.

28. The benefits of the proposal do not, therefore, outweigh the harm.
29. The proposal does not comply with certain policies of the development plan and conflicts with some provisions of the NPPF. There are no other material considerations to indicate that the decision in this case should be made other than in accordance with the development plan taken as a whole⁷, consistent with relevant parts of the NPPF.
30. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR

⁷ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended)