



Appeal Decision

Site visit made on 29 February 2024

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/P5870/W/23/3324199

128 Cheam Common Road, Worcester Park KT4 8QR

- 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 Steve Robinson against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2022/02181.
 - The development proposed is an extension and reconfiguration of main frontage building to provide 3 No. dwellingflats (1x3-bed, 3x2-bed) and 2 No. new dwellings at the rear of 3-bed semi-detached dwellinghouses together with car parking, bicycle storage, refuse and recycling storage and amenity and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. Subsequent to the Council's decision notice being issued, and in seeking to address the Council's concerns regarding the reasonable likelihood of there being bats present on the site, the appellant commissioned and submitted a Bat Emergence Surveys Report (October 2023) (the BERS). The Council has confirmed that, subject to various planning conditions were the appeal to be allowed, it is satisfied that submission of the BERS overcomes its fourth reason for refusal. Accordingly, the effect of the proposal on protected species is no longer in dispute, and I need not consider this matter further. I am satisfied that, having had regard to the BERS, which follows an established methodology, my conclusion on this issue would not prejudice the interests of any party.
4. The Council's second reason for refusal refers to '*...lack of outlook for flats 01 and 02*'. However, the plans and evidence refer only to the proposed dwellings by 'Unit' numbers. Having regard to the Council's Delegated Report (the DR), I am satisfied that the Council's concerns in this respect relate to the proposed dwellings numbered as Unit 1 and Unit 2. Moreover, I note that the appellant refers to Units 1 and 2 when addressing this specific concern of the Council and I have determined the appeal on the basis that the proposed dwellings are identified in the evidence as Units 1 to 6.

Main Issues

5. The main issues are:

- whether the proposed development would provide acceptable living conditions for future occupiers in respect of the provision of private outdoor space;
- whether the proposed development would provide acceptable living conditions for future occupiers in respect of internal space, outlook and privacy;
- having regard to the size of the proposed bedrooms, whether the proposal would be consistent with the Council's development strategy concerning the housing mix in new residential development;
- the effect of the proposal on living conditions for occupiers of nearby dwellings at 55 Trent Way and 126 Cheam Common Road in respect of privacy;
- the effect of the proposal on highway safety in respect of car parking arrangements and access/egress at the appeal site; and
- the effect of the proposal on the character and appearance of the surrounding area;

Reasons

Living conditions for future occupiers – private outdoor space

6. The appellant acknowledges that the three flats proposed on the upper floors of the modified main building would not be provided with private outdoor amenity space. The Design and Access Statement (September 2022) (the DAS) states that these would be smaller flats, less suitable for families who require private gardens. The plans show the intention to create a communal amenity space covering some 100sq.m, to which the occupiers of these smaller flats would have access. The appellant's statement also indicates that the appeal site would be relatively close to nearby parks and leisure facilities, including Fairlands Park and Nonsuch Park. The remaining three units identified as Units 1,2, and 3, would be provided with private outdoor amenity spaces ranging from 15sq.m to 22sq.m.
7. Policy D6 of The London Plan (March 2021) (the London Plan) sets out minimum standards for private outdoor space required to serve future occupiers of new dwellings. The minimum requirement is that private outdoor spaces must be at least 5sq.m in area and achieve a depth of at least 1.5m.
8. Policy 9 of the Sutton Local Plan 2016 – 2031 (February 2018) (the LP) expects new residential development to provide an adequate amount of private amenity space, and, whilst reference is made in that policy to guidelines given in the Council's Urban Design Guide SPD¹ (the SPD), the need for some flexibility when considering the adequacy of private amenity space is also recognised in LP Policy 9.

¹ Creating locally distinctive places: Sutton's Urban Design Guide Supplementary Planning Document (January 2008)

9. The gardens proposed for Units 1,2, and 3 are small in comparison to those serving adjacent and nearby dwellings on Cheam Common Road and Colborne Way. None of the proposed private amenity spaces are close to the minimum expected in the SPD. The explanatory text in the LP indicates that in some cases, particularly in Areas of Potential Intensification (API), the Council considers it appropriate to use the SPD as a guide rather than a minimum standard. Whilst I recognise that flexibility is written into LP Policy 9 in respect of private amenity space requirements, that flexibility is caveated by reference to the need to take into account local character. Moreover, while I note the proximity of the site to an API, there is no dispute between the parties that the proposal does not lie within an API.
10. I have had regard to the flexibility provided by LP Policy 9 in respect of the private amenity space provided as part of the scheme for three of the proposed dwellings. However, I find that the spaces proposed are unacceptably small by comparison to neighbouring private gardens. Moreover, access to the private amenity space that would serve Unit 2 would be taken through Bedroom 1 in that dwelling, and I have seen no details in the information before me describing any other feasible option to gain access to that space. This arrangement is contrived and inappropriate in respect of the living conditions that would be created for anyone occupying Bedroom 1 in Unit 2. In each instance I find that the private external amenity space proposed would be unacceptable in respect of either its size, configuration, or both, and that this would be harmful to the health and well-being of future occupiers.
11. Furthermore, the failure to provide any private amenity space for Units 4, 5, and 6 conflicts with the expectations given in Policy D6 of the London Plan, those being minimum requirements. The plans show no provision for private external amenity space to serve future occupiers of those proposed dwellings. In these respects, the proposal fails to meet the minimum requirements established in the development plan and the proposal would fail to meet the reasonable needs of future occupiers. As a result, in this respect the scheme would create living conditions for future occupiers that would be harmful to their health and well-being.
12. The appellant refers to other schemes having been accepted by other nearby councils for similar developments where minimum standards have not been met. However, no details have been provided to substantiate this claim. Even if other schemes had been allowed elsewhere, the failure of the proposal before me to meet at least the standards adopted in the development plan policies extant in this location for private outdoor space would not justify allowing development that would be harmful to the health and well-being of future occupiers of the proposal. I therefore attribute very little weight to this claim.
13. Nearby open spaces referred to by the appellant would be of benefit to future occupiers, as would the provision of a communal amenity space within the appeal site. However, those other spaces would not adequately compensate for the failure to meet the defined standards for private outdoor space. Furthermore, other outdoor open space would not fulfil the valuable function provided by private outdoor space at each dwelling which is necessary for the reasonable enjoyment of the proposed dwellings by future occupiers.
14. Overall, the lack of any private outdoor amenity space for some future occupiers, and the inadequate space proposed for others, would impede their

ability to carry out minimal day-to-day outdoor activities and this would be significantly harmful to the health and well-being of those future occupiers.

15. On this main issue, I conclude that the proposed development would not provide satisfactory living conditions for future occupiers in respect of private outdoor space. Accordingly, the proposal fails to comply with Policy D6 of the London Plan and Policy 9 of the LP, both of which require at least a minimum provision of private outdoor amenity space to serve future occupiers of new dwellings. The proposal also fails to meet the expectations of Chapter 12 of the Framework in respect of ensuring developments create places with a high standard of amenity for future users, and it would not accord with the guidance given in the SPD.

Living conditions for future occupiers – internal space, outlook and privacy

Internal space

16. There is no dispute between the main parties that the proposed dwellings would meet the minimum gross internal floor area requirements defined in the development plan, or that the single bedrooms proposed in Units 1,2, and 3 each meet at least the minimum floor area of 7.5sq.m required through Policy D6 of the London Plan, a standard also required through LP Policy 9. The dispute lies in the extent to which each of those bedrooms meet at least the minimum width requirement of 2.15m established in those development plan policies.
17. Whilst I have not been provided with dimensioned drawings to assist in my consideration of this matter, I note that the appellant accepts that these single bedrooms do not meet the minimum width requirement, albeit by a small margin which they indicate as being around 75mm. The appellant points out that all three of these bedrooms would have a longer dimension that well exceeds the dimension required by the London Plan.
18. However, Policy D6 of the London Plan is clear in its reference to the requirement to have a minimum width. My understanding of the meaning of the wording used in the development plan is reflected in dictionary definitions of 'width' as being '*the lesser of two...dimensions of a body*'², and in my view this is what is meant by the term 'width' in common parlance. I therefore attribute no weight to the appellants argument that the presence of a dimension of 2.15m within each room meets the relevant policy requirements, since this claim has no basis in the words used in the development plan.
19. The appellant states that the matter could have been resolved if highlighted and this would have required a minimal change to the plans in order to comply. Nevertheless, I must determine the proposal before me, and I have seen no substantive evidence to demonstrate that the proposal would not fail to meet the requirements of Policy D6 of the London Plan in respect of minimum room widths for single bedrooms.
20. Given that not all bedrooms in the proposed dwellings would meet the minimum development plan requirements, I find that the scheme would not be delivering homes of high quality and that appropriate living conditions would not be provided for the future occupiers of Units 1,2, and 3.

² See for example The Concise Oxford English Dictionary.

Outlook

21. The only window proposed for Bedroom 2 in Unit 1 would face directly towards the side wall of Unit 2. Having regard to dimensions shown on the plans³, that side wall would be around 4 metres above ground level at its eaves and would have a hipped roof sloping away from Unit 1. Bedroom 1 in Unit 2 would have patio doors facing directly towards the two-storey rear wall of the main building. That wall would attain a height of around 5 metres above ground level at its eaves. The patio doors would provide the only outlook from that bedroom.
22. I have not been provided with dimensioned plans to demonstrate the separation distance between Unit 1 and Unit 2. However, it seems clear when considering the proposed separation relatively against other dimensions given on the plans, that these dwellings would appear to be less than 4 metres apart from each other.
23. The effect of this limited separation distance between Units 1 and 2, in conjunction with the height of the blank walls towards which the relevant bedroom window and patio doors would face, would result in the creation of unduly oppressive views from those bedrooms. This arrangement would create an unacceptably harmful outlook from those bedrooms which would result in undue harm arising to the living conditions of future occupiers of those dwellings.
24. Whilst I accept the appellant's argument that there is an element of subjectivity involved in considering the impact of architectural design on outlook, in this instance it seems clear to me that the proposal would create unacceptably oppressive outlooks from those rooms as a result of the intention to construct tall walls within direct lines of sight and in such close proximity to the proposed window and patio doors.

Privacy

25. The Council's concern in respect of the privacy that would be afforded to future occupiers of the proposed scheme relates to overlooking from Unit 5, a first floor flat, towards Unit 2, and, having regard to the DR, more specifically to direct overlooking into the patio doors that would serve Bedroom 1 in Unit 2 from the Living/Dining/Kitchen area (the LDK) in Unit 5. The proposal includes a window in the LDK area that would face directly towards the patio doors to Bedroom 1 in Unit 2. Given the limited separation distance proposed between these elements of the scheme as I have described above, there would be a significant and harmful loss of privacy to the occupiers of Unit 2 as a result of direct views from the LDK window towards Bedroom 1 of Unit 2.

Conclusion on living conditions for future occupiers (internal space, outlook and privacy)

26. The underlying purpose of the relevant development plan policies in respect of this main issue is to seek to protect the quality of life of future occupiers by, amongst other things, providing a high standard of accommodation in new residential developments.

³ See Section (Mews Houses) on Drawing No PL06

27. For the reasons I have given, the proposal would result in unacceptable harm to the living conditions of future occupiers in respect of internal space, outlook and privacy. Accordingly, the proposal would conflict with Policy D6 of the London Plan and Policies 9 and 29 of the LP which collectively, amongst other things, require new dwellings to meet at least the defined minimum space standards; and confirm that the Council will grant planning permission for development unless it would adversely affect the amenities of future occupiers, taking into consideration overlooking causing loss of privacy and how this is addressed by design or separation, and outlook/ sense of enclosure. The proposal would also conflict with paragraph 135 f) of the Framework which requires decisions to ensure that developments create places with a high standard of amenity for future users.

Housing mix

28. The proposed scheme is intended to provide six dwellings, three of which would have three bedrooms. As such, were the scheme to be found acceptable in other respects, this would accord with the provisions of Policy 9 of the LP which requires that all housing developments outside Sutton Town Centre should seek to provide a minimum of 50% of all dwellings on the site as having three bedrooms or more, unless it can be demonstrated that this would be unsuitable to the location or not viable. However, based on its assessment of the dimensions of the single bedrooms proposed in the three-bedroom dwellings (Units 1,2 and 3), the Council's concern is that those dwellings could not be considered as three-bedroom units since they fail to meet the standards set out at Policy D6 of the London Plan.
29. I have considered the detail of this specific matter above and, based on the information before me, I would agree with the Council's conclusion in respect of the width of the relevant single bedrooms, and therefore their failure to meet the minimum policy requirement. That being the case, the proposal would not make provision for any three-bedroom dwellings. The appellant contends that this matter could have been resolved had they been given the opportunity to amend the proposal. Nevertheless, the proposal fails to accord with the requirements of the development plan by not providing any policy compliant three-bedroom dwellings, and I must determine this appeal based on the submitted proposal which was considered by the Council. I am therefore not satisfied that the appeal proposal would deliver a range of house types and sizes that reflect and respond to the identified housing needs of the area.
30. On this main issue I conclude that, having regard to the size of the proposed bedrooms, the proposal would not be consistent with the Council's development strategy concerning the housing mix in new residential development. Accordingly, it would conflict with LP Policy 9 which requires that all developments outside Sutton Town Centre should seek to provide a minimum of 50% of all dwellings on the site as having three bedrooms or more, unless it can be demonstrated that this would be unsuitable to the location or not viable.

Living conditions for neighbouring occupiers - privacy

31. The proposal includes windows to first floor bedrooms in both of the proposed semi-detached dwellings. Notwithstanding the inclusion of a two-storey triangular bay, which has the effect of increasing the length of the views towards the rear gardens and rear rooms of dwellings in Trent Way, the

windows in the triangular bays would still introduce direct views at height into the rear gardens of dwellings in that street.

32. The Council's reasons for refusal express concern about the effect of the proposal on the privacy of occupiers at 57 Trent Way. However, I note the information provided in the appellant's statement which describes the distance between the windows proposed in the triangular bay to Unit 2 and windows in the rear elevation of 57 Trent Way. The separation distance in that case is described by the appellant as being effectively the separation distance set out in all housing estate guidance for new developments. From my experience, I would agree with this general observation, and I am satisfied that the proposal would not introduce significant harm in respect of overlooking towards No 57.
33. However, a first-floor bedroom window in Unit 2, and one in Unit 3, would afford direct views at height and over a short distance into the rear garden and rear habitable rooms at 55 Trent Way, and into the rear garden of 126 Cheam Common Road. This arrangement would create an unacceptably harmful loss of privacy to the occupiers of those dwellings as a result of overlooking towards their rear gardens, and the creation of direct views towards rear habitable rooms of No 55.
34. I note in the DAS, in discussing 'Privacy and Outlook', reference is made to there being a number of existing mature trees and hedges which provide natural screening. However, of relevance to my consideration of this main issue is the recommendation made in the Tree Survey⁴ that hedges alongside the site boundary with 55 and 57 Trent Way, identified as G8 (Leyland Cypress), should be removed before development commences. Moreover, without the removal of these trees, access to and egress from the parking spaces numbered 5 and 6 on the plans could not be achieved. I therefore afford no weight to the presence of screen hedging in this particular location.
35. Whilst I acknowledge the appellant's suggestion that further modification to the positioning of windows in the proposal may overcome the Council's concerns, I must determine the appeal based on the proposal before me and that is what I have done.
36. For these reasons, the proposal would result in unacceptable harm to the living conditions of the occupiers of 55 Trent Way and 126 Cheam Common Road in respect of privacy. Accordingly, the proposal would conflict with LP Policy 29 which confirms that the Council will grant planning permission for development unless it adversely affects the amenities of those currently occupying adjoining or nearby properties, taking into consideration overlooking causing loss of privacy and how this is addressed by design or separation. The proposal would also conflict with paragraph 135 f) of the Framework which requires decisions to ensure that developments create places with a high standard of amenity for existing users.

Highway safety – car parking and access.

37. The proposed scheme would make provision for six off-street car parking spaces: three at the front of the site; and three to the rear which would be accessed via an undercroft drive. Vehicular access to the site would be taken from Cheam Common Road. One parking space at the front of the site would

⁴ Tree Survey Arboricultural Impact Assessment, Arboricultural Method Statement (28 February 2022)

require a direct reversing manoeuvre into the carriageway to exit the space, as is the case currently. The remaining five spaces are laid out to allow turning within the site and thereby facilitate entry and exit to those spaces in a forward gear. Vehicle tracking details for a large car are provided in the Transport Statement (December 2022) (the TS) to demonstrate how these manoeuvres could be achieved.

38. The advice provided by the Council's Highways advisors expresses two principal concerns: that vehicles parking to the rear would struggle to turn around on site; and that the access driveway fails to meet the Council's standard requirement in terms of its width over the first 10 metres. On both counts the potential outcomes would be the need for drivers to undertake inconvenient and dangerous reversing manoeuvres within the site and onto the carriageway, thereby creating harmful conditions for other highway users.
39. Whilst I recognise that reversing manoeuvres directly into the carriageway from the site may currently occur from the parking area to the front, and I saw that Cheam Common Road is relatively long and largely straight in this location, and that parking restrictions along both sides of the road would limit obstructions for drivers leaving the appeal site, it remains the case that the proposal would introduce further vehicular movements from, and into, the highway, albeit relatively limited in number. Having regard to the inadequate width of the access drive over the first 10 metres, the proposal would create a greater possibility of a vehicle entering the site meeting one leaving the site on the drive. Such circumstances may result in additional events where vehicles would be likely to reverse into Cheam Common Road which would create dangerous conditions for other highway users.
40. In considering the information provided at Appendix C of the TS in respect of the anticipated swept path of a private car, I would agree with the conclusions of the Council's Highways advisors. The evidence demonstrates that all of the manoeuvres required to enable a private car to leave the site in a forward gear would leave no margin for error. Further, multiple manoeuvres would be required to turn a vehicle to face forwards when leaving the site from each of the parking spaces at the rear of the site; and the anticipated swept path for vehicles using Parking Space 3 appears to show collision with the structure of the building adjacent to the proposed bin stores.
41. Additionally, those manoeuvres involved in leaving Parking Spaces 5 and 6 show the need for a vehicle to encroach into the small space to the front of Unit 3 shown in green on the proposed ground floor plan. While the plans are unclear in respect of the intended use of this space, and it seems likely to me that either Parking Space 5 or 6 would be apportioned to the occupiers of Unit 3, the proposal would result in vehicle manoeuvres encroaching onto that space from a vehicle not associated with the occupation of Unit 3.
42. Overall, I am not persuaded that the arrangements for entering the highway in a forward gear from the parking spaces at the rear of the site or from Parking Space 3 would be realistically achievable in all instances. As a result, the proposal introduces the possibility of additional unacceptably dangerous reversing manoeuvres within the site and onto the highway. While this scenario may only arise occasionally, it does nevertheless leave the possibility of a significant hazard to other highway users being created because of the proposed development.

43. The Council is satisfied that the provision of six car parking spaces to serve the proposed development would be adequate. However, the appellant suggests that, given the reasonable level of accessibility of the site to public transport, having a PTAL⁵ rating of 2, the proximity to a range of nearby services and facilities, and the general policy approach provided through the Framework and the London Plan to limit car parking and thereby encourage the use of alternative more sustainable forms of travel, having a reduced amount of parking could have been considered by the Council for this proposal.
44. I acknowledge the wider benefits to residents' health and well-being, and to the environment, associated with the approach to parking provision necessary to serve new housing as advocated in the Framework and the development plan. However, I am also mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by an Inspector is essentially what was considered by the Council, and on which interested people's views were sought. It would therefore not be appropriate for me to seek modification to the proposal in respect of car parking provision, and it would not be appropriate for me to consider imposing conditions that would materially alter car parking provision since this would involve a fundamental change to the scheme now before me. Accordingly, I have determined the appeal based on the plans on which the Council made its decision.
45. On this main issue I find that the proposed development would fail to ensure highway safety in respect of car parking arrangements and access/egress at the appeal site. Accordingly, it would conflict with Policy T4 of The London Plan and LP Policy 36 because it would increase road danger and would not minimise any adverse impact on the highway network. The proposal would also conflict with paragraphs 115 and 116 of the Framework since it would have an unacceptable impact on highway safety and would not assist in creating safe places.

Character and appearance

46. The appeal site is located in a well-established primarily residential area where two-storey buildings, mostly semi-detached interspersed with the occasional detached property, are the dominant elements that define local built character. Pitched and hipped roofs are prevalent in the vicinity of the appeal property which, due to its two-storey flat-roofed frontage to Cheam Common Road, stands out as being somewhat different to the majority of buildings nearby.
47. The site frontage is open, the space is surfaced with loose gravel, a dropped kerb is present towards the northern end of the front of the site and the area was in use for car parking at the time of my visit. Notwithstanding the presence of solid boundary treatments and hedges to some front gardens nearby, I saw that all or parts of the short front gardens at many dwellings in the vicinity of the site, including that at the neighbouring property No 126, were given over to hardstanding and were in use as parking spaces at the time of my visit. In this respect the continued use of the front area of the site for car parking as part of the proposal would not be significantly different to the current arrangements, nor would it be out of keeping with the character of the area.
48. I saw that several of the existing semi-detached dwellings are built up to both boundaries, albeit some retain a gap at first floor. Nevertheless, the design of

⁵ The Public Transport Accessibility Level (PTAL) defined by Transport for London.

the proposal would not be intrinsically alien when seen in association with the existing buildings in the vicinity of the site. Furthermore, the proposed development would not be excessively tall or bulky in comparison to adjacent buildings, and it would not be out of keeping with its context nor would it be unduly obtrusive.

49. In terms of its scale, massing and design, the proposal would be readily assimilated into the local street scene. Although there are a range of building designs locally, many of the existing neighbouring properties substantially fill the width of their plots. In this respect the proposal would be in harmony generally with the appearance of other buildings along Cheam Common Road.
50. I note that the Council does not raise concerns about the appearance of the building to the front of the site as proposed to be modified, nor does it object generally to the design of the proposed semi-detached dwellings at the rear. Its concerns lie principally with the effects of the proposed development at the rear which, it says, combined with the frontage property, would result in there being insufficient private amenity space to serve future occupiers, an unacceptable level of amenity for future occupants, and an unacceptable impact on neighbours' amenity.
51. I have explained my findings in respect of the effect the proposal would have on the living conditions of neighbouring occupiers and future occupiers of the proposed dwellings elsewhere in my decision. Notwithstanding the harms I have identified in those respects, I am not convinced by the Council's arguments regarding the effect on the character and appearance of the area of the pair of semi-detached dwellings proposed towards the rear of the site. Rather, whilst slightly taller overall, those semi-detached dwellings would largely be positioned in place of the existing bungalow.
52. I recognise that the proposed semi-detached dwellings would be visible at distance from some public vantage points, primarily from the footway and carriageway of Colborne Way across the parking area serving the Kings Court flats. However, from that view, and from other private views from dwellings and their gardens surrounding the site, the proposed semi-detached dwellings would not appear significantly larger or more intrusive than the existing bungalow. Whilst the intended increase in scale when compared to current circumstances would be noticeable from neighbouring properties, this does not lead me to find the proposal to be unacceptable in character and appearance terms. Moreover, the proposal would not introduce such a change in scale, mass and appearance that would harmfully alter the street scene when viewed from public vantage points.
53. For these reasons, on this main issue, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would not therefore conflict with Policies D3 or D4 of the London Plan, nor would it conflict with relevant parts of Policies 1 or 28 of the LP insofar as these policies require development to be designed to the highest standard; to respect the local context and respond to local character; seek to protect and enhance the Borough's natural and historic environment; and be of a suitable scale, massing and height to the setting of the site. The proposal would also accord with Chapter 12 of the Framework in respect of achieving well-designed and beautiful places, and it would not conflict with guidance in the SPD which

encourages development that builds on local character by seeking to protect the positive features of Sutton's suburban townscape.

Other Matters

54. I have had regard to the concerns raised in representations from neighbouring occupiers, including reference to security for the neighbouring properties; noise, fumes and danger associated with the movement of vehicles in the appeal site; living conditions of neighbours in respect of outlook and loss of light; an increase in traffic; and the impact on trees, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of these interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
55. Whilst I have some sympathy for the appellant in respect of his concerns regarding the consistency of advice provided by the Council, I must determine the appeal before me based on the evidence, having regard to the main issues in dispute between the parties, and that is what I have done in reaching my decision.
56. The proposed development would provide a net increase of three dwellings on this plot. The appeal site is in a relatively accessible location in a primarily residential area, and the additional dwellings would bring local economic benefits, including during the construction phase. The proposal would provide an important but modest contribution to the housing supply in this area, and I acknowledge the imperative given through Policy H2 of the London Plan for Boroughs to pro-actively support well-designed new homes on small sites.
57. However, notwithstanding the lack of harm that would arise to the character and appearance of the area, the proposal would result in unacceptable harm to the living conditions of future occupiers and nearby residents, and to highway safety for the reasons I have set out above. The harms that would arise in these respects would be significant. The effects of the proposal on daylight, sunlight and overshadowing are not matters in dispute between the main parties and there is no clear reason for me to take a different view. Nevertheless, the lack of harm in these respects does not weigh in favour of the proposal. The modest benefits of the scheme would not outweigh the significant harm that would arise, contrary to the development plan.

Conclusion

58. For the reasons given above, the proposal would conflict with the development plan when read as a whole and material considerations do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

David English

INSPECTOR