



Appeal Decision

Site visit made on 8 October 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 OCTOBER 2024

Appeal Ref: APP/P5870/W/23/3333789

Woodcote House, 167 Sandy Lane South, Wallington, Sutton SM6 9NP

- 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 Jerry Brook against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/01403.
 - The development proposed is to demolish an existing detached single storey garage and replace with a new five bedroomed detached family dwelling with associated landscaping and parking provision. This will involve the subdivision of an existing plot into two. The existing dropped kerb will be retained for vehicular access from Sandy Lane South and will be shared between both the host and new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of a detached single storey garage and replace with a new five bedroomed detached family dwelling with associated landscaping and parking provision with the existing dropped kerb retained for vehicular access from Sandy Lane South and shared between both the host and new dwelling at Woodcote House, 167 Sandy Lane South, Wallington, Sutton SM6 9NP in accordance with the terms of the application, Ref DM2023/01403, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, in the interests of clarity, a revised description of development has been agreed with the appellant and this is reflected in my decision here.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issues

4. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area having particular regard to the plot size, proportions of the dwelling and design of the rear elevation; and

- b) whether adequate and sufficient vehicle parking space is available for the existing and proposed dwellings.

Reasons

Character and appearance

5. The appeal site comprises a rectangular plot of land which presently accommodates 167 Sandy Lane South, a large red brick detached home with tile hanging and bay windows. It is set on the corner with The Drive and addresses the southern tip of Woodcote Green. At present there is an open gap between the house and the neighbouring house to the north, itself a relatively recent construction. The wider area is formed of predominantly detached houses with those addressing Woodcote Green almost exclusively being of this style. The homes in the area are commonly of an Arts and Crafts vernacular however there are numerous examples of more modern infill development.
6. Plot sizes for homes in the area do vary to a certain extent although most remain generous. The proposed dwelling would be situated on a plot that would be slightly smaller, nevertheless this would not be to such an extent that it would appear incongruous due to this variety in sizes and dimensions.
7. The dwelling would present as a two-storey building to the front aspect with its height and proportions being similar to that of the houses to either side and, overall, in proportion with others in the area. It features a front facing gable and large roof, but these features are common to the Arts and Crafts movement and to other homes in the locality.
8. The rear facing elevation of the house is of a more modern style and features large floor-to-ceiling windows and dormer windows. Due to the change in levels, the house presents as three storeys to the rear. There would be some limited views of the rear elevation from The Drive but other than this, the change in style between front and rear would not be readily appreciable in the public realm. Moreover, the differing treatment to the rear elevation is not unusual and not dissimilar to that at the neighbouring home to the north.
9. Overall, I conclude that the proposed dwelling would have an acceptable design and appearance. It would sit comfortably with the pattern of development in the area. The proposal therefore complies with policies D1, D3, D4 and D6 of the London Plan 2021 (LonP), policy 28 of the Sutton Local Plan 2018 (SLP) and the Supplementary Planning Document 'Creating Locally Distinctive Places'. Read together, these policies require development to respect the local context and responds to local character.

Vehicle parking provision

10. The proposed site plan shows the provision of a minimum of two parking spaces for the existing dwelling and two parking spaces for the proposed dwelling. These would share the existing access onto Sandy Lane South. As the site is set in an area with a PTAL of 1b this level of provision accords with the standards set out in policy 37 and appendix 11 of the SLP. Whilst I recognise that the area suffers from a shortage of parking and traffic congestion, the development provides sufficient on-site parking to cater for the proposal. Any increases in traffic would be minimal from a single dwelling and not unacceptable from a highway safety perspective.

Other Matters

11. In reaching my conclusions here I have had regard to the views of third parties. I have been made aware of previous decisions on the site and in the wider area. However, I have no evidence to indicate that nearby decisions are directly comparable to the current appeal and in any case have considered the proposal that is before me on its merits. My reasoning above has set out why I do not consider this to be overdevelopment.
12. I have noted the presence of trees protected by a Tree Preservation Order and I retain some concerns regarding the parking provision for the existing dwelling being formed within the root protection area. I have addressed this matter in my schedule of conditions set out below.
13. I have considered further issues that have been raised including effects on living conditions, local heritage, ecology and pollution. Where necessary I have addressed these matters in conditions.
14. Issues relating to property ownership and plot boundaries are a civil matter and do not fall within my remit to consider here.

Conclusion

15. The proposed development would accord with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be allowed.

Conditions

16. I have considered the conditions suggested by the Council, having regard to paragraph 56 of the Framework and the Planning Practice Guidance on conditions. For the sake of clarity, and to ensure that they are enforceable and precise, I have amended these as necessary and both parties have indicated their satisfaction with them. Some are pre-commencement conditions, having regard to Section 100ZA of the Town and Country Planning Act 1990 (as amended) (the Act). The appellant has been invited to comment upon these and has raised no objections.
17. I have imposed a time limit condition to accord with the provisions of the Act and a condition to ensure the development accords with the approved plans for certainty.
18. Conditions 3 and 4 relate to the use of materials to ensure the development integrates satisfactorily with the character of the area and to comply with policy 28 of the SLP.
19. Conditions 5-7 inclusive relate to trees and landscaping. These conditions are imposed to ensure the development is landscaped appropriately and to ensure there is no harm caused to protected trees on the site during construction and thereafter. I have made particular reference to the use of materials on the driveway and the manner of the formation of this being mindful of the necessity to preserve the sylvan nature of Woodcote Green and its environs.
20. Details of on-site refuse arrangements are to be provided to ensure that this is adequately catered for within the application site. Details of cycle storage are also required in the interest of sustainable transport.

21. Parking provision for two vehicles per dwelling is shown on the approved plans. This to be laid out prior to the occupation of the new dwelling and to ensure vehicles can enter and leave the site in a forward gear. This is in the interests of providing sufficient off-street parking, for highway safety, considering on-street parking in the area, and the proximity of the access to a road junction.
22. Whilst I recognise this is a small site, where construction details should not normally be needed, a Construction Logistics Plan is necessary. This is due to the prevalence of on street parking and potential disruption during site works given the proximity to the A327, which is a well-trafficked thoroughfare, and neighbouring homes.
23. The windows that are authorised by this permission are to be obscure glazed to mitigate any potential overlooking as per my condition 12. Additional windows in the side elevations are restricted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
24. I have imposed a condition to ensure adherence to the Fire Safety Statement and to comply with policy D12 of the LonP.
25. A condition to provide opportunities for wildlife is imposed to secure provision for birds, bats and bees and to comply with policy G6 of the LonP.
26. I have noted a condition suggested by the Council relating to hours of construction for the development. I agree with its intent, but this is more appropriately controlled by other legislation. It therefore does not meet the tests in the PPG and I have not imposed it here.

Nick Bowden

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with plan nos 2303-P-01-0200-Z00-01, 2303-P-01-0201-Z00-01, 2303-P-01-0210-Z00-01, 2303-P-01-0211-ZXX-01, 2303-P-01-0215-Z00-01, 2303-P-01-0220-ZXX-01, 2303-P-01-0221-ZXX-01, 2303-P-01-0222-ZXX-01, 2303-P-01-0223-ZXX-01, 2303-P-01-0224-ZXX-01, 2303-P-01-0230-ZXX-01.
3. No development shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
4. No development shall take place until details / samples of the materials to be used in the construction of the driveway have been submitted to and approved in writing by the local planning authority. Insofar as it relates to materials to be used within the root protection area of trees protected by a Tree Preservation Order (as detailed in the Tree Survey, Arboricultural Implications Assessment & Method Statement), such materials shall be of a porous nature. The development shall be carried out in accordance with the approved details / samples.
5. The construction of the driveway within the root protection area of trees protected by a Tree Preservation Order (as detailed in the Tree Survey, Arboricultural Implications Assessment & Method Statement) shall use sensitive excavation techniques to protect the tree roots and their existing growing conditions.
6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The trees on and adjacent to the site shown to be retained shall be protected in accordance with the arboricultural information submitted with the application (Tree Survey, Arboricultural Implications Assessment & Method Statement) and follow recommendations in British Standard BS 5837: Trees in Relation to Design, Demolition and Construction - Recommendations (2012). No materials shall be stored within Construction Exclusion Zone (CEZ), and the Tree Protection Fencing (TPF) and other measures shall only be removed on completion of development or where necessary to form the driveway and otherwise in accordance with the requirements of condition 5.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority the details of the refuse storage, which shall be implemented prior to occupation and shall be retained thereafter.
9. No development shall take place until (excluding demolition works), full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, the size and materials of the enclosure and the means of access. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.
10. The permitted dwelling shall not be occupied until space has been laid out within the site for four cars (two for the existing dwelling, two for the proposed dwelling) to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear and that space shall thereafter be kept available at all times for the parking and manoeuvring of vehicles.
11. No development take place, which includes demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of:
 - a) loading and unloading of plant and materials, storage of plant and materials;
 - b) programme of works (including measures for traffic management);
 - c) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
 - d) hours of operation; and
 - e) means to prevent deposition of mud on the highway;have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved statement.
12. All windows in the north or south side elevations shall be glazed in obscure glass.
13. The development shall be carried out in accordance with the provisions of the Fire Safety Statement.
14. The development shall be carried out in accordance with the recommendations given at paragraphs 7.2-7.6 of the Preliminary Ecological Appraisal Report (PEAR). Specifically, the development shall incorporate two bat boxes, two bird boxes and two bee bricks which shall be installed in accordance with the recommendations given in those noted paragraphs of the PEAR.

End of Schedule