



Appeal Decision

Site visit made on 15 August 2024 by N Unwin BSc (Hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/P5870/W/24/3337220

352A Sutton Common Road, Sutton SM3 9PL

- 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 Juan Carlos Garcia Palacios against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/00911.
 - The development proposed is described as one detached two bedrooms house with loft.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area;
 - living conditions of the occupiers of 352B Sutton Common Road with specific regard to outlook, and future occupiers with specific regard to levels of internal and external living space; and
 - carbon emissions and water efficiency.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is located to the rear of properties adjoining Sutton Common Road on the corner of Foxton Way and Forest Road. Forest Road is residential in nature, primarily characterised by pairs of two-storey semi-detached dwellings of a similar scale, form and design, with a uniform building line adjacent to the highway. The homogeneity of the built environment and its relationship to Forest Road affords the street scene an attractive conformity, contributing positively to its character. The properties along this section of Sutton Common Road form a terrace with commercial premises at street level and rear yards, some of which contain outbuildings, adjoining Foxton Way. The appeal site forms an area of parking and a single storey garage that contribute

to the visual separation between the differing characters of Forest Road and Sutton Common Road, to the benefit of the street scene.

5. The proposal would replace the existing parking area and garage with a single storey, pitched roof dwelling with accommodation within the roof space. The proposal would be adjacent to Forest Road, set forward of the existing front elevations of the neighbouring dwellings, disrupting the uniformity of the building line. The proposed detached dwelling would be diminutive in comparison to the larger surrounding properties, appearing at odds with the existing built environment. This discordance would be amplified when viewed in the context of the symmetry of the pairs of two-storey semi-detached dwellings along Forest Road, harming the character and appearance of the street scene. The proposal would project notably above many of the existing outbuildings associated with the properties along Sutton Common Road in addition to being close to Forest Road. As such, it would intrude on the separation between the well-defined groups of buildings along either road, eroding the visual distinction between their respective characters.
6. Accordingly, the proposal would have an unacceptable impact on the character and appearance of the area, conflicting with the relevant provisions of Policy 28 of the Sutton Local Plan 2016 – 2031 (2018) (SLP) and Policies H2 and D3 of the London Plan (2021) (LP) which, when read together, require new development to be well-designed, respect the local context, and respond to local character.
7. The decision notice references Policy H1 of the LP which relates to increasing housing supply and not directly to the proposal's effect on the character and appearance of the area. As such I find no conflict with this policy in this regard.

Living Conditions

8. Based on the submitted plans, a window located within the first-floor rear elevation of 352b closest to Forest Road, faces the appeal site. Given the open nature of the appeal site and low level of the existing garage, this first-floor window closest to the corner of the building affords its occupiers good levels of outlook. The Council consider this window to serve a single-aspect room and from the information before me including my site visit, I see no reason to take an alternative view. As such, this places additional importance on the existing outlook this window provides its occupiers.
9. The proposal would be located close to the rear elevation of the buildings along Sutton Common Road with its pitched roof projecting above the cill and lintel of the first-floor window closest to the corner of the building. The roof of the proposal would extend markedly either side of the confines of the first-floor window, dominating the views of its occupiers. Given the moderate width of the proposed roof slope and its proximity to the first-floor window serving a single aspect room, the proposal would unacceptably harm the outlook of the occupiers of 352b. The proposal would therefore materially harm the living conditions of neighbouring occupiers.
10. Policy D6 of the LP requires a minimum floor to ceiling height of new dwellings of 2.5 metres over at least 75 percent of the Gross Internal Area. This is required to secure adequate daylight penetration, ventilation and cooling, and sense of space. The ground floor of the proposal would have a ceiling height of approximately 2.45 metres. Nevertheless, the ground floor living room would

contain two modest sized windows at either end with a similar sized window within the ground floor bedroom. Combined with their open aspects adjoining the front and rear gardens, these windows would provide adequate levels of daylight, ventilation, and sense of space to its occupiers. Whilst the proposed ground floor ceiling height would be marginally lower than the 2.5 metre requirement, based on the above there are material considerations to depart from this element of Policy D6 of the LP in this particular case.

11. Policy D3 of the London Plan requires 1-2 person dwellings to provide a minimum of 5 sqm of private outdoor space. Sutton's Urban Design Guide Supplementary Planning Document (2008) goes further in requiring new development to provide 40 sqm of private outdoor space for two-bedroom dwellings. The proposed dwelling would include two bedrooms. The submitted plans show a front garden, separated from the highway by proposed planting, with an area of approximately 15 sqm.
12. A garden area around double the size of the front, would adjoin the rear of the dwelling. Although the Council suggests that the rear area would be reserved for the adjacent flats, it is included within the redline boundary. Furthermore, the rear windows of the proposal adjoin this area, indicating that the rear garden would be used in conjunction with the proposed dwelling and would offer no direct access to any of the surrounding properties. Although no clear access seems capable from the proposed dwelling such access could be achieved through a minor change to the rear window of the living room to provide rear access. Therefore, the combination of the front and rear gardens would provide the proposal with an acceptable level of external living space.
13. Accordingly, whilst the proposal would be acceptable with regards to the living conditions of future occupiers, it would have an unacceptable effect on the living conditions of the occupiers of 352b with specific regard to outlook. Therefore, the proposal would conflict with the relevant provisions of Policy 29 of the SLP which, amongst other things, requires new development to not adversely affect the living conditions of the occupiers of adjoining or nearby properties.

Carbon Emissions and Water Efficiency

14. I acknowledge that the appellant's submitted documents confirm that the proposal will incorporate energy efficient measures within its design and construction, including water consumption reduction systems. It is also asserted that the proposal would include an electric charging point and would be built to Passivhaus principles. Nevertheless, no substantive evidence has been submitted to demonstrate whether these proposed measures would be capable of achieving the required reduction in CO2 emissions, nor the domestic water consumption limits, set out within Policies 31 and 33 of the SLP respectively.
15. Therefore, the proposal would conflict with the relevant provisions of Policies 31 and 33 of the SLP and Policies SI 1, SI 2, and SI 3 of the LP, which when read together require new development to demonstrate at least a 35% reduction in regulated CO2 emissions on site, in addition to achieving high standards of water efficiency and limiting domestic water consumption to 110 litres per person per day.

Other Matters

16. The Council's Five-Year Housing Land Supply Assessment 2023-24 to 2027-28 (2023) demonstrates a five-year supply of deliverable housing sites. There is no evidence before me to lead me to an alternative conclusion.
17. I acknowledge that the proposal would make efficient use of previously developed land, contributing an additional dwelling to the housing supply of the borough within close proximity to services. However, these benefits would be limited by reason of the minor scale of the development. This has not lead me to an alternative conclusion on the main issues.
18. The proposed development would improve the condition of the existing poorly maintained site in addition to the existing access of the neighbouring properties to the highway. Nonetheless, I am not satisfied that the proposal before me is the only way to achieve this.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, the proposed development would not accord with the development plan, when taken as a whole, and I recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR