
Appeal Decision

Site visit made on 13 March 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/P5870/W/24/3350530

9 The Warren, Carshalton, Sutton SM5 4EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Draper against the decision of the Council of the London Borough of Sutton.
 - The application Ref. is DM2024/00070.
 - The development proposed is for the creation of a 2 bedroom bungalow by change of use of existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a for the creation of a 2 bedroom bungalow by change of use of existing outbuilding at 9 The Warren, Carshalton, Sutton SM5 4EQ in accordance with the terms of the application Ref. DM2024/00070, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Appellant has provided an Energy Statement as part of the grounds of appeal. The Council has confirmed in its statement that no further objection is raised on sustainability grounds. Therefore, the third reason for refusal given on the Decision Notice no longer applies to this appeal and, accordingly, I have considered it appropriate to identify a single main issue and determine the appeal on this basis.
3. My attention has been drawn to a previous appeal at the site that involved a proposal for a detached bungalow (references APP/P5870/W/19/3238273). I shall have regard to such background when considering the merits of this scheme.

Main Issue

4. The main issue is the the effect of the proposal on the character and appearance of the local area.

Reasons

5. The appeal site relates to a dwelling on the junction of The Warren and Pine Walk, in a residential neighbourhood. At the end of the rear garden lies the detached outbuilding and associated works the subject of this appeal, with local topography rising in a broadly southerly direction towards the outbuilding. The site is set within the Pine Walk Area of Special Local Character (ALSC).
 6. Due to the presence of a close-board boundary fence, hedgerow and gates fronting Pine Walk, various works associated with the existing development are generally screened from public view. These include the retaining wall and steps that separate the outbuilding from the lower lawn of no.9, the driveway, car parking and patio area. In the main only the upper brick courses and roof form of the outbuilding are presently visible from the highway.
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7. The Council has concerns that the proposal would have an adverse impact on visual amenity and spatial quality. However, I understand that all the existing development on site is lawful, including the single storey nature, detailed design of the outbuilding and the boundary fencing, The supporting wall and steps that allow access between the host dwelling and outbuilding already give the impression of a form of plot subdivision. Other than the change of use from ancillary family to open market residential accommodation, no further alterations are intended.
8. Taken in the round, I am not convinced that the change of use would cause any discernible effect over and above that currently experienced. The appeal site is an existing building located amongst other properties, there would be no increase in mass and bulk of the built development, and the proposal would not alter the essential form or character of the ALSC. It is acknowledged that the scheme provides a more modest dwelling and curtilage in comparison to the host property and many other houses in the area. However, this would not be wholly incongruous in relation its present function as an ancillary outbuilding with its own access from the highway.
9. I therefore conclude that the change of use would not result in detriment to the character and appearance of the local area. It would meet with to Policies 13 and 28 of the Sutton Local Plan 2018 and Policies H1, H2 and D3 of the London Plan 2021, which amongst other things expect new development to be of an acceptable appearance to reflect and respect the existing setting and local context.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.
11. A condition requiring a fire strategy is necessary in the interest of the safety and security of future occupants, whilst those relating to car parking, cycle storage and refuse would ensure the provision and retention of such facilities on site.
12. A condition requiring further planting and soft landscaping, for example along the common boundary between the new dwelling and no.9 and to break up the extent of existing close-board fencing, would provide for a satisfactory appearance; given the location in the ASLC I consider it necessary for the planting to be for the lifetime of the development. Conditions relating to renewable energy and water efficiency details and submission of sustainable urban drainage measures would meet the requirements of Local Plan policies.

Conclusion

13. With respect to the foregoing and all other issues, I allow the appeal.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WARR/A/001, WARR/A/001A, WARR/A/102, WARR/A/002A, WARR/A/100A, WARR/A/110, WARR/A/120.
- 3) The development hereby approved must be carried out in accordance with the provisions of the approved Fire Strategy.
- 4) The development shall not be occupied until car parking space has been laid out within the site in accordance with the approved plan WARR A 100 Rev A. The parking area shall be used and permanently retained exclusively for its designated purpose.
- 5) Prior to occupation of the development, details of 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.
- 6) Prior to occupation of the development hereby approved, full details of a refuse and recycling area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.
- 7) The development hereby permitted shall not be occupied until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications 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 landscaping works shall be carried out in accordance with the approved details. The completed soft landscaping scheme shall be retained for the lifetime of the development. Any trees or shrubs which die, or are damaged, removed or seriously diseased shall be replaced by those of a similar size and species to those originally planted.
- 8) The development shall be carried out in accordance with the C80 Solutions Ltd statements dated February 2024 in relation to renewable energy and water efficiency, and all of the approved measures must thereafter be retained.
- 9) Prior to first occupation of the development, details of sustainable drainage system measures shall be submitted to the Local Planning Authority and approved in writing. All of the approved measures must thereafter be retained for as long as the development is in existence.