
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/24/3353846

Land rear of 44 Link Lane, Wallington SM6 9EB

- 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 Przemek De Skuba Skwirczynski against the decision of the Council of the London Borough of Sutton.
 - The application Ref. is DM2024/00912.
 - The development proposed is for a new single storey 2-bedroom dwelling with basement and associated works including parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to a previous appeal at the site that involved a similar proposal for a bungalow (references APP/P5870/W/21/3284741). I shall have regard to this background when considering the merits of this scheme.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the local area; and b) the living conditions of future occupants of the dwelling in respect of light to the basement bedrooms.

Reasons

Character and appearance

4. The appeal site relates to a vacant plot of land fronting Redford Avenue in a largely residential neighbourhood. The street scene along this stretch of the highway is characterised by buildings that face out over the public domain behind front gardens with mature vegetation and driveways for off-street car parking. Whilst houses differing detailing and external materials, they are two-storey in nature. In this respect, I share the previous Inspector's reasoning that, *'there is a strong consistency to scale in the area. The overall size of plots in the area is generous, with largely open and undeveloped gardens to the front and rear, creating a pleasant sense of spaciousness. This is supported by trees, hedges and lawned areas resulting in something of a verdant quality. These aspects contribute positively to the character and appearance of the area.'*
 5. The current proposal seeks to respond to the previous appeal decision by introducing a contemporary design to the bungalow, with living spaces at the ground level and bedrooms in the basement, served by light wells. Furthermore, the front building line has been set back to better reflect that of 2 Redford Avenue. These changes notwithstanding, the overall appearance would still be that of a single storey residence in a street scene of two-storey houses, whilst the plot size would also be the same as before.
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6. Whilst I acknowledge the different design ethos and other alterations I find, as did the previous Inspector, that the low level form of the unit would appear discordant in the context of the surrounds. The street scene drawing shows that the roof would be visible from the public highway over the front boundary treatment, and the site plan demonstrates that it would be positioned on a relatively small plot in comparison to those adjacent, with only minimal space from the built form to the southern and western boundaries. The scheme would therefore appear cramped and reduce the feel of spaciousness in the vicinity.
7. I recognise that the site is in an accessible location near shops and bus services; it is not situated within a conservation area, and there are no listed buildings nearby. Moreover, at application stage no objections from any statutory consultees were received, the appellant is a self-builder and all matters concerning density, highways, ecology, drainage, and pollution were deemed satisfactory. However, these matters do not outweigh the harm I have identified above. I am also aware that the site has fallen to unsightly overgrowth and storage of material; to my mind the development would result in additional harm to the street scene and the wider area in comparative terms.
8. At my site visit I walked local roads and saw the five other examples of development on garden land on corner junctions referenced in the appellant's statement, and I noted that most of these are bungalows or single-storey dwellings with separation gaps to two-storey houses. Nonetheless, I agree with the previous Inspector that although there may be similarities to the appeal proposal, the character of The Mead and Sandy Lane South differ somewhat from the character of Redford Avenue, and the size and shape of the bungalows' plots also varies.
9. The units at Godalming Avenue, Victoria Road and Egmont Road are considerably further afield in neighbourhoods where characteristics will differ to the neighbourhood of which the appeal site is part, and are not therefore directly comparable. In any event, the appearance of other schemes would be a neutral consideration in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
10. I therefore conclude that the proposal would result in detriment to the character and appearance of the surrounds. It would run contrary to Policies 13 and 28 of the Sutton Local Plan 2018 (LP), and the Council's Creating Locally Distinctive Places Supplementary Planning Document 2008 (SPD), which expect new development to be of an acceptable scale and appearance to reflect and respect the existing setting and local context.

Living conditions

11. The appellant has submitted a daylight report as part of the appeal particulars, based on the methodologies noted in the Building Research Establishment (BRE) Good Practice Guidance 209 "Site layout planning for daylight and sunlight" (2022 edition).
12. The report concedes that the bedrooms in the basement will receive less daylighting. However, only one of the bedrooms would experience a limited amount of daylight, by approximately 30%. Taking the view that this is a bedroom and therefore has the least light requirement, the report concludes that there is sufficient daylight for the proposed new dwelling and there would not be any material impact as a result. The Council does not dispute these findings.
13. On balance, I find that the proposal would provide for a satisfactory standard of living conditions for the development's future occupants in respect of light to the basement bedrooms, and as such there would be no material conflict with the amenity objectives of LP Policy 14, Policy D6 of the London Plan 2021 and the SPD.

Conclusion

14. Having regard to the above and all other factors advanced, the appeal is dismissed.

C Hall

INSPECTOR