



Appeal Decision

Site visit made on 30 July 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th August 2025

Appeal Ref: APP/P5870/W/25/3364800

60 Waverley Avenue, Sutton SM1 3JY

- 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 Eddie Heathcote against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/01364.
 - The development proposed is a three bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety, having regard to parking provision and access arrangements;
 - whether the proposed development would include suitable arrangements for surface water drainage; and
 - whether the proposal would make adequate provision for Biodiversity Net Gain.

Reasons

Character and appearance

3. The appeal site comprises 60 Waverley Avenue (No. 60), a semi-detached 2 storey dwelling, and its garden. The surrounding area is residential in character, including semi-detached properties of a traditional design and appearance. The dwellings are generally set back a similar distance from the highway with gardens and parking between the front elevations and the road. The dwellings in the corner of the cul-de-sac where the appeal site is located are arranged on the outside curve of the road so that they sit on plots that are triangular, with narrow frontages, and increase in width towards their rear boundaries. While the overall size of the plot on which No. 60 sits is more generous than others in the immediate vicinity, this is not readily apparent given its position in the cul-de-sac and subsequent limited visibility of the wider plot.

4. The appeal proposal would see the erection of a detached 2 storey dwelling on land which forms the side garden of the host dwelling, located between its flank elevation and that of the neighbouring dwelling at 58 Waverley Avenue. Due to the shape of the plot, in particular the limited separation distance between the front corners of the neighbouring buildings, the new dwelling would be set back from the front elevations of the adjoining dwellings to either side. It would also be orientated at an oblique angle facing more towards the side elevation of No. 60 rather than fronting the highway.
5. Notwithstanding the overall size of the resulting plot, because of its set back position, orientation and very narrow frontage, which would further reduce the already narrow plot frontages in this part of the cul-de-sac, the proposed dwelling would be an incongruous feature within the street scape. Furthermore, it would appear noticeably contrived and less spacious than the adjoining plots when viewed from the road. Having regard to these factors, the proposed development would be inconsistent with the established layout of the surrounding development and would diminish the character and appearance of the area.
6. I note that the part of the site on which the dwelling would be located comprises an area of hardstanding, in part enclosed by a wall, which is used for the parking of vehicles. However, given the modest scale of the parking area and discrete position, the siting of parked vehicles thereon, would not appear unduly prominent in the street scene or significantly at odds with the residential character of the area. Moreover, while the current condition of the site may not make a positive contribution visually to the area, I have found that the proposal would cause lasting demonstrable harm in terms of the character and appearance of the area.
7. My attention is drawn by the appellant to other examples of dwellings on corner plots within the cul-de-sac, at 74a and 77 Waverley Avenue respectively, which were later additions. However, these properties appear to sit on plots which comprise larger gaps between the original built form and thus have a different effect upon the character and appearance of the area. As such, they are not directly comparable to the appeal scheme, and the weight to be attached to these is limited.
8. For the foregoing reasons I conclude that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Policy 28 of the Sutton Local Plan 2016-2031, adopted 2018 (SLP) in so far as it supports development that respects the local context and responds to local character.
9. The Council's first refusal reason also alleges conflict with Policies 7 and 9 of the SLP, which relate to the density of development and housing sizes and standards. While I note the Council's concern that the development would appear cramped, the officer report sets out that it would be in-keeping with the size of plots on the south side of Waverley Avenue and does not raise any concern regarding the size or standard of housing. Thus, it is unclear as to how conflict with these policies would occur.

Highway safety

10. The appeal submissions indicate that the Council's parking standards require the provision of 2 parking spaces per dwelling, which the appellant suggests is met using the spaces 'in line'. However, while it may be possible to provide 2 spaces to serve the proposed dwelling, the proposed site plan indicates that a single space

would be provided to serve the proposed dwelling, with the remaining off-street parking to serve the host property reduced to one space.

11. There is some on-street parking capacity within Waverley Avenue, however this is somewhat limited given the presence of drop kerbs and driveways and sections of double yellow lines in the cul-de-sac. At the time of my site visit, which I appreciate is only a snapshot in time, there were several vehicles parked on the road. Given that this was mid-morning during the week, when it is plausible that residents are more likely to be out, it is probable that any remaining capacity would be further reduced during the evening and overnight when it can be expected that parking demand would be at its greatest. Consequently, in the absence of a parking survey to determine existing parking capacity, it has not been demonstrated that the shortfall in parking from the development could be accommodated safely within Waverley Avenue or the nearby streets. As such, the proposal would fail to provide adequate parking provision to serve the development, which would in turn be likely to give rise to additional on-street parking in the cul-de-sac which would adversely affect highway safety.
12. The appellant indicates that the part of the site to which the appeal relates is currently used for the parking of several domestic and commercial vehicles, which at times, spill out onto the highway. However, there is no clear evidence that the effects of this would be similar to, or worse than, the appeal proposal. As such, it is a matter of negligible weight.
13. The Council has also raised concern regarding the effect of vehicles reversing onto the highway upon highway and pedestrian safety. I observed at my site visit that most neighbouring properties have driveways whereby vehicles would reverse onto the adjoining carriageway. While vehicles leaving the appeal site would have to reverse a greater distance than others, the length of the driveway would not be unduly excessive. Moreover, given the position of the site, towards the end of the cul-de-sac and likely limited speeds and volume of traffic passing it, the absence of vehicle turning facilities to serve the proposed dwelling would be unlikely to have a detrimental effect on highway or pedestrian safety in this case.
14. In light of the above considerations, while the proposal would not harm highway or pedestrian safety by virtue of the access arrangements, it would have an adverse effect on highway safety, having regard to parking provision. Accordingly, it would conflict with the aims of Policies 36 and 37 of the SLP which require development to minimise any adverse impact on the highway network and expect new development to provide car parking in accordance with the Council's standards.

Surface water drainage

15. Policy 32 of the SLP requires development to incorporate effective sustainable drainage (SuDS) measures as part of the design and layout of the development in order to manage surface water run-off. While the planning application form sets out that surface water would be disposed of via a soakaway and areas of hardstanding would be constructed using permeable materials, a detailed SuDS strategy setting out how surface water would be managed has not been submitted as part of the application.
16. However, even if the site is not located in an area where infiltration SuDS measures are likely to be feasible, there is no substantive evidence that a satisfactory surface water drainage scheme would not be achievable. Moreover,

details of such could be secured by a suitable planning condition to require details of a scheme to be agreed prior to the commencement of the development.

17. Consequently, subject to a planning condition to agree a drainage scheme, the development could incorporate suitable arrangements for surface water drainage to ensure that the proposal would not give rise to increased flood risk elsewhere. Thus, it would not conflict with the aims of Policy 32 of the SLP in that regard.

Biodiversity net gain (BNG)

18. Policy 26 of the SLP supports development that creates, conserves or enhances biodiversity. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) requires development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. Planning Practice Guidance (PPG) sets out that under this statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. It is clear that BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective will be met for development granted planning permission and that once planning permission has been granted, unless exempt, a Biodiversity Gain Plan (BGP) must be submitted and approved prior to the commencement of that development.
19. The appeal is not supported by any specific information regarding BNG. However, the appellant contends that, due to the extent of the existing areas of hard surfacing, which would be reduced as a consequence of the proposals, the proposal would enable an opportunity to enhance biodiversity on the site. While the Council does not agree, having regard to the scale and nature of the development, I have not been presented with any clear reason as to why the site does not have the capacity to accommodate BNG or that the requisite BNG could be secured through the provision of a BGP as part of the discharge of the mandatory BNG condition.
20. In light of the above, there is no substantive evidence that the proposal could not make adequate provision for BNG. In that regard, it would not conflict with the aims of Policy 26 of the SLP.

Other Matters

21. The proposal would offer benefits in terms of housing supply, which is a key objective of the National Planning Policy Framework (the Framework), which seeks to significantly boost the supply of housing. It would also align with policies within the Framework which recognise the contribution small sites can make to meeting the housing requirement of an area and promote and support the development of under-utilised land. Future occupiers of the development would also benefit from accessibility to services and amenities by means other than the private car. Nonetheless, the contribution in this case would be tempered by the scale of the development for a single unit.
22. The absence of harm in terms of the size of the plot, design of the dwelling, living conditions of future occupiers and occupiers of neighbouring properties are neutral factors and do not weigh in favour of the proposal.

Conclusion

23. While the proposal would not conflict with relevant policies in relation to access arrangements, surface water drainage and BNG, it would give rise to harm to the character and appearance of the area and highway safety, for the reasons set out above. The harm identified in respect of these main issues means that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding to justify granting planning permission contrary to the development plan. The appeal should therefore be dismissed.

E Worley

INSPECTOR