
Appeal Decision

Site visit made on 14 November 2016

by **D. M. Young BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2017

Appeal Ref: APP/P5870/W/16/3155846
42 Blenheim Road, Sutton, Surrey SM1 2PX.

- 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 Ray Farrington (Rectory Park Homes) against the decision of the Council of the London Borough of Sutton.
 - The application Ref B2016/74088/FUL, dated 1 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the demolition of dwelling and erection of a two storey 4 bedroomed house with roof accommodation, car parking, cycle and refuse stores and new vehicular access onto Blenheim Road.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of dwelling and erection of a two storey 4 bedroomed house with roof accommodation, car parking, cycle and refuse stores and new vehicular access onto Blenheim Road at 42 Blenheim Road, Sutton, Surrey SM1 2PX in accordance with the terms of the application, Ref B2016/74088/FUL, dated 1 April 2016, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Appeals relating to two separate schemes were dismissed in August 2016¹. One of those schemes involved the demolition of the existing dwelling and the erection of a new building in its place containing 2 flats. Whilst similar, it is notable that unlike the one before me that scheme involved a wider dwelling without a central bay. Consequently, I find that the current scheme is materially different to its predecessor. I have therefore determined the appeal before me purely on its own merits, in the light of the particular circumstances which apply in this case.
3. I have taken the description of development from the Council's Decision Notice as I find this more concise than the version on the Application Form.

Main Issue

4. Is the effect of the proposal upon the character and appearance of the area.

Reasons

5. Blenheim Road is a residential cul-de sac which runs roughly parallel to the Sutton Loop Railway Line. It consists of pairs of modestly proportioned, semi-

¹ PINS Refs: APP/P5870/W/16/3149554 & APP/P5870/W/16/3147425

detached dwellings with staggered roof lines which follow the topography of the road as it slopes from north to south. As other Inspectors have noted, despite some variations in facing materials, the street retains a broadly homogenous character with much of the original architecture and repeated features particularly to the front facades retained.

6. However, despite its many qualities, I do not find anything inherently sensitive or remarkable about the streetscape that would preclude small alterations and additions to dwellings. Blenheim Road is not subject to any special designation and as I saw on my site visit, its distinctiveness has been compromised to a degree by the loss of front gardens to parking areas, the erection of detached garages and rear dormer extensions some of which are visible from the road.
7. 42 Blenheim Road is different to other dwellings in the street given its position at the end/start of the short run of houses on the east side of the street which back directly onto the railway. Having no northerly neighbour it has the benefit of a spacious side garden which is largely screened from public vantage points by established planting. The property has a rather forlorn appearance and the appellant points out that the property has suffered from subsidence for a number of years and the only viable solution is to demolish and rebuild on better foundations. There is no dispute that the proposed building would occupy a larger footprint than the current dwelling and would offer enhanced accommodation. It is however, the effect of the dwelling on the established character of Blenheim Road and whether the proposed changes would cause unacceptable harm that is the issue between the parties.
8. Having overlaid the existing and proposed floor plans, it is evident that the increase in footprint would be marginal. Unlike the previous scheme, the facade of the dwelling would replicate the detailing of the adjacent property and in turn would harmonise with the wider Blenheim Road street scene. Whilst the modest side build-out would be uncharacteristic, it would be set well back and down from the front elevation and roof line respectively. Given the presence of screening along the road frontage and its overall size, it would not be prominent in public views. The same would be true for the large bulky rear dormer and flat roof which would be largely concealed from public views by the front roofslope. These elements would only therefore be seen in direct views from the railway. It is also germane that several large rear dormers are already visible along Blenheim Road in angled views through gaps between dwellings.
9. I have noted the Council's view that the blank return wall to the living room would appear awkward. However, the wall in question would be recessed and relatively narrow. It would be partially obscured by the bin storage area and would only be visible in fleeting glimpses as one passes directly in front of the house. Consequently, I am not persuaded that its effect would be so harmful as to justify the dismissal of the scheme.
10. Overall there would be some minor changes to the external appearance of the property, however, for the reasons given above, I find that the degree of change would be modest and not at a level to cause unacceptable harm or to bring the proposal into conflict with development plan policies. I therefore conclude that the proposed development would not cause unacceptable harm to the character and appearance of the area. There would thus be no conflict with Policies DM1 and DM3 of the Council's "*Site Development Policies DPD*", Policies

BP12 and PMP2 of the "Core Planning Strategy 2009", the "Supplementary Planning Document 14: Creating Locally Distinctive Places" and Policies 3.3, 7.4 and 7.6 of "The London Plan". Collectively these seek good quality design that has regard to the form, function, and structure of an area. Finally, there would be no conflict with the "National Planning Policy Framework" in terms of ensuring that development responds to local character, reflects its surroundings and adds to the overall quality of the area.

Conditions

11. The Council has suggested a number of planning conditions which I have considered against the advice in the *Planning Practice Guidance* (PPG). In some instances I have amended the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.
12. I have imposed the standard implementation condition as well as a condition to ensure that the development is carried out in accordance with the approved plans, as this provides certainty. Conditions relating to external facing materials, landscaping and boundary treatments are necessary to ensure the satisfactory appearance of the development. A condition imposing restrictions on working hours during the construction period is necessary to safeguard the living conditions of local residents. Those conditions relating to water meters, sustainable drainage and energy efficiency are required to comply with Development Plan sustainability objectives.
13. In view of the scale of development, its location and likely construction period, I am not persuaded that a Construction Transport Management Plan is required and have omitted the suggested condition accordingly. I have however imposed a condition in relation to construction hours to safeguard the amenities of local residents. Given the size of the dwelling and curtilage there would be ample opportunity for cycle parking to be provided by future occupiers, the suggested condition is therefore unnecessary. Blenheim Road is a lightly trafficked cul-de-sac and therefore the suggested condition regarding an unloading area is unnecessary.
14. The bin storage areas are shown on the approved plans and therefore captured by the plans condition, a separate condition is therefore unnecessary. Finally, the Council has suggested a condition which would remove permitted development rights to prevent the building being used as a house in multiple occupation. Paragraph 200 of the Framework unequivocally states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Council's justification for the condition is scant and the fleetingly reference to the living conditions of neighbouring residents and highway safety, does not amount to a 'clear justification'. I have omitted the suggested condition accordingly.

Conclusion

15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

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: 1:1250 location plan, 7293/16 and 7292/16.
- 3) No work on the superstructure of the development hereby permitted shall take place until details of the materials to be used within the external elevations of the building and including windows and doors have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.
- 4) Prior to occupation of the dwelling, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall include full details of materials to be used in hard landscaping along with details of all replacement trees and plants, their sizes, and densities. All landscaping shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice. The works shall be carried out in accordance with the timetable agreed with the Local Planning Authority, and any plants or trees that (within a period of five years after planting) are removed, die, or become in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved.
- 5) No work on the superstructure of the development hereby permitted shall take place until details of the type of boundary treatments to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatments so approved shall be completed before the dwellings are occupied and retained thereafter.
- 6) Construction works shall take place only between 0800 and 1800 hours on Monday to Friday and between 0800 and 1300 on a Saturday and not at any time on Sundays or on Bank or Public Holidays.
- 7) No work on the superstructure of the development hereby permitted shall take place until an Energy Statement including 'as designed' BRUKL outputs prepared under the Standard Assessment Procedure (SAP), has been submitted to the Local Planning Authority and approved in writing which demonstrates how the dwelling will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 19% reduction in CO₂ emissions below the 'notional' dwelling emission rate (DER) based on Part L1B of the 2013 Building Regulations and seek to achieve at least a 10% reduction in total CO₂ emissions (regulated and unregulated) through on-site renewable energy generation.
- 8) Prior to first occupation of the dwelling, as-built BRUKL outputs prepared under the Standard Assessment Procedure (SAP) shall be submitted to the Local Planning Authority and approved in writing to demonstrate that

the development has been carried out in accordance with the approved details. If the development is unable to meet the required 19% reduction in CO₂ emissions through the approved energy strategy, then any shortfall should be made up through the application of further sustainability measures unless otherwise approved by the Local Planning Authority in writing.

- 9) No work on the superstructure of the development hereby permitted shall take place until a scheme for the management of surface water run-off has been submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy. The proposed scheme should ensure that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall.
- 10) Prior to first occupation of the dwellings, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further evidence must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall. All the measures implemented shall be retained for as long as the development is in existence.
- 11) Prior to first occupation of the dwellings, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption will be limited to 110 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purpose of Part G of the Building Regulations. The Water Efficiency Calculator should be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.