



Appeal Decision

Site visit made on 23 October 2018

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State.

Decision date: 27 November 2018

Appeal Ref: APP/P5870/W/18/3198821

Corbet Close, Hackbridge, SM6 7AR

- 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 Brickwood Estates Limited against the decision of the Council of the London Borough of Sutton.
- The application Ref C2017/77886/FUL, dated 1 September 2017, was refused by notice dated 30 October 2017.
- The development proposed is demolition of existing building and erection of three 4 bed detached dwellings with associated hard and soft landscaping and new vehicle access from Corbet Close.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan was submitted with the appeal which shows changes to the car parking layout and bin collection points, alongside an arboricultural report. I consider that the changes are of a minor, technical nature and no parties interests would be prejudiced by accepting them.
3. The London Borough of Sutton Local Plan 2016-2031 ("Local Plan") was adopted in February 2018. The Council have confirmed that the policies in the Core Planning Strategy Development Plan Document 2009 and the Site Development Policies Development Plan Document 2012, as cited on the decision notice, are no longer part of the development plan. The appellant has had the opportunity of commenting on the adopted plan, in the course of the appeal.
4. I undertook the site visit unaccompanied and was able to view the site from the surrounding area. Together with the written representations, I have sufficient information to determine the appeal.

Main Issues

5. The effect of the development on
 - i) The living conditions of residents of existing residential properties, including No's 95, 96 and 97 Corbet Close, with particular regard to whether or not it would create an overbearing effect and loss of light;
 - ii) The character and appearance of the area; and

- iii) the living environment of future residents, with particular regard to the provision of external amenity space.

Reasons

Living conditions (existing residents)

6. The building on plot 3 would rise to three storeys in height, although its top storey would be recessed away from the northern boundary of the site. However, it would be built around 1 metre from the rear gardens of the adjacent properties on Corbet Close.
7. I observed that the gardens to the rear of the properties on Corbet Close are of a compact size. In consequence, because of its bulk, mass and close proximity to the boundary, the building on plot 3 would be a dominant and visually intrusive feature when viewed from these residential properties, and within their garden areas. Neither the creation of a green wall, nor the existence of trees around the respective site boundaries would provide adequate mitigation for this harmful overbearing effect, which would also be likely to manifest itself in a reduction in natural light to the respective garden areas. The harm would be most pronounced to numbers 95, 96 and 97 Corbet Close, who sit closest to the new building.
8. Reference is made by both main parties to the Council's "Design of Residential Extensions" Supplementary Planning Document, and guidance contained within it on separation distances between extensions and existing buildings. However, the proposal relates to the creation of a new building of significant height rather than an extension. In this case, the new building would be located very close to the site boundary, and would dominate the neighbouring residential gardens to an unacceptable degree.
9. I therefore conclude that the proposal would lead to unacceptable harm to the living conditions of the residents of 95, 96 and 97 Corbet Close, through the creation of an overbearing effect and loss of light. It conflicts with Policy 29 of the Local Plan which, amongst other things, requires that effects on outlook, sunlight and daylight are taken in to account when assessing the impact of proposed development.

Character and appearance

10. The surrounding area exhibits a predominantly residential character, with blocks of flats interspersed with terraced housing. Within this context, the existing building occupies an irregularly shaped plot, surrounded by car parking spaces and the rear elevations of the residential properties along Corbet Close.
11. The Council argue that there is limited space between the new buildings, and that the development as a whole would therefore appear unduly cramped. In this regard, I note that there would be a clear visual gap between plots 2 and 3. However, the side elevation of the building on plot 1 would project immediately forward of the front of the building on plot 2, with little visible space between them. In consequence, the building on plot 1 would appear unduly dominant in relation to the front garden area of plot 2. The awkward relationship between the two buildings, in combination with their significant height, would appear incongruous in views along Corbet Close.

12. Whilst there are other examples of buildings with narrow gaps between them in the surrounding area, the relationship here would appear unusually cramped. The harm in this regard would not be effectively mitigated or screened by existing landscaping features outside the appeal site. In consequence, the development as a whole would not achieve a good standard of design. The proposal differs significantly from the previously approved development on the site. Whilst this was of a similar overall height, it left a well sized gap between the two plots on the site, resulting in a sympathetic visual relationship between the proposed buildings.
13. I conclude that, due to the poor visual relationship between plot 1 and plot 2 as described above, the proposal would result in unacceptable harm to the character and appearance of the area. It would conflict with policy 28 of the Local Plan which, amongst other things, requires that new development is attractive and respects the local context. It also conflicts with the London Borough of Sutton Supplementary Planning Document: Creating Locally Distinctive Places (2008), which contains similar objectives.

Living conditions (future residents)

14. The rear garden area to plot 1 would be a narrow space that is heavily enclosed by the building on plot 2 and the boundary of the plot. Consequently, there would be a limited amount of natural light entering in to the garden, which would have a restricted outlook.
15. However, the area in question would still amount to useable private space. The limited amount of natural light and outlook would not limit its use for activities such as children's play, hanging out washing, and other day to day activities typically associated with areas of private amenity space. Plot 1 would otherwise be a large building with a good standard of living accommodation. In this context its garden area is acceptable.
16. I therefore conclude that a satisfactory living environment would be created for future residents, with particular regard to the provision of external amenity space. In this regard there is no conflict with Policy 29 of the Local Plan which, amongst other things, requires that outlook and sense of enclosure are taken in to consideration when assessing the impact of the proposed development on the amenities of future occupiers. Nor is there conflict with the relevant parts of the Mayor of London: Housing Supplementary Planning Guidance (2016) which requires that, amongst other things, private open space associated with new development is of a practical shape and utility.

Other Matters

17. The proposed development would provide 3 new residential units, an increase on the 2 previously approved. This would clearly represent a more efficient use of land, and would achieve a higher density of development. The residential accommodation is of a good size and provides good living conditions, in close proximity to public transport links, services and facilities, and is suitable for occupation by larger families. My attention is also drawn to the encouragement of the development of small sites, set out in the National Planning Policy Framework (2018), together with emerging policies in the Draft London Plan which seek to increase the supply of housing within Sutton, and particularly on small sites comprising previously developed land, such as this one. I also note the intention that one of the units will be a self-build unit.

18. I attach moderate weight to these benefits of the development. However, the proposal would result in harm to the living conditions of existing residents, and the character and appearance of the area. The Framework is also clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposal conflicts with the development plan, and on the evidence before me the Council are currently able to demonstrate a 5 year housing land supply. Consequently, the presumption in favour of sustainable development, as set out in the Framework, does not apply. Overall, the considerations that weigh in favour of the development do not, even cumulatively, amount to a consideration that indicates the decision should be taken other than in accordance with the conflict with the development plan.
19. There were three further reasons for refusal. However, the Council advise that the material submitted at the appeal stage addresses their concerns in relation to waste storage (reason for refusal 5), and the impact on nearby trees (4), subject to appropriate conditions. In terms of car parking (2), the amended plan demonstrates that parking could be provided to the maximum standard for such residential development, which the Council advise address its reason for refusal. However, despite its low Public Transport Accessibility Level the site is located in an urban area, close to services and facilities including bus and rail links. Consequently, I am not persuaded on the evidence before me that future occupiers of each of these buildings would inevitably own two cars, nor that any overspill parking generated by the development would result in unacceptable harm to highway safety. However, as the appeal is failing for other reasons, I have not pursued this matter further.
20. Both parties refer to other planning policies and guidance, including development plan policies. I have had regard to these in my consideration of this appeal. However, my conclusions relate to the most relevant policies to the main issues in the appeal. I note that there are objections to the appeal from interested parties on other grounds to those cited in my reasoning above. However, as the appeal is failing, I have not considered these further.
21. Concerns are expressed regarding the conduct of Council officers towards the planning application that led to this appeal, and at the pre application stage. However, these considerations have no bearing on this decision, which must be made on the planning merits of the appeal.

Conclusion

22. I have found that the proposal would achieve satisfactory living accommodation for future occupants. However, it would lead to harm to the character and appearance of the area, and harm to the living conditions of the occupants of existing buildings. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR