

Appeal Decision

Site visit made on 28 April 2016

by **R J Maile BSc FRICS**

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

Decision date: 29 April 2016

Appeal Ref: APP/P5870/D/16/3142661
18 Milton Road, Wallington, Surrey, SM6 9RW.

- 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 H Bevan against the decision of the Council of the London Borough of Sutton.
 - The application, ref: D2015/72795/HHA, was refused by notice dated 19 November 2015.
 - The development proposed is demolition of rear bay, erection of rear ground floor extension and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of rear bay, erection of rear ground floor extension and alterations at 18 Milton Road, Wallington, Surrey, SM6 9RW, in accordance with the terms of the application ref: D2015/72795/HHA, dated 23 September 2015, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no.

ENC-210815-4T5: Site Survey – scale 1:100.

MR/01: Proposed Layout Plan – scale 1:100.

MR/02: Proposed Elevations – scale 1:100.

MR/03: Proposed Site Plan – scale 1:500.

MR/04: Site Location Plan – scale 1:1250.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of existing and future residents of 18a Milton Road.

Reasons

3. 18 Milton Road comprises one of a pair of inter-war semi-detached houses. It is located within a mixed residential area.
4. The house is separated from no. 16 to the north by a private access road. From my observations on site this factor, together with the fenestration of no. 16, leads me to conclude that the proposed development would have no noticeable impact upon the residents of that property.
5. The Council has raised concerns regarding the effect of the extension upon the other half of the pair (no. 18a) of which the appeal site forms part. This arises from the proposed height and rearward projection of the extension.
6. The new structure would project rearwards by some 5m, but it is set away from the common boundary with no. 18a by some 900mm. The flat roof incorporates sloping tiled upstands, which create an overall height of 3.7m. However, the eaves level of the extension at a height of some 2.73m at its closest point to no. 18a is less than 1m taller than the intervening boundary fence. These factors will combine to ensure that the extension would neither appear overbearing as viewed from no. 18a or give rise to any unacceptable sense of enclosure to the occupiers of that property.
7. There is a rear-facing bay window to no. 18a at ground floor level adjacent to the common boundary. One small window in that bay faces north at an angle towards the appeal site. Nevertheless, the principal outlook of the bay window is across the rear garden.
8. Given the height of the boundary fence between nos. 18 and 18a and the off-set of the extension from the fence, I am satisfied that the proposed extension would not bring about any loss of daylight or give rise to an unacceptable loss of outlook. Furthermore the relevant orientation of the properties, with no. 18 being to the north of 18a, will ensure that the extension would not affect the sunlight reaching the rear garden and rear-facing windows of no. 18a.
9. I therefore find upon the main issue that development as proposed would not have an adverse effect on the living conditions of existing and future residents of 18a Milton Road, as required by Policy DM2 of the Site Development Policies DPD¹ and the Council's adopted SPD².

Conditions

10. I have considered the three conditions put forward by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. All are reasonable and necessary in the circumstances of this case and my reasons for imposing them are:

¹ London Borough of Sutton Local Development Framework: Site Development Policies DPD (March 2012).

² London Borough of Sutton Local Development Framework: Design of Residential Extensions Supplementary Planning Document (October 2006).

11. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
12. Condition 3 requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR