

Appeal Decision

Site visit made on 7 March 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/P5870/D/17/3166391
12 Royston Avenue, Wallington, SM6 8HY

- 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 Sritharan Thambapillai against the decision the Council of the London Borough of Sutton.
 - The application Ref D2016/75593/HHA dated 21 April 2016 was refused by notice dated 1 December 2016.
 - The development proposed is a conservatory at the rear of the building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal had already been partially constructed at the time of my visit. For clarity, I am dealing with the appeal based on the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers at No. 10 Royston Avenue with reference to daylight, sunlight and outlook.

Reasons

4. The appeal property is a semi-detached dwelling situated on Royston Avenue, in a slightly elevated position from the road. It has an existing single storey rear extension and a detached garage which is set back behind the rear building line of the property and which is accessed from a shared drive with No. 14 Royston Avenue. The host property has a generous sized rear garden and is separated from the adjoining neighbour, No. 10, by a timber fence.
 5. The appeal development seeks permission for a rear conservatory extension which would have a width of around 3.8m and a projection of around 2.9m. This would be to the rear of an existing extension of a similar depth that already exists at the rear of the property. The development would be sited close to the boundary with the No. 10, which alongside the existing extension, would have a combined projection of around 5.7m. I consider this would appear as a prominent feature that would have an adverse effect on the outlook of the
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occupiers of this neighbouring dwelling at No. 10 and result in the loss of daylight. It's positioning to the south of this neighbouring property would also result in unacceptable overshadowing.

6. Whilst I appreciate it would be partially glazed, it would nevertheless have a largely solid form along this side elevation. I note the concerns expressed by a neighbouring occupier, which include those relating to the loss of privacy but given the siting of the conservatory and the proposed obscure glazed side facing windows, I do not consider there would be any undue effect in this regard.
7. Nevertheless, for the reasons given above, I conclude the proposal would cause unacceptable adverse harm to the living conditions of the adjoining occupiers of No. 10 Royston Avenue with reference to daylight, sunlight and outlook. It would be contrary to Policy DM2 of the Site Development Policies DPD and the Design of Residential Extensions Supplementary Planning Document, which state, amongst other matters, that the Council will not grant planning permission for any development that adversely affects the amenities of those occupying adjoining or nearby properties. It would also be contrary to the National Planning Policy Framework, which states at Paragraph 17 that, amongst other things, planning should seek a good standard of amenity for all existing occupants of land and buildings.

Other Matters

8. I note reference has been made to permitted development rights which are said to allow extension of up to 6m. These are however subject to a prior approval process to the Local Planning Authority and I have not been made aware of any such application to them. General reference has also been made to other extension of 6m in the area but I have not been provided with any further details. This appeal follows a refused planning application and I can confirm that I have considered it on its own merits.
9. I also appreciate that the proposal is for the enjoyment of the appellant's elderly relative. This does not however outweigh the harm that would be caused to the living conditions of a neighbouring occupier.

Conclusion

10. For the reasons given above and having considered all other matters raised, including other comments raised by a neighbouring resident, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR