



Appeal Decision

Site visit made on 3 July 2019

by Paul Thompson DipTRP MAUD MRTPI

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

Decision date: 6th August 2019

Appeal Ref: APP/P5870/D/19/3227139
58A Poulton Avenue, Sutton SM1 3PY

- 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 Keith Edwards against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00095, dated 19 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is a loft conversion with side and rear dormer extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building comprises a two-storey terraced house that was developed when 58 Poulton Avenue was converted to two houses, following a grant of planning permission¹. That permission included Condition No 10, which restricted permitted development rights. However, the appellant advised that the Council has subsequently granted a replacement planning permission², which allows the development to be carried out without complying with Condition No 10 of the previous consent. As such, permitted development rights under Classes A-F of the relevant statutory instrument³ now apply to the appeal building. The main parties were given the opportunity to comment on any implications of this updated situation to their respected cases to which a response was received from the appellant. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the house and the surrounding area.

Reasons

4. The appeal site is on the corner of Poulton Avenue and Royston Avenue and is therefore within a prominent position, highly visible from the street. The surrounding area is residential in character, formed of detached and

¹ Planning Application Reference C2017/76868.

² Planning Application Reference DM2019/00707.

³ Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

semi-detached houses, primarily with hipped roofs. Some of the houses incorporate roof extensions.

5. The LPA has adopted Supplementary Planning Documents in relation to *Design of Residential Extensions* (2006) (SPD4) and *Creating Locally Distinctive Places* (2008) (SPD14). Whilst the LPA's SPDs were adopted some years prior to the Sutton Local Plan 2018 (the LP), they are consistent with its aims and I have afforded them full weight in my consideration of the appeal. SPD14 provides guidance in relation to wider principles of design. SPD4 is of greater relevance as Section A.5 provides detailed criterion in relation to roof extensions. Where these are not met the SPD suggests that planning permission would be unlikely to be granted.
6. The dormer roof extensions are set back from the façades of the house but the dormers extend the roof slopes and ridge of the house as they are not set away from the hip or down from the ridge. Together this visually crowds and distorts the existing roof form. The submitted plans indicate that this is as a result of the provision of height within the proposed accommodation. However, this should not be at the expense of good design. Furthermore, the width of the dormers and the proportions of the window openings means that the dormers take on a rather solid appearance.
7. The dormers would not unbalance the symmetry and character of the overall terrace of properties but would add notably to the overall bulk and mass of the roof of the house. The dormers would therefore appear dominant when seen from the street and detract from the character and appearance of the house and its surroundings.
8. I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the existing house and the surrounding area. It would not therefore accord with Policy 28 of the adopted LP and would conflict with the guidance within the LPA's adopted SPD4 and SPD14. These seek to ensure that new development respects the local context and responds to local character, creating local distinctiveness and a sense of identity and makes a positive contribution to the site, street scene and wider neighbourhood. The policies also aim for design to be to a high standard respecting urban form through scale, massing, height, proportions and window hierarchy suitable to a site.

Other matters

9. In the absence of the planning condition removing permitted development rights, the appellant has confirmed that the proposed development would fall within the limits set by the relevant statutory instrument⁴. As there is a greater than theoretical possibility that the proposed development might take place, I consider this to be a 'fallback' position. Furthermore, the fallback position and proposed development would have an identical effect. Nonetheless, I do not consider that this would be sufficient justification to allow the appeal, as I have adjudged the proposed development to cause significant harm to the character and appearance of the area.

⁴ Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

10. I am also referred to a plan showing a hip-to-gable extension to the side and a flat roof dormer to the whole of the rear roof slope. The appellant suggests that this could be erected under the same rights. However, there is nothing before me that would suggest that the appellant would genuinely pursue this option if the appeal failed. As such, this option would not be considered anything more than a theoretical possibility and I have afforded it limited weight in my consideration of this appeal.
11. The appellant has referred me to a recent appeal at 117 Wakefield Street in the London Borough of Newham. The circumstances behind that decision are not before me. However, that decision referred to a building with flats and the Inspector did not find harm to the character and appearance of the area. Therefore, that decision is not directly comparable to the proposal before me, as I have found harm with the proposed development. The appellant has also referred to the alteration and extension of houses in the surrounding area providing tolerance for alterations to the appeal building. Whilst I have not been referred to specific examples of such development, I have recognised that there are other extensions in the vicinity. Even so, I have determined this appeal on its own individual merits.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR