
Appeal Decision

Site visit made on 11 September 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/P5870/D/19/3232393
90 The Chase, Wallington SM6 8LY

- 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 W Watson against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00665, dated 11 April 2019, was refused by notice dated 6 June 2019.
 - The development proposed is detached guest bedroom in rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area.
 - the effect of the development on the living conditions of the adjacent occupiers with regard to privacy and outlook.

Reasons

character and appearance

3. Number 90 The Chase is a mid-terraced property located on a street of similarly designed houses. The properties have comparable building lines to their front and rear elevations. The rear gardens are generally modest and back on to an alley way which separates The Chase from the rear of properties facing on to Godalming Avenue. The alley is currently overgrown and not used for access. Nevertheless, when viewed from the end of the alley on Central Avenue the rear elevations of properties and their various extensions and outbuildings are visible.
4. The rear garden of 90 The Chase is modest. It is bounded by fencing on its side boundaries and a block wall with pedestrian access gate to the rear. From the house the garden is accessed via bi-fold doors in the recently constructed single storey extension. The proposed outbuilding would be sited on the rear boundary of the plot. It is designed to span the plot width except where access is required to the pedestrian gate in the rear boundary wall. The building extends towards the house covering approximately half of the distance between the extended house and the rear boundary.

5. A significant number of the properties adjacent to the appeal site have some sort of building in the rear garden and many have also been extended to the rear. In this context the addition of a building in the rear space would not be unusual. In views towards the house the proposed outbuilding would be visible above the surrounding boundary treatment. However, it would not be an especially prominent mass and would not be at odds with the area's prevailing character and appearance. Further, given the intervening space between the house and the elevated rear extension it would not dominate the appellant's property.
6. I therefore conclude that the proposed outbuilding would not harm the character and appearance of the area and in this respect would not conflict with the requirements of Policy 28 of the London Borough of Sutton Local Plan 2016-2031 and Supplementary Planning Document Design of Residential Extensions adopted October 2006 which collectively requires that development respects local character and its surroundings.

living conditions

7. The proposed outbuilding is to be used as additional living accommodation. The appellant states that it may initially be used as a living space and later as a bedroom for a family member. The internal layout on the drawing shows that there would be a shower room with window in the side elevation and a side entrance door. There would also be a sizable window in the middle of the elevation facing towards the appeal property.
8. The appellant confirms in his evidence that the outbuilding would be 2.7 metres high. The outbuilding would be sited on the joint boundary with no 92. No 92's rear elevation is set on its original building line with patio doors and window facing towards the garden. In the garden there is a detached outbuilding which encloses about half the width of the plot away from the joint boundary. The height of the proposed outbuilding would be a good margin higher than the side boundary fence. Taken together with the existing rear extension at the appeal property, there would be a significant amount of development on the joint boundary above the existing (and any permitted) boundary height. I consider that the extent of the development along the joint boundary would introduce a sense of confinement within the garden area of no 92 and would reduce the outlook from the rear windows to the detriment of their living conditions.
9. No 88 has been extended to the rear. At 2.7 metres high and sited away from the joint boundary the outbuilding would not reduce the outlook from the rear facing windows of no 88.
10. The outbuilding would be visible from the rear of the adjoining properties no 88 and no 92 The Chase. However, given the intervening boundary treatment and the position of the window in the centre of the elevation, it would not be possible to look into the adjoining properties from it. Therefore, I am satisfied that the outbuilding would not cause any overlooking into either of the neighbouring properties so as to cause a loss of privacy.
11. Consequently, whilst I find that the adjoining occupiers at nos 88 and 92 would not be overlooked by the outbuilding or that no 88 would suffer a loss of outlook, I consider that the introduction of the outbuilding on to the joint boundary with no 92 would be detrimental to their living conditions with regard

to outlook and would conflict with Policy 29 of the London Borough of Sutton Local Plan 2016-2031 which seeks to protect amenity by considering a number of issues including outlook and sense of enclosure.

Other Matters

12. I note that the appellant considers that there is a fall-back position wherein an outbuilding may be constructed under permitted development in the rear area of the same size if the building were reduced to 2.5 metres in height. I have not been provided with an alternative scheme to consider. Further, the alternative suggested by the appellant would result in less development adjacent to the boundary than the appeal proposal and would not alter the decision I have reached in relation to the appeal scheme.

Conclusion

13. Although I have not found harm in terms of character and appearance, I have found the proposal would lead to harm to the living conditions of no 90 The Chase in terms of outlook. In my view, that is the prevailing consideration and the proposal would conflict with the development plan, when read as a whole. Having considered all other matters raised, I conclude that the appeal should be dismissed.

Diane Cragg

INSPECTOR