



Appeal Decision

Site visit made on 19 November 2019

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 3rd December 2019

Appeal Ref: APP/P5870/D/19/3239642

80 Anne Boleyn's Walk, Cheam SM3 8DF

- 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 Martin Bilham against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01362, dated 2 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is demolition of existing garage and erection of a two storey side extension to eastern elevation and erection of a part one, part two storey side and rear extension to western elevation.
-

Decision

1. The appeal is dismissed insofar as it relates to the two storey side extension on the eastern flank of the property and planning permission is granted for the erection of a part one, part two storey side and rear extension to the western elevation in accordance with the terms of the application, Ref DM2019/01362 , dated 2 August 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19017-001-01, 19017-001-02; 19017-001-03; 19017-001-04; 19017-001-05 and 19017-001-06.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the host property.
 - 4) The flat roof area of the extension hereby permitted shall not be used, all or in part, as a balcony, roof garden or similar amenity area. No railings, fences, walls or other means of enclosure shall be erected on this flat roof, and no alterations should be carried out to the rear elevation of the property to form access onto the roof.

Main Issue

2. The Council raises no issue to the proposed development with the exception of the two- storey side extension to the eastern elevation. Consequently, the main issue before me, is the effect of the proposed two storey side extension,

to the east of the property, on the character and appearance of the Anne Boleyn's Walk, Area of Special Local Character.

Reasons

3. The recently adopted Sutton Local Plan (LP) identifies a number of Areas of Special Local Character, including Anne Boleyn's Walk. At my site visit I took the opportunity to consider the character of the wider area which is a mix of substantial detached and semi-detached mock Tudor properties which sit on relatively narrow plots. Therefore, in this context, the character of the area is particularly sensitive to two storey side extensions.
4. I am aware of the examples, pointed out to me by the appellant, where extensions have been built. However, I do not have details of the particular circumstances of the individual developments, including the policy context in which they were built, and in any case, I must consider the appeal before me on the merits of the specific case.
5. The proposed two storey extension, would replace a simple, modest, lean to garage. This sits behind the external chimney breast and as a consequence is situated a considerable distance behind the front elevation of the unextended property. Due to its small size and its position on the flank wall, together with the simple slope of its lean-to roof, it has a minimal impact on the, already narrow, visual gap between the appeal property and the two storey side elevation of no 78 Anne Boleyn's Walk which sits close to the boundary. Whilst the proposed extension would be most visible when viewed directly opposite the house, the whole of the original eastern flank elevation is currently visible from the street which slopes significantly towards Ewell Road, and therefore accentuates the position of the property within the streetscape.
6. The proposal would replace this small garage with a two-storey element. This would straddle the chimney and whilst it would be set back it would be significantly closer to the road. Moreover, although, the extended ridge line of the proposed roof would be markedly lower than that of the original property, the first floor extension would appear considerably more bulky than the existing garage.
7. As a consequence, the visual gap between the detached property at no 80 Anne Boleyn's Walk and the semi-detached no 78 Anne Boleyn's Walk, would be reduced and the cohesive townscape value of the ASLC, of gaps, albeit narrow, would be adversely compromised by the introduction of the two storey element.
8. In conclusion, the impact on the streetscape of the proposed eastern elevation flank, as well as being inconsistent with the general design principles set out within Supplementary Planning Document SPD4- Design of Residential Extensions, including the importance of retaining a visual gap, it would be contrary to the objective of policies 28 and 30 of the LP, which require development to respect, respond to, and in the case of development within Areas of Special Local Character, conserve the elements which contribute to its particular character.

Conditions

9. I have imposed the standard commencement condition and a condition specifying the approved drawings, in the interests of certainty. I have also

imposed a condition requiring the external materials to match those of the existing dwelling, to ensure that the extension appears harmonious.

10. To protect the privacy of neighbouring residents, I have imposed a condition to ensure that the flat roof extension could not be used as an area in which to sit or gather.

Conclusion

11. The element of the proposed extension that I have found to be unacceptable is severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should succeed in relation to the erection of a part one, part two storey side and rear extension to the western elevation. However, in relation to the proposal to build a two storey side extension at the east of the property I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR