
Appeal Decision

Site visit made on 19 November 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/P5870/D/19/3236215

4 Hilldeane Road, Purley CR8 2JW

- 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 and Mrs R Kapur against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00428, dated 8 March 2019, was refused by notice dated 8 July 2019.
 - The development proposed is a two-storey side extension including conversion of existing garage to habitable room.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension including conversion of existing garage to habitable room at 4 Hilldeane Road, Purley CR8 2JW in accordance with the terms of the application Ref DM2019/00428, dated 9 March 2019, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, E-I775-K-01/I, E-1775-K-01/2, E-I775-K-02/IB & E-I775-K-02/2B.
 - 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the host property.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order) no first floor window shall be installed in the side elevation of the extension hereby approved.
 - 5) No works or development shall take place unless in accordance with the Arboricultural Method Statement and Tree Protection plan UA/TPP1 within the Tree Survey by Usherwood Arboriculture dated 14th August 2019.

Procedural Matter

2. A Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have been submitted alongside the appeal which were not submitted as part of the original application. I have taken these into account and afforded the parties an opportunity to provide comment.

3. I have noted that the plans have been amended during the course of the application. I have determined the appeal on the basis of the amended plans.

Main Issues

4. The main issues are:

- i) the effect of the proposal on the living conditions of the occupiers of 6 Hilldeane Road with particular regard to light and outlook; and
- ii) the effect of the proposal on the character and appearance of the area with regard to impact on trees.

Reasons

5. The appeal property is a detached dwelling, situated on the residential Hilldeane Road. The proposal involves the demolition of an existing conservatory and the provision of a two-storey side extension.

Living conditions

6. The extension would be set in from the boundary with 6 Hilldeane Road. Its roof would incorporate a hipped design with a crown, so that it would sit well below the main ridge line and be significantly limited in bulk. The extension would have a slight set in from the front elevation of the host property at ground floor level and a more significant set in at first floor level.
7. 6 Hilldeane Road benefits from a notable set in from the boundary with the appeal site meaning that a reasonable separation distance would be retained to the side elevation of the proposed extension. It is also set very slightly forward of the appeal site to the south. It incorporates two openings on its east facing side elevation towards the proposal in the form of a glazed door serving a small non-habitable utility room and a further window serving a kitchen diner. However, this room has a dual aspect by reason of being additionally served by a larger bay window on the rear elevation of the property which overlooks the rear garden.
8. Due to these factors, I am not persuaded that the proposal would give rise to a harmful loss of light from these windows. I am also not persuaded that the proposal would create any unacceptable sense of enclosure or lead to a harmful loss of outlook from this property. There is also nothing within the evidence to suggest that the proposal would result in any substantial loss of sunlight to the windows or the rear garden of 6 Hilldeane Road at most times of the day.
9. Therefore, I conclude on this issue that the proposal would not have an unacceptable adverse impact on the living conditions of the occupiers of 6 Hilldeane Road with regard to light and outlook and would therefore not conflict with Policy 29 of the London Borough of Sutton Local Plan (2018) (LBSLP) which amongst other things seeks to protect the living conditions of those occupying adjoining properties.

Character and appearance

10. The Council cites concerns in relation to potential harm to protected trees close to the boundary of the appeal site. The submitted tree survey concludes that the protected trees no longer exist. It notes the absence of the rowan tree (T36) and due to the presence of three unremarkable multi stemmed category

C hawthorn trees close to the identified site of T37 it also considers that it is likely that this tree no longer exists.

11. However, in any event, the tree survey identifies that through the use of suitable mitigation techniques and protective fencing, it will be possible to retain the trees that currently exist in the proximity of the proposed extension and I have no reason to consider this an unreasonable position.
12. Therefore, I conclude on this issue that the proposal would have no unacceptable adverse impact on existing trees to the rear of both the appeal site and No.6 Hilldeane Road and as a result there would be no harm to the character and appearance of the area. The proposal would not therefore conflict with Policy 28 of the LBSLP which amongst other things seeks the retention of existing trees and compliance with high arboricultural standards in relation to development in close proximity to them.

Other Matters

13. I have had regard to representations made by a neighbouring occupier who has cited personal health circumstances which they claim would be compounded as a result of the proposal. However, only limited details of these circumstances have been supplied and therefore I afford this matter limited weight.
14. I note their concerns about loss of light. Given that the proposal would not conflict with Policy 29 of the LBSLP, I do not consider that the proposal would cause any unacceptable loss of light and would not therefore breach the requirements of Article 1 of the First Protocol 'protection of property' to the European Convention on Human Rights, as incorporated by the Human Rights Act 1998.

Conditions

15. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. Matching materials are required in the interests of the character and appearance of the area and to ensure a complementary relationship with the host dwelling. A condition restricting openings in the side elevation of the extension is necessary in the interests of the living conditions of neighbouring occupiers while a condition requiring adherence to the methods outlined in the tree report is necessary in the interests of the character and appearance of the area. The extension would clearly form an integral part of the dwelling therefore the suggested condition preventing its use as an independent unit of accommodation would be unnecessary.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham
INSPECTOR