The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2019.

Appeal Ref: APP/P5870/D/19/3235714
4 Beggars Roost Lane, Sutton SM1 2DX

- 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. A Hunjan against the decision of the Council of the London Borough of Sutton.
- The application Ref DM2019/00259, dated 13 February 2019, was refused by notice dated 12 July 2019.
- The development proposed is retention of windows and fenestration alterations to the front, side and rear elevations of the property, a dormer extension to the side roof slope, additional rooflights and the flat roof above the garage and proposed erection of a single storey front/side extension, single storey rear extension, additional windows to flank elevations of rear extension and a detached single storey outbuilding.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the development description in the appeal form in the banner heading above, as this more accurately reflects the development being sought.

3. Amended plans were submitted during the period that the Council was considering the application. The Council determined the application based on these amendments, and I have dealt with the appeal in the same way.

4. The appeal includes works that have already been undertaken. I observed these during my site visit, and these are consistent with the plans submitted. Therefore, in addition to what is proposed, I have determined the appeal on the basis that the appellant, is seeking consent for those elements now in place.

5. In assessing the scheme before me I have had regard to the planning history of the site which included the allowed appeal[1] relating to alterations and extensions to the dwelling.

Main Issues

6. The main issues are:

   - The effect of the proposal on the significance of the Landseer Road Conservation Area and the character and appearance of the area.

   - The effect of the proposal on the living conditions of existing neighbouring occupiers in Landseer Road, with particular regard to privacy.

[1] APP/P5870/A/12/2179693

Reasons

Character and appearance

7. Beggars Roost Lane, is a private road, that serves four large detached two-storey houses that incorporate slightly different designs. The dwellings appear to have been extended over time which has resulted in them having large footprints and general proportions. The appeal property, a detached dwelling sited within a narrow linear plot is located at the end of the private road. It is outside but adjoining rear garden boundaries of properties within the Landseer Road Conservation Area (LRCA).

8. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral. In the local context, Policy 30 of the Local Plan[2] (the LP) expects development outside a Conservation Area (CA), but which would affect a CA, to conserve and, where practicable, enhance those elements which contribute to its special character or appearance.

9. The LRCA consists of over a hundred properties that are predominantly large Victorian villa dwellings. Most of the buildings are intricately designed, often with a projecting octagonal bay window wrapping around the corner of the first floor with a turret. The CA derives its significance from the grandeur of the Victorian houses that are set within linear plots containing mature trees and grass verges.

10. In this part of the LRCA, close to the appeal site, the rear gardens, are rectangular in shape and long in depth. They are primarily lawned and have mature trees along rear and side boundaries. The gardens in the CA are mostly devoid of ancillary domestic buildings, but where these were present, they are predominately modest in scale. In the main, the rear gardens in this part of the LRCA, have an open and verdant backdrop to the rear of the Victorian properties, neatly framing their rear elevations. Beyond these gardens, is the appeal property's narrow amenity space which has a line of tall, mature trees close to and rising above its eastern boundary. These nearby trees are seen in the context of those in the gardens of the CA, and in combination with the other landscape features, form a soft verdant backdrop to the rear of the historic built fabric. Consequently, these features contribute positively towards the setting of the CA, from which it derives some of its significance.

11. The appeal dwelling would be partially visible from the rear of surrounding dwellings in the LRCA, seen rising above boundary trees, whereas its garden would be more prominent due to there being less trees along this part of the property's boundary.

12. The Appellant's drawings indicated that proposed detached outbuilding would measure approximately 6.3m by 10m and have a pitched roof with an overall height of 3.4m. It would have painted rendered walls and a tiled roof. External features include an up and over garage door facing the appeal dwelling and windows inserted into the sides and rear.

13. The proposed outbuilding would replace two domestic garden sheds at the far end of the site, away from the dwelling. The linear shape of the appeal curtilage and scale of the proposed outbuilding would result in its siting tight to its west, east

[2] Policy 30 – Heritage, Sutton Local Plan 2016-2031, February 2018

and northern boundaries. With a height in excess of 3m, it would be seen from surrounding properties between trees and rising above the boundary fence.

14. With its expansive roof area and bulky proportions, the proposed outbuilding would dominate this corner of the appeal site and would relate poorly to existing garden buildings and spaces in the surrounding area due to its excessive scale. This impact would be greatest when viewed from the garden and rear windows of Nos 1,3 and 5 Landseer Road. Here the pitched roof of the outbuilding would rise awkwardly above their rear boundaries and be seen as a vast and discordant obtrusion against their more open and verdant garden areas. These effects would consequently have a negative effect on the significance that the CA derives from its setting. Moreover, the evident utility of its design would render it an awkward and unattractive presence in the milieu of this rear garden suburban environment irrespective of the sensitivity of this particular context. Whilst this impact would be limited to the surrounding vicinity of the site, it would still be significant.

15. It is acknowledged that there are currently two sheds located in the location of the proposed outbuilding. However, these cumulatively have a much more limited length and width than that proposed, and due to their height, are less visible in the context of their surroundings. I note there are large rear garden buildings at 105 and 107 Cheam Road, in addition to the block of private garages behind No 97 Cheam Road to the north, but I observed that these were in the minority, and did not weigh in favour of the proposed outbuilding.

16. There appears to be some agreement between a neighbouring occupier and the Appellant to omit windows and reduce the scale of the proposed outbuilding, however, I have based my decision on the plans before me and I have found that it would be unacceptable in this respect. Furthermore, I do not consider there are any conditions that could overcome the harm identified.

17. In terms of the LRCA, the proposed extensions to the dwelling itself would be concealed by existing boundary features, in contrast to the more open aspect in which the proposed outbuilding would be viewed. Furthermore, the CA derives its significance from the large rear gardens but the houses along Beggars Roost Lane don't make any particular contribution in this respect. I therefore do not consider that these aspects of the proposal would harm the CA.

18. In considering the effect on the character and appearance in more general terms, the proposed extensions to the rear, and front/side of the dwelling would both be single storey and continue the flat roof profile of the additions they would adjoin. Neither would excessively project from the dwelling, while their scale would be subservient to the larger central 2 ½ storey portion of the property, ensuring that they would not detract from its design and overall form.

19. The existing dormer extension appears modest in the context of the vast western roof slope. It will be set down from the ridge line, and above the eaves, while considerably set in from the sides of the roof, ensuring it is subordinate. It has a rectangular shape and flat roof that does not detract from the scale and profile of the main roof.

20. In the context of the area, the form and proportions of the appeal extensions would not be unduly prominent or obtrusive, and I have found no harm to the character and appearance in this respect.

21. For all these reasons, I conclude that the proposed additions and alterations to the dwelling would be acceptable in terms of their impact upon the character and appearance of the area, including the setting of the LRCA. However, the proposed outbuilding would cause material harm to the character and appearance of the

area, and the significance of the LRCA. It would therefore be contrary to Policies 28 and 30 of the LP, that amongst other considerations require developments to be suitable in scale, massing and height to the setting of the site and to conserve those elements which contribute to the CA's special character or appearance.

22. The harm I have identified in relation to the proposed outbuilding is less than substantial in terms of the Framework. Accordingly, this harm should be weighed against the public benefits of the proposal. However, the proposed development would not add to the supply of housing in the area and although it may make a small contribution to the local economy in terms of the construction process, there are no public benefits that would outweigh the harm. I note that the proposed outbuilding would provide more storage accommodation. However, this is a private benefit and therefore not a matter that can be weighed against the harm to the LRCA.

Effect on living conditions of neighbours

23. The first-floor windows inserted in the western elevation of the dwelling would be obscure glazed and a condition could ensure that they are retained in this form. The ground floor windows would face an existing boundary fence shared with Nos 5, 7 and 9 Landseer Road, that would effectively mitigate any harmful overlooking. Moreover, the mature boundary trees beyond and rising above the boundary enclosure provide a robust barrier further negating overlooking into neighbouring gardens. The dormer window does not have any window openings that face or overlook neighbouring gardens or habitable rooms, and I have identified no harm to privacy in this respect.

24. I note the Council's case, that the new windows may give neighbouring occupiers the perception of being overlooked. However, I am satisfied that existing boundary enclosures and obscure glazing would safeguard any harm.

25. The window inserted in the front gable elevation and the rooflight in the front facing roof plane would face onto Beggars Roost Lane. However, due to their angle of view and separation distance from neighbouring dwellings along the lane, I am satisfied that any effect on privacy would be well within acceptable limits, particularly bearing in mind the suburban character of the local environment, whereby complete freedom from intrusion is rarely possible.

26. Consequently, I conclude that the proposal would not harm the living conditions of neighbouring occupiers in Landseer Road in respect of privacy. The proposal would therefore accord with Policy 29 of the LP, that amongst other considerations, requires proposals to take into account the loss of privacy.

Conclusion

27. I have found that the alterations and additions that relate to the appeal dwelling would not have a harmful impact on the character and appearance of the area and the setting of the LRCA. I have also found that windows in the west elevation would not harm the living conditions of neighbouring occupiers in Landseer Road. However, the proposed outbuilding would have a detrimental impact on the significance of the LRCA and the character and appearance of the area in general. For the reasons set out, I conclude the appeal should be dismissed.

R. E. Jones

INSPECTOR