
Appeal Decision

Site visit made on 1 June 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/P5870/D/20/3245450
31A Rose Hill Park West, Sutton SM1 3LA

- 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 Tony Owen and Miss Sam Gardam against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01870, dated 4 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at 31A Rose Hill Park West, Sutton SM1 3LA in accordance with the terms of the application, Ref DM2019/01870, dated 4 November 2019, 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 approved plans: BW1-00835382 (location plan); CO/T/01 (existing floor plans and elevations); CO/T/02 (proposed floor plans and elevations).
 - 3) Prior to the commencement of development, measures for the protection of all trees shown to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be in accordance with British Standard BS5837: Trees in relation to design, demolition and construction. Any works/development on site shall be carried out in strict accordance with the approved details and the protective measures shall only be removed on completion of the development.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 5) The first floor extension hereby permitted shall not be occupied until the window in the first floor western elevation has been fitted with obscure glazing, and the obscure glazing shall thereafter be retained. No part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.

Main Issues

2. The main issues are the effect of the development on:

- The living conditions of neighbouring occupiers, with regard to privacy and outlook, and;
- The character and appearance of the area.

Reasons

Living conditions

3. Planning guidance in the Council's Design of Residential Extensions Supplementary Planning Document provides advice on privacy and overlooking. It advises that in low-density areas, long separation distances of over 35 metres are unlikely to give rise to issues of privacy, and in more dense areas separation distances between facing windows of at least 20 metres should be achieved.
4. The three south facing first floor windows would be separated from windows in the rear elevations of properties in Rosehill Gardens by a minimum of 33 metres. In addition, a degree of screening is provided by a number of mature trees along the intervening boundary. The trees are deciduous, and so provide less screening during winter, but nevertheless they serve to visually separate the appeal property from its neighbours.
5. The area is medium density in nature. The separation distances to properties in Rosehill Gardens lie towards the upper end of the distances mentioned in the supplementary planning guidance. Having regard to the degree of separation, and the partial screening provided by the mature trees along the boundary, it is my view that there would not be a harmful loss of privacy between the appeal property and properties in Rosehill Gardens.
6. The one bedroom window and one bathroom window facing north at first floor level would be orientated towards rear gardens and would not look directly at neighbouring properties in either Rose Hill Park West or Gloucester Gardens. The one west facing first floor window would look towards the adjoining property at Avalon, but there are intervening trees providing screening, and because it would light a bathroom could be required to be obscure glazed. There are no first floor windows proposed in the eastern elevation.
7. The first floor windows would result in a greater degree of overlooking of rear garden areas of neighbouring properties than is the case at present. However, in a suburban setting such as this mutual inter-visibility from rear facing windows over neighbouring gardens is common and to be expected. The additional inter-visibility arising from the proposed development would not result in a harmful loss of privacy.
8. The proposal would not be harmful to neighbouring properties' outlook. While the first floor extension would be visible from surrounding properties, the separation distances and degree of screening along the boundaries of the site are such that it would not appear overbearing or obtrusive.
9. Taking account of the separation between the appeal property and neighbouring properties, and the existing trees and other foliage that provides screening along the boundaries of the site, I consider that the development

would not cause a harmful loss of privacy or outlook to the living conditions of neighbouring properties and would therefore accord with Policy 29 of the Sutton Local Plan 2018, which seeks to protect amenity.

Character and appearance

10. The character of the area is residential in nature, with views of houses fronting the roads, and glimpses of others seen in between frontage development, partially screened by trees and other greenery in front and rear gardens.
11. Within this context, a two storey house on the appeal would not appear unusual or out of character with the surrounding area. The design of the proposed house would be traditional in form, using a similar footprint and fenestration as the existing bungalow, and comparable to the size and design of other two storey houses in the area.
12. Having regard to these factors extending the property to form a two storey house would not cause any harm to the character and appearance of the area and would comply with Policy 28 Of the Sutton Local Plan 2018, which promotes good design in new development.

Other Matters

13. A number of representations raise concern at the proximity of the trees along the southern boundary to the extension. As the extension would not require any additional footings, it would not have an adverse effect on the roots of the trees, subject to suitable protective measures being taken during construction. The extension would be no nearer to the trees than the existing building, and so any risk to safety would be no different to the present situation.
14. For the reasons set out in paragraph 8, there would be no appreciable loss of light.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition identifying the approved plans for certainty. A condition requiring submission and approval of tree protection measures during the construction phase is necessary to safeguard trees and needs to be agreed before any works are carried out on site. The appellant has raised no objection to this pre-commencement condition being imposed. I have also imposed a condition requiring matching materials to be used in the interests of the character and appearance of the area; and a condition requiring obscure glazing to a first floor side window to protect the amenity of the neighbouring property at Avalon.
16. The Council suggested another pre-commencement condition requiring a site meeting to agree working procedures and the position of tree protection measures. This condition would duplicate in part the details required to be approved by the imposed pre-commencement condition, and confirmation that the protective measures have been properly installed is a matter for normal monitoring of development. The National Planning Policy Framework advises that conditions should be kept to a minimum and that pre-commencement conditions should be avoided, unless there is clear justification. I do not consider there to be a clear justification for this condition, although it would not

prevent the Council and appellant arranging such a meeting if both parties were agreeable.

Conclusion

17. I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR