



## Appeal Decision

Site visit made on 10 June 2020

**by Ian Harrison BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 July 2020**

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**Appeal Ref: APP/P5870/D/20/3245459**

**Cheslyn, Cuddington Way, Cheam, Sutton SM2 7JA**

- 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 Leon Bouwer against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2019/01728, dated 15 October 2019, was refused by notice dated 10 December 2019.
  - The development proposed was initially described as a "proposed front and rear extension to existing dwelling."
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development used above has been taken from the planning application form. The council used a different description and in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form in the heading above.

### Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the existing dwelling and the surrounding area; and
  - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether inappropriate development?*

4. The National Planning Policy Framework (The Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, paragraph 143 of The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, paragraph 145 of The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it is for, amongst other exceptions, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy 24 of the Sutton Local Plan (SLP), adopted 2018, sets out a similar restriction on inappropriate development in the Green Belt. It also states that planning permission will be granted for the extension and alteration of an existing building in the Green Belt provided that the increase in the external volume of the built form is no greater than 30% above the size of the original building.
6. The evidence of the appellant indicates that the proposed extensions to the front and rear of the dwelling represent 20% and 40% increases to the volume of the original dwelling respectively and that a 25% increase occurred previously in the form of a single storey rear extension. In contrast, the Council deem that the combined volumetric increase caused by the proposed extensions would be 71%. Even taking the lower of these figures, I find that the cumulative extent of the existing and proposed extensions would be disproportionate to the original building in the context of paragraph 145 of the Framework. In this regard, even if I take the 30% figure contained within policy 24 of the SLP as a guideline rather than a limit, this does not alter my finding that the extensions would be disproportionate to the original building.
7. For this reason, the proposal would be inappropriate development in the Green Belt. The development would, therefore, conflict with Policy 24 of the SLP. The proposal would also conflict with Policy 7.16 of the London Plan (LP), adopted 2016, which states that the strongest protection should be given to London's Green Belt and that inappropriate development should be refused except in very special circumstances. The proposal would also be contrary to paragraphs 143 and 145 of The Framework.

### *Openness*

8. The Framework states that openness is an essential characteristic of the Green Belt. Openness is the absence of development and has both spatial and visual aspects. In this regard, whilst the dwelling at the appeal site sits within a group of large dwellings, the openness of the Green Belt is clearly evident around the host dwelling and within the locality, particularly as a result of the setback of the dwellings from the road and the presence of undeveloped land opposite the site and a golf course to the rear.
9. The front and rear extensions would combine to increase the overall bulk of the dwelling, with the front extension being clearly visible from the public realm and the side of the enlarged roof also being visible from the road. Although the height and width of the host dwelling and the proximity of the dwelling to the boundaries would not change and the footprint of the dwelling would only increase by a small amount, the proposal would still cause a reduction of openness both spatially and visually. The size of the plot does not mitigate or compensate for this effect of the development.

10. Therefore, whilst I recognise that the effect on the openness of the Green Belt would be small, it adds to the harm that I have already identified by reason of inappropriateness and the conflict with the aforementioned development plan policies and The Framework.

### *Character and Appearance*

11. The dwellings at the part of Cuddington Way that includes the appeal site vary significantly in terms of scale and appearance but are all detached and sit on large plots. The dwellings are arranged in a linear manner, albeit the building line to the front is loosely defined and is further relaxed by the presence of a variety of single and two storey projections to the front of the dwellings, most of which are relatively shallow compared to the overall depth of the house.
12. The two storey, detached dwelling at the appeal site and the neighbouring dwelling of Red Tops are very similar with matching gable ended, two storey projections to the front. Although they have both been the subject of extensions to the rear and their single storey front projections have differing fenestrations, their appearance and form remains sufficiently similar for them to contribute positively to the character and appearance of the street as a pair.
13. The extent to which the proposed front extension would project forward of the existing dwelling would cause it to add a substantial element of bulk to the front of the dwelling, thereby being a dominating and prominent addition. Furthermore, the front extension would cause the resultant dwelling to have a substantially different appearance to Red Tops, thereby disrupting the consistency between those dwellings and eroding the contribution that they make to the streetscene. Whilst I note that the width, height and form of the extension would replicate the existing front gable feature and the extension would feature materials that integrate with the host dwelling, these factors do not mitigate the visual effect that the extension would have on the dwelling and its relationship with the neighbouring property as a result of its depth and overall mass.
14. The rear extension would also replicate the form of the existing dwelling and, due to it being to the rear, it would have a limited effect on the character and appearance of the dwelling and the area. In this regard, I note that a similar extension has occurred at Red Tops and, as such, the rear extension would not detract from the character or appearance of the dwelling or the locality. In this respect, I note that the Council raised no objection to the rear extension.
15. For these reasons set out above, the proposed front extension would have an unacceptable effect on the character and appearance of the existing dwelling and the surrounding area. The proposal would, therefore, be contrary to Policy 28 of the SLP which requires that development is of a suitable scale and massing in the context of the site and makes a positive contribution to the street frontage and the streetscene. Furthermore, the development would be contrary to the Council's Design of Residential Extensions SPD<sup>1</sup> which identifies that extensions forward of the building line which dominate the front elevation will generally be found unacceptable due to the effect they have on original house and the street scene.

### *Other Considerations*

16. It has been indicated that the intention of the proposal is to improve the living environment of the occupiers of the dwelling and the thermal, acoustic and air-tightness performance of the dwelling. Whilst the evidence before me does not

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<sup>1</sup> London Borough of Sutton Local Development Framework Supplementary Planning Document 4 – Design of Residential Extensions.

demonstrate the extent to which the performance of the building would be improved, as paragraphs 127 and 148 of the Framework encourage developments to meet the challenge of climate change and create places with a high standard of amenity for future users, I afford these potential benefits moderate weight.

17. The appellant has suggested that the increase of the volume of the building is required in order to enable the extensions to replicate the scale, proportions and architecture of the existing dwelling and be better integrated than might otherwise be possible. However, as I have identified harm in respect of the effect of the development on the character and appearance of the existing dwelling and the surrounding area, I do not find that these factors weigh in favour of the proposal.
18. I acknowledge that the neighbouring dwelling of Red Tops has been extended to the rear but, as it has not been extended to the front, I do not find that the extensions at the neighbouring dwelling are sufficiently comparable to the proposed development to represent a reason to find it acceptable. Similarly, whilst I have been made aware that other extensions have occurred at dwellings within the vicinity of the site, that there are a mixture of dwellings of varied size and appearance within the locality and that other appeal decisions have enabled extensions to occur within the Green Belt that exceed the 30% limit that is contained within Policy 24 of the SLP, I have insufficient details before me of the planning history of those developments to be able to conclude that they represent a reason to find this development acceptable. Therefore, I afford those other developments minimal weight in this case.

#### **Other Matter**

19. I acknowledge that the appellant sought pre-application advice and altered the proposal following the receipt of that advice. However, this does not diminish the harm that I have identified in respect of the main issues.

#### **Conclusion**

20. For the reasons set out above, the appeal proposal would be inappropriate development in the terms set out in the Framework and would lead to a small loss of openness within the Green Belt. Paragraph 144 of The Framework requires that the harm caused in these respects is given substantial weight. The proposal would also cause harm to the character and appearance of the existing dwelling and the surrounding area. Other considerations, when taken alone and cumulatively, do not clearly outweigh the identified harm and, therefore, they do not amount to the very special circumstances necessary to justify the development. Consequently, I conclude that the appeal should be dismissed.

*Ian Harrison*

INSPECTOR