
Appeal Decision

Site visit made on 25 November 2020

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/01/2021

Appeal Ref: APP/P5870/D/20/3251157

29 Onslow Avenue, Cheam, SM2 7ED

- 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 Dr Alamri against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00170, dated 4 February 2020, was refused by notice dated 31 March 2020.
 - The development proposed is the erection of two-storey front, side and rear extensions, plus new cross-over and new front wall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extensions to the dwelling upon the character and appearance of the area, and upon the living conditions at 31 Onslow Avenue with particular regard to visual impact.

Reasons

Character and Appearance

3. The appeal property is a two-storey, detached dwelling set within The Burton Estates Area of Special Local Character (ASLC) as defined within the Sutton Local Plan 2016-2031 (SLP), adopted in 2018. SLP Policy 30: *Heritage* states that the council will expect development within an ASLC to conserve and, where practicable, enhance those elements which contribute to the area's particular character or appearance. The *Burton Estates ASLC Character Appraisal*, May 2017, provides advice and guidance on key aspects of the area's character.
4. The appeal proposal would significantly remodel the appearance of No 29 through extension and alterations, including a two-storey side addition following demolition of an existing side attached garage, dormer windows to the front and rear elevations, and a new front entrance porch. The Council is concerned that the proposal would unacceptably close the gap with 31 Onslow

Avenue and that the front dormer windows and porch would be uncharacteristic additions that would fail to respect the original dwelling or character of the wider area.

5. The area is recognised as being spacious, with the gaps between properties contributing overall to an 'area of attractive openness', as described within the ASLC Character Appraisal. Nevertheless, there is no particular rhythm to the spacing of properties along Onslow Avenue. Gaps between individual properties vary considerably. Whilst there would be an obvious closing of the gap at first floor level between Nos 29 and 31, the extension would remain to be set away from the common side boundary by around 1m, which is a reasonable margin and comparable in size to many others. Its recessed position and overall size would further ensure that there would be no visual crowding with No 31, which itself is set away from the same boundary and steps forward of the appeal property by a considerable distance, further ensuring clear separation. In this regard I find no conflict with the Council's guidance for two-storey side extensions contained within their *Design of Residential Extensions Supplementary Planning Document, 2006* (SPD4).
6. The width of the appeal site did not strike me as being obviously narrower than most others along this part of Onslow Avenue, as evidenced by my own observations and the Site Location Plan which accompanied the application. My impression overall is that the sideways extension of No 29 would not prevent the dwelling from sitting comfortably on its plot and in-keeping with the spacing of properties in the area.
7. The ASLC Character Appraisal explicitly states that dormer windows in a front roof slope at a second-floor level are not characteristic of the area and will be resisted. This approach is consistent with the more general advice contained within SPD4. In relation to porches, the Character Appraisal states that, amongst other things, classical style porches with columns are not features of the ASLC but it stops short of saying that they would be resisted. On a property where a front porch can be acceptable, SPD4 advises that they should reflect the character of the dwelling and not appear as an obvious addition.
8. I saw during my visit examples of front dormer windows on several properties. However, these were spread wide across the whole of the Burton Estate and were by far the exceptions rather than the norm. Many were also at first floor level and part of an original design for the dwelling. I saw that front porches varied considerably in size and design, and some with columns were evident. However, due to the recessed positions of most dwellings, and strong front boundary enclosures and landscaping to many properties, being low level projections, front porches did not strike me as particularly dominant features that significantly affected the street scene along Onslow Avenue or the wider area.
9. The proposal includes three dormer windows to the front roof slope at second floor level. Despite being well proportioned and carefully considered, because of their number and size, they would be dominant features within the roof slope and openly visible within the street scene. Their presence would be out of keeping with the established character of the area, as clearly expressed within the ASLC Character Appraisal, and as such they would represent

precisely the form of development the Character Appraisal and SPD4 both seek to resist.

10. My attention has been drawn to the example at No 26 Onslow Avenue, diagonally opposite the appeal site. Planning permission was granted on appeal in February 2016 for two front dormer windows (appeal ref: APP/P5870/D/15/3139305). In that case the Inspector found that the dormers were of modest proportions and that they did not dominate the roof of the house. Those findings do not reflect mine as they relate to the current appeal proposal. I have also noted the other examples elsewhere in the Burton Estate that have been put to me by the appellant. However, I do not know the planning background to any of these. Nevertheless, in some cases they appeared to me to be modest dormers that were unobtrusive and subservient to the main roof. Others demonstrate to me why such roof alterations need careful consideration in order to avoid a detrimental effect on the character and appearance of the dwelling and the street scene.
11. The front porch would be significantly less intrusive than the dormers. It would be reflective of the building's style, well proportioned, and with appropriate use of materials. Because of this, together with its single-storey height and recessed position, it would have little visual impact within the street scene.
12. With regard to the first main issue, I am not persuaded that the extensions would close the gap with No 31 to a degree that would be out of keeping with the spacious character of the area. Neither do I consider that the porch would be unduly intrusive or out of keeping. Nevertheless, by reason of their numbers, size, and dominance within the front roof slope, the proposed dormers would appear out of keeping with and harmful to the established character of the area. As a consequence, the proposal would be in conflict with SLP Policy 28: *Character and Design*, and Policy 30. Between them these require development to respect the local context and conserve the area's local character and appearance.

Living Conditions at 31 Onslow Avenue

13. The proposal includes extending the property to the rear at two-storey. The two-storey scale of the existing building would be projected closer to No 31 and beyond its rear building by around 4m.
14. The outlook from within No 31 would be largely unaffected by the proposals, with the open and expansive aspect over the rear garden to that property maintained. There is no substantive evidence to suggest that levels of daylight to any habitable rooms within No 31 would be significantly impacted. The appeal site is to the north of No 31 and therefore there would be no impact upon levels of direct sunlight. I am also satisfied that there would be no harm in terms of any potential for additional overlooking or loss of privacy.
15. Although there is some fairly dense and mature vegetation in places along the side boundaries of the plot, the rear garden to No 31 has a pleasing sense of space and openness. The soft boundary enclosure that currently exists adjacent to the appeal property would become dominated beyond by a tall and deep new flank wall within close proximity. This would impose itself on the outlook from the rear garden area immediately adjacent to the dwelling in an overbearing and dominant form that in my opinion would be visually intrusive

and uncharacteristic of the otherwise spacious qualities enjoyed by the neighbouring occupiers' use of their garden.

16. The appellant has suggested that the proposal would simply mimic the type of enclosure imposed by No 31 upon the front garden of the appeal site due to the significant stagger between both properties. However, the circumstances between the two relationships do not compare. The space immediately to the front of No 29 at this point is a driveway and not used or enjoyed the same as the rear private garden space to No 31. In addition, the current relationship between the dwellings is an existing situation whereas the appeal proposal would impose itself upon the adjoining occupiers as a new and intrusive form of development.
17. For the reasons given, by creating an undue sense of enclosure, the proposal would harm the living conditions at 31 Onslow Avenue and would thereby conflict with SLP Policy 29: *Protecting Amenity*.

Other Matters

18. The appellant has suggested that a significant amount of the works proposed would constitute permitted development by virtue of the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015. However, this has not been substantiated and it is not for me to determine as part of this appeal what may, or may not, constitute permitted development.
19. I have noted some further comments from some nearby occupiers. There is no evidence to suggest that the proposal would impact upon parking in the area, highway safety, or general levels of amenity in the street as a result. I note suggestions that trees have been removed from the front of the property, but this is not a matter for consideration as part of this appeal. There is ample depth to the appeal site to ensure that the proposal would not impact upon the living conditions of any occupiers in Scarborough Close, to the rear.

Conclusion

20. Overall, for the reasons given, I find that the proposal would be harmful to the character and appearance of the area, and that it would harm the living conditions at 31 Onslow Avenue. Accordingly, and having regard to all other matters raised, including some level of support expressed for the development by some nearby residents, the appeal is dismissed.

John D Allan

INSPECTOR