



Appeal Decision

Site visit made on 11 June 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021.

Appeal Ref: APP/P5870/D/21/3269820

65 Burdon Lane, Cheam SM2 7BY

- 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 & Mrs Rogers against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/01912, dated 18 November 2020, was refused by notice dated 13 January 2021.
 - The development proposed is Conversion of loft space involving a dormer to the front and rooflights to the rear and flank roof slopes.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's decision letter and the appellant's appeal form as this more accurately describes the appeal proposal.
3. Since the submission of the appeal, the National Planning Policy Framework from 2019 has been replaced, with the new version being published in July 2021 (the Framework). Amongst other changes, Section 12 has been amended to reflect the new National Model Design Code. Nevertheless the character protection aims of both local policy and the Framework are similar and so neither party has been prejudiced by this change in policy circumstances.

Main Issue

4. The main issue is the effect of the alterations to the dwelling, in particular the dormer window to the front, on the character and appearance of the existing dwelling and the local area which is within The Burton Estates – South Cheam Area of Special Local Character (ASLC).

Reasons

5. The appeal site is a detached two storey dwelling set back from the road, with a rendered and painted exterior, featuring a hipped tiled roof and detailing which contribute to the 'Arts and Crafts' character and appearance such as leaded windows, decorative glazing and chimneys and canopied windows. I was able to see at my site visit that there is a hipped dormer window to the side elevation. These characteristics are identified by the Council's Character

- Appraisal¹, which describes the 'Arts and Crafts' detailing, and how this character of the ASLC should be preserved.
6. The proposed development would result in a large dormer window being provided in the front-facing roof slope of the appeal property. This would be a triple-width window with a hipped roof, including detailing such as leaded windows. The roof of the proposed dormer window would remain below the height of the main rooflines of the host dwelling.
 7. The Character Appraisal for the Burton Estates confirms that dormer windows to a roof slope at second floor level on the front elevation of dwellings are not characteristic of the area and should be resisted. This is also set out within SPD² which states that where dormer windows are not characteristic of the area will be resisted.
 8. The Sutton Local Plan³ (Local Plan) sets out policies dealing with Character and Design (Policy 28) and Heritage (Policy 30). Policy 28 sets out a number of criteria when considering extensions, including (amongst other things) a requirement for developments to respect local context and respond to local character. Policy 30 expects development within an ASLC to conserve and, where practicable, enhance those elements which contribute to the area's particular character or appearance.
 9. At my site visit I was able to see that there are a mixture of properties, mainly detached with a variety of designs, ages and materials in the local area. Buildings are set back from the street and are well spaced from each other. The nearest properties alongside the appeal site featured similar characteristics, in particular the gable features and hipped roofs. Travelling along the road, the character is one of a quiet residential road with space and dwellings set in large plots, often well screened by trees, hedges and high vegetation. Often only the roofs of houses are visible, with few dormer windows apparent.
 10. The proposed development would result in a significant and large addition which would dominate the roof slope of the appeal property, altering its appearance and that of the streetscene and ASLC. Although the dormer would be constructed in matching materials, and feature complementary architectural detailing and design, this would not overcome the adverse effect that I have described. The Framework expects that development should be resisted where poor design fails to take the opportunities available for improving the character and quality of an area and the way it functions, also taking into account any local design standards and style guides.
 11. Whilst the appeal property includes a dormer window to its side elevation, the nearest properties with dormer windows to front facing roof-slopes were at no. 59 and no. 61. These dormer windows were both small in size and subservient to the main roof slope on the front elevation. In addition to this, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar dormers may have been permitted is not a reason, on its own, to allow unacceptable development. The dormer window as proposed would introduce a stark and dominant feature to the front-facing

¹ Burton Estates Area of Special local Character – Character Appraisal (2017)

² Supplementary Planning Document SPD4 – Design of Residential Extensions (2006)

³ Sutton Local Plan 2016-2031 (2018)

roofslope which would be in contrast to the nearby dwellings, in particular the four dwellings built at the same time as described by the appellant (no's 59, 61, 63 and 65 Burdon Lane) I have had regard to the overall characteristics identified in the area and the proposed dormer window would inherently detract from this and therefore, I find the proposal to conflict with the requirements of Local Plan Policies 28 and 30, the SPD and the Framework.

Other Matters

12. The proposed dormer would allow the roof space to be utilised to provide larger accommodation and working space, including safe access into the roof space for the appellants and their family. Whilst I have given the appellants' personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance, that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the Local Plan, the SPD and the Framework.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Rebecca Thomas

INSPECTOR