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# Appeal Decision

Site Visit made on 10 August 2021

**by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB**

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

**Decision date: 23<sup>rd</sup> August 2021**

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**Appeal Ref: APP/P5870/D/21/3272749**

**3 Fairlight Close, Worcester Park KT4 8XQ**

- 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 Mrs Dharini Chellappah against the decision of London Borough of Sutton.
  - The application Ref DM2020/01905, dated 17 November 2020, was refused by notice dated 20 January 2021.
  - The development proposed is described as, 'glass panel above the flat roof'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Since the application was determined by the Council, the updated National Planning Policy Framework was published. The main parties have been consulted and no comments were received.

## Main Issue

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area; and
  - the effect of the proposal on the living conditions of the neighbouring occupiers at No 1 Fairlight Close (No 1) and No 5 Kingsmead Avenue (No 5) with regard to outlook and privacy.

## Reasons

### *Character and appearance*

4. Fairlight Close is a residential cul-de-sac primarily characterised by detached two storey dwellings with moderate spacing such that the area has a pleasant spacious character and appearance. The existing single storey rear extension at No 3 Fairlight Close (No 3) has reduced the sense of openness at the rear of the site.
5. The glass panels subject of this appeal extend across most of the single storey rear extension. Given their width and height, they have visually increased the massing of the rear extension by a significant degree. Since the rear garden is of limited size, particularly its narrow depth, the glass panels have resulted in a further detrimental effect on the spacious quality of the area.

6. Consequently, the development unacceptably harms the character and appearance of the area. Therefore, it conflicts with Policy 28 of the Sutton Local Plan 2016-2031 February 2018 (LP) which seeks, among other things, development that is of a suitable scale, massing and height to the setting of the site.

#### *Living conditions*

7. The appellant has stated that the flat roof over the existing single storey extension where the glass panels have been installed, is not intended to be used as a terrace. In addition, as I observed during my site visit, a glass panel is fixed to the door to the first-floor room that appears to prevent access to the roof. Furthermore, the appellant has indicated that a condition prohibiting the use of the flat roof would be accepted.
8. The glass panels are sited in close proximity to the shared boundary with the adjacent dwelling at No 1. Since No 1 also has a single storey rear extension roughly a similar depth to that of the existing building, the glass panels do not adversely affect the outlook from this neighbouring property.
9. As the flat roof of the extension is not intended to be accessed, and its use could be controlled by a suitably worded condition, there would not be an unacceptable impact on privacy for the occupiers of either No 1 or No 5. While I note the evidence regarding perception of privacy, since the glass panels are roughly standard balustrade height and are transparent, the absence of people on the roof can be clearly seen from the neighbouring properties. Therefore, the glass panels do not result in perceived overlooking.
10. Consequently, the development does not harm the living conditions of the occupiers of No 1 and No 5 with regard to outlook and privacy. Therefore, the development does not conflict with LP Policy 29 which seeks, among other things, to restrict development that has an unacceptable impact on the residents of the surrounding area.

#### **Conclusion**

11. For the reasons given above, the development conflicts with the development plan and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

*R Sabu*

INSPECTOR