The Planning Inspectorate

Appeal Decision

Site visit made on 11 June 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021.

Appeal Ref: APP/P5870/D/21/3268683
1 Killester Gardens, Worcester Park KT4 8UA

- 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 Eleanora & Daniel Alimardani against the decision of the Council of the London Borough of Sutton.
- The application Ref DM2020/01825, dated 7 November 2020, was refused by notice dated 4 January 2021.
- The development proposed is to extend the dwelling at first floor level over the existing WC and Kitchen area below to form a new master bedroom with ensuite bathroom.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development as stated on the application form is set out above. The Council, on the decision notice, has described the development as *"Erection of first floor side extension involving alteration to existing roofline and rear fenestration and roof lights to the rear roofslope.".* This more accurately describes the proposals as shown on the plans and I have considered the appeal on this basis.

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 issues are:

   (i) the effect of the proposal upon the character and appearance of the existing building and the surrounding area and;

   (ii) the impact of the proposed development on the living conditions of the occupiers of no. 15 Tudor Avenue with particular regard to outlook and overlooking.

Reasons

Character and appearance

5. Killester Gardens is a residential road which rises gently uphill towards the appeal site, with many houses being semi-detached. The appeal site is a detached dwelling with white painted render, brick detailing and a tiled roof. It is set on a plot adjacent to Tudor Avenue, as the road bends to the junction between that road and Killester Gardens. The dwelling has a central gable feature with bay windows, with an off-set entrance porch located in the corner of this gable projection. To the side is a single storey element. It is a characteristic house which tends to be of different appearance to the remaining street where many houses share similar characteristics and features.

6. The proposal would introduce a full height, second gable feature to the side the property as seen from the street, including a canopied ground floor window and a bay window to the first floor. The introduction of this extension would result in a significant and dominant extension with a gable feature that would protrude forward of the existing gable. The continuation of the ridge line along the extension would elongate and accentuate this addition to the detriment of the character of the original structure.

7. Despite the use of sympathetic materials, detailing and characteristics, the proposal would represent a bulky and dominant addition. Whilst reasonably localised in its extent, the effect of the proposed development would be harmful to the character, appearance and integrity of the host building with consequent harm to the character and appearance of the surrounding area.

8. The proposal would therefore be contrary to the objectives of Policy 28 of the Sutton Local Plan[1] (Local Plan) which sets out a number of criteria when considering extensions, including (amongst other things) a requirement for developments to be of a suitable scale, massing and height to the setting of the site and/or townscape. I have also taken note of the guidance in the Residential Extensions and Alterations SPD[2] which says that two storey side extensions should generally be read as subordinate additions and depict lower ridgelines.

9. The appellant has provided calculations on floor space increases as proposed and permitted development rights. Whilst I accept that overall there may be a small increase in internal floor space relative to the existing dwelling, this does not overcome the harm to the dwelling and the character and appearance of the local area.

10. The proposals would therefore conflict with the National Planning Policy Framework (the Framework) which requires, at paragraph 130, development to be visually attractive and sympathetic to local character to create high quality buildings and spaces. It would also be contrary to policies 7.4 and 7.6 of The London Plan 2016 which guides the policy for the Local Plan.

Living Conditions

11. No. 1 Killester Gardens is located with its side elevation (the appeal site) close to the boundary of no. 15 Tudor Gardens, with a rear fence to no. 15 serving

[1] Sutton Local Plan 2016-2031 (2018)
[2] Residential Extensions and Alteration Supplementary Planning Document (Adopted February 2010)

as the boundary between that property and the appeal site. The orientation and arrangement of the dwellings and gardens results in the garden area of the appeal site being irregular due to the fence line between the two properties. As seen from the rear of no. 15, the appeal property with the hipped roof and single storey element of the dwelling can be seen located close to the boundary.

12. The Council contends that the development would result in harmful overlooking as a result of the development. The development would introduce a first floor bedroom window to the rear of the property, closest to no. 15. The appellant's documents show that currently glimpses from the appeal site are possible to the garden of no. 15. At my site visit I was able to see the large window serving the stairway, with the two rear bedroom windows beyond, from the rear of no. 15.

13. I accept that the proposal would not introduce windows that directly overlook the garden of no. 15, given the orientation of the two properties. Nonetheless, the rear elevation of the proposed development would be located close to the boundary of no. 15, and also would be set further back than the existing rear windows, which would result in an increased sense of overlooking to this neighbour, resulting in harm to the living conditions of the occupants of that property.

14. The proximity of the development is in conflict with the Council's SPD, which says that extensions should be sited well away from boundaries. The appellant confirms that only the very end of the garden at no. 15 could be seen, however the introduction of the first floor window close to the boundary would harmfully increase the sense of overlooking as previously identified. I have considered the opportunities for obscure glazing to the first floor window, however as would be a window serving a bedroom, I do not consider this would be a reasonable requirement.

15. I note that the appellant asserts that there would be no windows capable of overlooking no. 17. Whilst I do not disagree that this garden would not be overlooked, this would not sufficiently mitigate for the unacceptable sense of loss of privacy identified to no. 15 Tudor Avenue.

16. The appellant has stated that the sidelights to the bay window to the front elevation at first floor could be obscure glazed. Whilst this could help mitigate any overlooking, given the type and arrangement of this window I do not consider that this would overcome the harm identified to occupiers at no. 15 Tudor Avenue.

17. The development would therefore conflict with Policy 29 of the Local Plan and the Council's SPD. These, amongst other things, seek to ensure developments protect occupiers of neighbouring properties from loss of residential amenity do not cause unacceptable loss of amenity to adjacent occupiers from harmful overlooking or result in an unneighbourly sense of enclosure.

Other Matters

18. I have had regard to other matters raised including protection of trees, the provision of additional family space and no loss of parking. However, I have determined this appeal on its individual planning merits and none of the other matters outweigh or overcome my conclusions on the main issues.

19. There have been no objections or representations made by the local community in relation to the design and appearance of the proposed development. Nonetheless, the absence of any objections is not sufficient to allow the appeal and does not outweigh the harm identified.

Conclusion

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

Rebecca Thomas

INSPECTOR