



Appeal Decision

Site Visit made on 23 August 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/P5870/D/21/3272122

14 Tabor Gardens, Cheam SM3 8RX

- 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 Kieran Kelly against the decision of London Borough of Sutton.
 - The application Ref DM2020/01852, dated 10 November 2020, was refused by notice dated 6 January 2021.
 - The development proposed is described as: demolition of existing rear extension and construction of two-storey side extension, single-storey rear extension and single storey extension to include new porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the dwelling and the surrounding area.

Reasons

3. Tabor Gardens comprises a mix of similarly designed detached and semi-detached dwellings. A large number of these have incorporated two storey side extensions, and these are broadly consistent in being set back from the front building line and set down from the ridge line of the host property. The regularity of this arrangement has a pleasing rhythm that in part contributes positively to the street's pattern of development, while also revealing the original built profile of properties and lessening their overall mass.
4. The proposed two storey side and single storey front extension would project around 2.4m from the flank wall of the appeal dwelling, leaving a narrow passageway between it and the opposing flank wall at No 12 Tabor Gardens (No 12). The extensions form a continuation of the roof, eaves and front building lines of the appeal dwelling. Consequently, the absence of a setback or stepping down from the ridge line of the dwelling increases the dwelling's overall mass and bulk. Moreover, it would result in an addition that would appear awkward and unbalanced in relation to the adjoining semi-detached property at No 16 Tabor Gardens (No 16). This would result in the dwelling appearing noticeably discordant in the street, while being at odds with other dwellings along the frontage and opposite. Consequently, I find that there would be harm incurred to the design and scale of the host dwelling, the adjoining dwelling at No 16 and the pattern of development in the street.

5. Photographs submitted with the appeal demonstrate that the proposed side extension would not be obvious within the street. However, those pictures submitted show views down Tabor Gardens, where dwelling frontages are seen to face the road at an oblique angle. These images, in my view, do not fully represent the appearance of dwellings in the street, where side extensions follow a general pattern of being recessed and subordinate to the host dwelling. The proposal in contrast would appear bulkier while resulting in the pair of semi-detached dwellings appearing unacceptably disproportionate and imbalanced. This discordance would be obvious and perceptible from a number of viewpoints in the street and from front facing windows and gardens of dwellings on the opposite side of the road.
6. The Council considers that the proposed side extension would close the space near the side boundary with No 12 causing visual terracing which would detract from the separation and openness that currently exists between dwellings. However, during my site visit I noted that gaps between properties generally consisted of driveways and narrow side walkways with no clear pattern of spacing in evidence. The walkway that would be maintained between the proposed side extension and No 12 would be consistent with other gaps in the street. Moreover, the hipped roofs of the proposal and No 12 would be angled away from one another, to create a clear gap that would not give rise to any undue enclosing of the space between the two properties. Accordingly, I do not agree with the Council that the diminution of the space between these opposing dwellings would harm the street's character. That said, this does not eliminate my concerns raised by other elements of the proposal.
7. The appellant considers that the SPD¹ referred to in the Council's refusal notice, should be given little weight as it is out of date with the advice in local and national policy. The SPD, however, is adopted guidance and whilst it is more prescriptive it follows established and well-versed conventions in the design and placement of house extensions. Even though this guidance is not replicated in local and national policy it nonetheless seeks to steer proposals so that they are well designed and consistent with the character of the locality. Accordingly, it attracts significant weight.
8. Additionally, it has been highlighted that the Council's officer report states that Policy 28 and the SPD seek to ensure that "all development complements and improves the character of the area and street scene". This, in the appellant's view, sets a higher test for the assessment of proposals than it would for heritage assets. However, the specific wording referred to, is not outlined in the relevant policy and guidance. I nonetheless consider that the general thrust of the wording is consistent with the Framework, where it relates to design, in that developments should add to the overall quality of the area and be sympathetic to local character (Paragraph 130).
9. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be harmful to the character and appearance of the building and the surrounding area. Consequently, in this regard, it would conflict with Policy 28 of the Sutton Local Plan 2016-2031 and the SPD. Together, these require proposals to respect the local context, respond to local character in terms of scale and proportions, is of a suitable

¹ Supplementary Planning Document 4 – Design of Residential Extensions (2006) (SPD)

scale and massing to the setting of the site, while being subordinate with a clear set back.

Other Matters

10. The appellant considers that the proposal would improve the quality of the dwelling and as a consequence the overall housing stock in the locality. Even so, I consider that there are other means of doing this that would not harm the appearance of the property. Therefore, I give limited weight to those scheme benefits.
11. I acknowledge that there were no neighbouring concerns raised in relation to the proposal. However, a lack of objection does not indicate a lack of harm, as I have found in the case of the proposal, therefore, I have given little weight to this. Similarly, I have given limited weight to the appellant's argument that the side extension could be built under permitted development rights, as double storey side extensions are not currently covered by this exemption.
12. The appellant has referred to unsuccessful attempts to engage with Council officers to discuss the scheme. Whilst I note this background, it relates essentially to procedural matters rather than to the planning merits of the proposal which are the substantive matters relevant in this appeal.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR