



Appeal Decision

Site visit made on 1 February 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22ND February 2022

Appeal Ref: APP/P5870/D/21/3283613
17 Cavendish Road, Sutton SM2 5EY

- 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 Lizzie Tucker against the decision of the Council of the London Borough of Sutton.
 - The application Ref: DM2021/01243 dated 15 June 2021, was refused by notice dated 2 September 2021.
 - The development proposed is erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing dwelling and local area, and
 - b) The effect of the proposal on the living conditions of the adjoining neighbours at No 19 Cavendish Road, with particular regard to overlooking and loss of privacy.

Reasons

Issue a) Character and appearance

3. The appeal property is an end of terrace property on the north side of Cavendish Road, within a predominantly residential area. There are a number of houses interspersed with flatted developments on both sides of the road. The existing property is relatively recently constructed and adjoins a pair of earlier properties, forming a short terrace. As built, the property benefits from a single storey rear ground floor 'addition' under a monopitch roof which also extends to provide a similar extension to the neighbouring dwelling.
4. I am advised that permitted development rights under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order were removed by condition under the permission for the property and hence planning permission is required for the proposal. However, I agree with the Appellant that this does not automatically indicate that a proposed extension to the property would be inappropriate.

5. The rear ground floor, as existing, opens out onto a raised terrace with steps leading down to the remaining rear garden area. The proposal would add a conservatory style extension with a lantern roof to the rear with an extended raised terrace with steps leading down to the rear garden.
6. The proposed extension would be almost the full width of the property but of limited depth in relation to the overall scale of the property. I have also taken into account that the proposal would be in different materials and style to the main dwelling to indicate a clear distinction between the existing and additional built forms.
7. However, there would be a very discordant and awkward junction between the roof of the monopitch original ground floor rear layout and the proposed conservatory addition. This would appear clumsy and cumbersome and would detract from the proportions of the existing property. Furthermore, the rooflight would be an over dominant feature in relation to the form of the dwelling. The proposal would therefore harm the character and appearance of the existing property.
8. Whilst the proposal would not be seen in street scene views it would be seen from neighbouring gardens. In failing to respect the character and appearance of the property, it would not in my view respect the local context and would be a discordant feature in the local area.
9. I therefore conclude that the proposed extension would harm the character and appearance of the existing building and of the local area. It would fail to accord with Policy 28 of the Sutton Local Plan 2018 and Section 12 of the National Planning Policy Framework (Framework), all of which seek for high quality and visually attractive buildings which are sympathetic to local character.

Issue b) Living Conditions

10. There is a fence and planting along the existing boundary with the attached neighbouring property to the east, including along the existing raised terrace to the appeal property. However, I consider that the proposals as shown could lead to harm to the living conditions of the neighbours at No 19, with particular regard to overlooking and loss of privacy, because of the siting of windows in the extension along the shared boundary and the extended raised height of the terrace.
11. I consider that these concerns could be satisfactorily addressed by condition. In respect of the side windows shows on the conservatory facing towards the attached neighbour, a condition could be imposed to require these to be obscure glazed, particular at a higher level, and in respect of the extended raised terrace, a condition could be imposed regarding the boundary treatment and inclusion of a privacy screen.
12. The Council has also raised a concern that additional screening along the boundary would cause visual harm to the neighbours at No 19. However, given the size of the rear gardens, I am not persuaded that additional screening would harm their outlook; it would potentially also improve the privacy for the neighbours when in their rear garden.
13. I also agree with the Council that given the arrangement of the flats to the west, and the siting of windows as well as the separation distances from the

appeal property, there would be no material harm to the occupiers of the flats nearest to the appeal property.

14. Subject to the imposition of conditions as discussed above, I do not consider that the living conditions of the neighbours, particularly at No 19, would be materially harmed by the proposed development. There would be no conflict with Policy 29 of the Sutton Local Plan 2018 and paragraph 130 f) of the Framework, both of which seek a high quality of amenity for existing and future occupiers.
15. However, my findings under this issue do not outweigh the harm I have found under my first issue.

Other Considerations

16. Were no other matters of concern and planning permission were to be granted, I am satisfied that the mature trees within the rear garden and neighbouring garden could be safeguarded by the imposition of appropriate conditions to protect them during construction.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR