



Appeal Decision

Site visit made on 7 March 2022 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by B J Sims BSc (Hons) CEng MICE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/P5870/D/21/3277160

38 Boscombe Road, Worcester Park, KT4 8PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO').
 - The appeal is made by Ms Nam against the decision of London Borough of Sutton.
 - The application Ref DM2021/00223, dated 3 February 2021, was refused by notice dated 25 March 2021.
 - The development proposed is a single storey rear extension up to 6m from the original elevation of the dwelling with roof light over.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO; and
 - If the development does constitute permitted development, the effect of the proposal upon the living conditions and therefore the amenity of adjoining premises at No. 36 and No. 40 Boscombe Road.

Reasons for the Recommendation

5. The appeal property is a semi-detached two storey dwelling which currently has a single storey rear kitchen extension with a short flight of steps leading down to the garden. The proposal is for a 6m deep rear extension that would replace the existing extension.

6. The Council state that the extension would project beyond the side boundary and encroach on No.36 Boscombe Road. However, from the site visit and on review of the application drawings, it appears that the proposed extension would be within the boundary of the appeal property.
7. On this basis, I conclude that the development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.
8. The conditions set out in A.4., and in particular at A.4.(7) of the GPDO, state *'Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises'*.
9. The occupier of the adjoining property, No. 36 Boscombe Road (No. 36) has raised concerns that the proposal would affect daylight/sunlight levels, would result in a loss of privacy and be harmful to outlook.
10. No. 36 is attached to the appeal dwelling and has no extension, the common boundary between the properties is currently demarcated by a fence. The gardens of both No. 36 and the appeal property slope away from the houses, and this change in levels means that the garden of No.36 is on lower ground compared to the existing extension and the same relationship would exist with respect to the proposed extension.
11. The proposed extension would increase the scale of built form within close proximity to the boundary with the garden of No 36. The additional scale of the proposed extension would be considerably greater than that of the existing extension. As a result, from within the garden of No.36, the outlook would be dominated by the proposed extension. Moreover, the drop in ground level between the proposed extension and the neighbouring garden would compound the overbearing nature of the proposed development. On this basis, the scale and proximity of the development would have an oppressive impact that would cause unacceptable harm to the outlook of the occupants of No.36. I do not agree with the appellant that the impact would be mitigated by the relatively large size of the rear gardens. In this respect, the proposal is contrary to Policy 29 of the Sutton Local Plan 2016.
12. In terms of the effect of the proposed extension on light levels, having regard to the orientation of No. 36 roughly to the south of the appeal property and the single storey nature of the extension, any loss of light would be minimal. There are no windows in the proposed extension that would face No. 36 and therefore there would be no reduction in privacy.
13. The neighbouring dwelling to the north of the appeal property, No. 40 Boscombe Road (No. 40) is separated from the appeal dwelling by a side passage. No. 40 features a small single storey rear extension and outbuilding built close to the boundary with the appeal property. Given the separation distance and the presence of the existing built structures, the proposal would not cause harm in terms of loss of outlook, light or privacy to the degree that would be harmful to living conditions at No. 40.

Other Matters

14. The appellant has drawn my attention to a previous proposal at the site for a first floor rear extension, single storey side extension and conversion of loft. It

is the appellants view that the present proposal would have no greater impact. However, the alterations to the property proposed under the previous scheme are very different, with the two storey extension standing away from the shared boundary, and are therefore not comparable with the present scheme. In any case, the appeal proposal is considered on individual merit.

15. I recognise that the proposed development would not impact parking or cause unacceptable noise and disturbance. However, these considerations do not affect the concerns which I have identified above in respect of harm to the amenity of the occupants of No. 36.

Conclusion and Recommendation

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

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

B J Sims

INSPECTOR