



Appeal Decision

Site visit made on 12 July 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/P5870/D/21/3286071

30 Fairlands Avenue, Sutton SM1 3JE

- 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.
 - The appeal is made by Mr Yong against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/01413, dated 5 July 2021, was refused by notice dated 11 August 2021.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), grant planning permission for the enlargement of a dwellinghouse subject to limitations and conditions, including consultation with adjoining occupiers.
3. In this case, objections were received from neighbouring residents at No.28 and 32 Fairlands Avenue. Paragraph A.4 (7) of Class A requires that, where any owner or occupier of an adjoining premises objects to a larger rear extension, the Local Planning Authority must assess the impact of the proposal on the amenity of any adjoining premises. My determination of this appeal has been made in the same manner.

Main Issue

4. Taking the above into account, the main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to loss of outlook and creating a sense of enclosure.

Reasons

5. The appeal property is a mid-terraced dwelling with a garden to the rear. The proposed extension would have an eaves height of 3m and measure some 6m in depth. It would be positioned along the boundaries shared with the neighbouring properties on either side.
6. Consequently, it would be very close to the glazed door and windows, which appear to serve a living/dining room at No.32 Fairlands Avenue. At such close quarters, the unrelieved rendered wall would be an overbearing feature for

occupants of the neighbour's room. The existing fence between the properties is considerably lower than the top of the neighbour's windows and door, and so currently allows a sense of openness in this direction. The wall of the extension would however be higher than the windows and door, so would have a significant enclosing effect. The bulk and proximity of the extension would be oppressive, creating a sense of enclosure and reducing outlook from the room. This would result in substantial harm to the living conditions of the occupants.

7. This neighbour's garden is a good size and views over it would remain. Nevertheless, when in the garden, the occupants of No. 32 would be faced with a long blank elevation which would be visually dominant and would create a sense of enclosure. There is tall planting along this shared boundary, but it is some distance from the rear of No.32. Accordingly, its existence would not mitigate the effect of the extension on the neighbour.
8. No.28 Fairlands Avenue has what seems to be a kitchen window close to the boundary with the appeal site. This window appears to be an important source of outlook for the room. The extension would project well above the fence line on the boundary and above the top of the window. This difference would not be negligible. Indeed, given the height and length of the flank wall, the proposed structure would have an overbearing and enclosing effect that would also significantly constrain the outlook from this room.
9. The effect of the extension would also be particularly noticeable from the patio area of No.28. This part of the garden would become considerably less open and thus a less attractive area to spend time in. This sense of enclosure to the occupants at No.28 would be compounded by the fact that there is already a smaller extension to the rear of No.26 Fairlands Avenue that extends along the boundary with No.28.
10. In light of the foregoing, I conclude that the proposed development would adversely affect the living conditions of neighbouring occupiers at Nos.28 and 32 Fairlands Avenue, with particular regard to loss of outlook and creating a sense of enclosure.
11. By causing unacceptable harm to the living conditions of the occupiers of the adjoining residential properties, the proposal would also be contrary to Policy 29 of the Sutton Local Plan 2018. This policy requires, amongst other things, that developments do not unacceptably infringe the outlook of, or create a sense of enclosure to, existing residents.

Conclusion

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

Stewart Glassar

INSPECTOR