
Appeal Decision

Site visit made on 6 September 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/P5870/D/22/3293435

3 The Lawns, Kingsbridge Road, Cheam, SM2 7PU

- 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 Andy McNaboe of D V Burden Architectural Consultants against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/01895, dated 17 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is two first floor rear dormer roof extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of Nos 2 and 4 Champneys Close, with particular regard to privacy.

Reasons

3. No 3 The Lawns is a modern detached house situated within a large, irregular-shaped plot. A garage is located on the left-hand side of the house, with the main garden area situated to the right. A large, single-storey extension has been constructed at the rear of the house immediately adjacent to the rear boundary of the appeal site, which forms a shared boundary with the rear gardens of Nos 2 and 4 Champneys Close. At first floor level, the existing rear elevation includes a bedroom window and two small obscure glazed windows which serve the bathroom and en-suite.
4. The proposed development would involve the construction of two flat-roofed extensions at first floor level, situated on the roof of the existing ground floor extension. The proposed extensions would be located either side of an existing rooflight and would adjoin existing bedrooms to provide additional living space. The rear elevation of each proposed extension would include a window.
5. Whilst set back slightly from the rear elevation of the ground floor extension, the proposed extensions would be in close proximity to the site boundary and, due to their height at first floor level, would directly overlook the gardens of Nos 2 and 4 Champneys Close.
6. The gardens of Nos 2 and 4 Champneys Close already experience a degree of overlooking; the existing bedroom window of the appeal property has a view along the length of the adjoining rear gardens. However, the existing window is

set back from the boundary, thereby reducing the perception of overlooking. In addition, the gardens of Nos 2 and 4 are within the sight line of some third-storey windows and balconies at the rear of the row of buildings at Upper Mulgrave Road. Overlooking from those buildings is less significant than from the appeal site, as the row is set back from the boundary and is oriented to face the side boundary of the gardens. In addition, tall boundary treatments along the side boundaries of Nos 2 and 4 are likely to limit the extent of the overlooked area.

7. Through the siting of windows close to the appeal site boundary and by increasing the number of windows along the rear elevation, the proposed extensions would significantly and materially increase direct overlooking of the rear gardens of Nos 2 and 4 Champneys Close and would increase the perception of overlooking for users of the gardens. The proposal would adversely affect the living conditions of the occupiers of Nos 2 and 4 through a loss of privacy. This would be contrary to Policy 29 of the Sutton Local Plan 2018 which indicates that planning permission should not be granted for developments where overlooking would cause a loss of privacy.
8. In addition, the proposal would not satisfy the guidance set out in the Design of Residential Extensions Supplementary Planning Document 2006 which requires extensions to be sited well away from boundaries and not result in any significant loss of privacy to gardens.

Conclusion

9. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR