



Appeal Decision

Site visit made on 18 October 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02/11/2022

Appeal Ref: APP/P5870/W/21/3284823

42 Blenheim Road, Sutton SM1 2PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Ray Farrington against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/00318, dated 18 February 2021, was refused by notice dated 15 April 2021.
 - The application sought planning permission for erection of a detached two storey building with roof accommodation comprising 2 self-contained flats and provision of new parking bays with access from Blenheim Road, refuse and cycle storage and associated landscaping, without complying with a condition attached to planning permission Ref DM2020/00014, dated 16 July 2020.
 - The condition in dispute is No. 1 which states that: *The approved development shall be carried out in accordance with the following drawings/details: 7289/16 Rev A, 7290/16 7374/19 Rev A, 7375/19 Rev A, Design and Access Statement, Site Location Plan.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. From my site visit it was evident that works had been undertaken to the rear of the main roof and that of the rear projection. For the avoidance of doubt, I confirm that I have based my decision on the proposed building shown in the submitted drawings.

Background and Main Issue

3. Planning permission was granted for a two-storey detached building, comprising two self-contained flats, on 16 July 2020. Condition 1 of that permission detailed the drawings to which the approval related. The approved drawings show the rear of the building as a whole to have one dormer window, two rooflights and a two-storey projection that had a hipped roof and whose ridge sat below the ridge of the main roof.
4. In seeking to gain approval for a revised design of part of the building, it is necessary to amend condition 1 and the list of approved drawings.
5. In that context, the main issue is the effect of the revised design on the character and appearance of the building and wider area.

Reasons

6. The appeal building accommodates two flats but has been designed to ostensibly appear within the street as a pair of two storey semi-detached dwellings. As such, it is similar in design, height and appearance to other properties in the road. These properties are generally set back from their site frontages and although the road itself is not wide, the area has a pleasant suburban character.
7. The site lies within the Hallmead Farm Estate Area of Special Local Character (ASLC), a local designation that seeks to identify and protect historically important areas. Although this is not a statutory designation, Policy 30 of the Sutton Local Plan 2018 (Local Plan) notes that the Council will expect development within such areas to conserve and where practicable enhance the ASLC.
8. The works would result in a very unsympathetic relationship between the dormer and revised rear projection. The resulting awkward juxtaposition between these two significant features fails to integrate effectively with the host building and so would appear incongruous. This would detract from the appearance of the building as a whole.
9. Whilst a significant proportion of the rear, main roof slope would be 'lost' as a result of the new dormer, it is the new dormer's poor relationship with the rear projection and its flat roof which causes most harm.
10. Although the works would not be widely seen, in limited views from the front and from neighbouring properties they would represent visually discordant features that diminish the status of the original design, without any coherent design justification for it. As a consequence, the proposal harms the character and appearance of the wider area.
11. I therefore conclude that the proposal would harm the character and appearance of the building and wider area. This would conflict with Policies D4 and HC1 of the London Plan and Policies 28 and 30 of the Local Plan which, amongst other things, seek the delivery of good design that respects the local context and responds to local character and heritage assets. For similar reasons the proposal would not accord with the Council's Supplementary Planning Document 14 'Creating Locally Distinctive Places'.
12. The proposal would also be contrary to Paragraph 130 of the National Planning Policy Framework, which amongst other things, seeks to ensure developments are sympathetic to local character.

Other Matters

13. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issue of the case which is before me.
14. That the proposal would cause harm to the ASLC adds to the level of planning concern raised by the proposal and so brings it into conflict with Policy 30 of the Local Plan and Policy HC1 of the London Plan. However, the proposal is also contrary to other policies which are unrelated to the ASLC designation. Thus,

even if the proposal were not contrary to Policy 30, my decision would not change.

15. Whilst the proposal does not result in the loss of the hip to the main roof, this does not alleviate the harm I have identified. Therefore, the retention of the hip is not a matter which weighs positively in favour of the scheme.
16. The appeal building does not have householder permitted development rights. Whilst other properties in the vicinity may have such rights, there is no evidence before me to suggest that they would seek to use those rights to undertake works similar to the appeal proposal. In view of the above, I am unable to give weight to the permitted development rights that other properties in the vicinity may have.
17. The appellant refers to other sites which have received planning permission for rear dormers. However, I do not have the details of those schemes before me and therefore cannot be sure that they represent a direct parallel, particularly with regard to the nature and design of the works as a whole. In any case, I have determined the appeal on its own merits.
18. I note that the Council has not objected to the omission of two rear rooflights; the insertion of one rooflight on the front of the roof; and the insertion of flank windows at first and second floor. Based on the evidence before me, including my own observations, I have no reason to come to a different view. However, this does not outweigh the totality of the harm I have identified and so does not lead me to allowing the appeal.

Conclusion

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

Stewart Glassar

INSPECTOR