



Appeal Decision

Site visit made on 29 November 2022

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/P5870/D/22/3305870

63 Caldbeck Avenue, Sutton, Worcester Park KT4 8BH

- 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 ACHYUT C. SHRESTHA against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00779, dated 24 April 2022, was refused by notice dated 28 June 2022.
 - The development proposed is described as the demolition of garage and erection of a single storey side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and erection of a single storey side/rear extension at 63 Caldbeck Avenue, Sutton, Worcester Park KT4 8BH in accordance with the terms of the application, Ref DM2022/00779, dated 24 April 2022, subject to the following conditions:
 - 1) The development shall be carried out in accordance with the following approved plans: Drawing Nos. TP/528/S01; TP/528/S02; TP/528/S03; TP/528/S04; and TP/528/S05.

Procedural Matters

2. The Council amended the description of the development from what was provided on the original application form and I note that the appellant's agent has also utilised this description on the appeal form. I have used the Council's description as this provides a more accurate description of the development.
3. At the time of my visit, it was evident that components of the appeal development were in the process of construction. The part retrospective nature of the appeal proposals has no bearing on my decision which is based on the merits of the case. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.

Main Issue

4. The main issue in this case is the effects of the development upon the character and appearance of the appeal property and the wider area.

Reasons

5. Caldbeck Avenue consist of a linear run of predominately two storey residential properties, which are set back from the highway with front gardens which are now mostly in use for parking spaces. The properties predominately have long rear gardens, and are grouped in terraces. No.63 is situated part way along the street at the north-eastern end of a short terrace, and is positioned directly next to a narrow alleyway which provides a pedestrian throughfare to the rear of the properties to the north and south.
6. Other properties along the street have been adapted and modified in a variety of ways, with differentiating rear and side extensions evident from the street scene.
7. The appeal proposal relates to the construction of a single storey side and rear extension. The Council refer to the depth of the appeal proposal beyond the rear wall and to the side of no.63 as being their key area of concern, which they consider would represent a disproportionate and unduly prominent addition to the appeal property.
8. However, I do not share the concerns of the Council. The appeal proposal will be set back some distance from the forward building line of no.63 and will also be single storey in form. It represents a subservient addition to the main dwelling. I acknowledge that the siting will be directly against the adjacent alleyway, but this was the case for the previous domestic garage. In any case, the alleyway is already enclosed by boundary fencing, evergreen hedging and the built form of no.65 adjacent.
9. I also appreciate that the appeal development will take up the entirety of the width of the of the rear garden, it nonetheless, only relates to a small proportion in footprint terms of the overall garden itself, it would appear of modest size in this large plot.
10. Ultimately, the extensions will not appear incongruous or out of place within the context of the street scene.
11. I thereby find no conflict with Policy 28 of the Sutton Local Plan 2016-2031, adopted February 2018; SPD 4 'Design of Residential Extensions' and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.

Conditions

12. As the appeal is in part retrospective, the standard time limit to commence the appeal development is not required. A condition listing the plans in the interests of certainty is necessary.

Conclusion

13. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR