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# Appeal Decision

Site visit made on 24 January 2023

**by C Butcher BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 February 2023**

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**Appeal Ref: APP/P5870/W/22/3302138**

**23 Cheam Common Road, Worcester Park KT4 8TL**

- 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 Lulzim Kurteshi (La Bella Luna) against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2022/00163, dated 28 January 2022, was refused by notice dated 17 May 2022.
  - The development is the erection of outdoor dining area enclosure with motorised retractable glass wind shields and retractable canopy to replace existing enclosure fenced with planters and canopy.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The development (referred to hereon as the extension) is noted as being complete on the application form and the Council assessed the proposal on that basis. I have therefore done the same.
3. While not referenced in the officer report, the Council have set out their reasons for refusal, and the relevant policies, within the decision notice and appeal submissions.

## Main Issue

4. The effect of the extension on the character and appearance of the area.

## Reasons

5. The area is largely characterised by two storey semi-detached buildings, in residential or commercial use, that are set back from the road with front gardens or forecourts that provide a feeling of spaciousness when travelling along the street.
6. The appellant has provided photographic evidence to illustrate the appearance of the premises prior to the extension being built. The outdoor seating area, with wooden fencing and a retractable awning, provided a greater feeling of openness and space that conformed to the wider character of the area.
7. The extension does not project any further out onto the pavement than the previous outdoor seating area. Despite this, due to its height and depth, it appears visually dominant and makes the site, and the surrounding pavement, feel overly cramped in contrast to the character of surrounding area. The

feeling of spaciousness on the street is therefore greatly diminished. In addition, there are no other examples nearby of similar extensions which take up the entire forecourt or garden area of the host property. It therefore disrupts the existing harmonious rhythm of development along the road and appears incongruous and out of place with its surroundings.

8. Although the extension is predominantly formed of glazing, the chunky metal framework that supports it significantly reduces its visual permeability. Indeed, when approaching the site from the south-east, the view of the adjoining premises at No. 25 is completely obscured. The appearance of the extension does not respond sympathetically to the appearance of the existing building, or others nearby, due to the materials used and the fact that it is of quite different design. In particular, while the buildings in the immediate vicinity are not particularly attractive, they do have a reasonably consistent appearance with a homogenous building line, which is in stark contrast to the very modern looking extension which protrudes from the front of the building.
9. When the glazing is retracted, the dominance of the structure would be reduced to some extent. However, the visual significance and overall mass of the metal framework would still be apparent, and the lack of spaciousness would remain. In addition, given the predominant weather in this country, the glazing would need to be in place most of the time.
10. I conclude that the extension causes harm to the character and appearance of the area. It is therefore in conflict with Policy 28 of the Sutton Local Plan (2016-2031), Policies D3 and D4 of The London Plan (2021), the Supplementary Planning Document 'Creating Locally Distinctive Places' and Paragraph 130 of the National Planning Policy Framework. Taken together, these policies and guidance seek to ensure that development preserves existing character and appearance. This includes a requirement that development is of good design, respects local context and is of a suitable scale, massing and height for the setting of the site.

### **Other Matters**

11. I note that the appellant and third-party respondents have suggested that the extension provides a more pleasant and safer environment for customers, particularly in the winter months, and that it helps to support a valued business that is easily accessible to local residents. The appellant also contends that the extension forms an active frontage which generates interest and activity. While that might be the case, this is not a reason in itself to allow development that is unacceptable.

### **Conclusion**

12. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

*C Butcher*

INSPECTOR