



Appeal Decision

Site visit made on 2 March 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/P5870/D/22/3310669

54 Haddon Road, Sutton SM1 1RN

- 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 Mrs Liliana Toader against the decision of the London Borough of Sutton.
 - The application Ref: DM2022/01113, dated 15 June 2022, was refused by notice dated 24 August 2022
 - The development proposed is the erection of first-floor rear extension.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring property, No.56, with particular regard to outlook and light.

Reasons

3. The semi-detached property is located within a row of similar traditional properties. To the rear, the semi-detached pair of Nos 54 & 52 share a two-storey outrigger which extends across approximately half the width of each property. The proposal would create a new first-floor element which would extend across the full width of the property with a hipped roof.
4. Planning permission has been granted for alternative versions of the extension with a stepped form¹ and a slightly deeper extension with a splayed form². The appeal proposal would effectively infill the end section to create a rectangular extension with a depth of 3m.
5. The first-floor window in the neighbouring property, No. 56, which is affected by the extension is in the main part of the house. The window faces north and directly abuts the outrigger to that property, as such, there is an existing level of restriction in terms of outlook and light. The proposal will result in an additional projection to the other side and while it would be offset from the shared boundary, the two-storey form would be within close proximity and restrict the angle of view.

¹ Council reference DM 2021/02558

² Council Reference DM2022/01677

6. The appellant argues that the 45-degree line as a method for assessing the impact from the neighbour's window is not specifically referred to in the Council's Supplementary Planning Document 'Design of Residential Extensions' (SPD 4). While I accept that there is a level of flexibility in applying it, the Building Research Establishment's guidance is well-established and is referenced in the Sutton Local Plan as providing advice to meet Policy 29. Additionally, both approved schemes have been designed to accord with the 45-degree line, and it is marked on the plans, with the later splayed scheme directly aligning with it. There is no dispute that the proposed extension would breach the 45-degree line, thereby indicating that light would be blocked, and the appellant has not provided any other assessments to indicate otherwise.
7. The proposed scheme would add a modest amount to the size of the bedroom, but proportionately it would significantly increase the depth of the flank elevation of the extension towards No.56 to the detriment of the occupiers' outlook.
8. The design and form of the extension reflect the existing property which is within the Beulah/Clarence Road Area Special Local Character Area. Whilst the scheme would 'square off' the proposed bedroom, the practical benefits of which would not outweigh the harm and there are alternative approved schemes which would facilitate a bedroom of a similar size.
9. In conclusion, the extension would fail to protect the amenity of the occupiers of the neighbouring property contrary to Policy 29 of the Sutton Local Plan and SPD 4 which, amongst other things, seek to ensure development does not have an unacceptable impact on outlook and light.

Conclusion

10. For the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR