



Appeal Decision

Site visit made on 15 May 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/P5870/W/22/3307367

1 Ingleby Way, Wallington SM6 9LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Rajinder Saini against the Council of the London Borough of Sutton.
 - The application Ref DM2022/00045, is dated 7 January 2022.
 - The development proposed is described as “demolition of existing store in garden; two storey side extension minimum 1m far from the boundary; one storey rear extension with flat roof and flat rooflights; loft conversion with velux and rear dormer; front extension with opened porch; internal alterations”.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing store in garden; two storey side extension minimum 1m far from the boundary; one storey rear extension with flat roof and flat rooflights; loft conversion with velux and rear dormer; front extension with opened porch; internal alterations is refused.

Application for costs

2. An application for costs was made by Mr Rajinder Saini against the Council of the London Borough of Sutton. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal is against the non-determination of a planning application. The Council’s delegated officer report sets out that they would have refused planning permission for reasons relating to the character and appearance of the host building and surrounding area. This is also indicated in a Council decision notice dated 28 September 2022 submitted by the appellant which post-dates the lodging of the appeal. The main issue below is therefore taken from the Council’s delegated officer’s report and decision notice which postdates the lodging of the appeal.
4. I have used the description from the original application form as this reflects what was applied for even though it is reflected in the decision notice by an alternative description.
5. The Council has indicated that revised plans were submitted during the consideration of the planning application. The plans which were under consideration at planning application stage were: 0001 Rev 02; 0002 Rev 02;

0100 Rev 03; 0101 Rev 03; 0102 Rev 03; 1000 Rev 01; and 1001 Rev 01. These plans show changes to the types and openings of the windows and door on the side elevation and retention of the vegetation along the eastern boundary to address some issues arising during the application process. I have limited evidence of consultation on the revised plans, but the modifications are minor, and my consideration of them would not cause prejudice to interested parties. Therefore, I have determined the appeal on the basis of the revised plans.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area and on the host property.

Reasons

7. Located within a residential area, the appeal site comprises an attractive house in a large plot at one end of Ingleby Way. Although the mix and design of dwellings further west along Ingleby Way is more varied, the appeal property and the other two storey detached buildings in this part of the street have a generally uniform character. These houses have hipped roofs with a single central ridge point on the front elevation and projecting front hipped roof features below which are two storey curved bay windows, giving them a vertical appearance. Whilst several dwellings in the vicinity have small front porch extensions and one has side dormer extensions, the original built form of the dwellings has been retained.
8. The first-floor front walls and roof of the proposed two storey side extension would align with those on the original house and create a horizontal roof ridge on the front elevation, replacing the existing central ridge point. Consequently, the proposal would not be subservient to the property and much of the original dwelling form would be lost. The front extension would project further forward than the existing bay window, extending across the existing front door and the proposed side extension. The width of the proposed side extension, combined with the front alignment of the upper floors with the original dwelling and the front extension, would result in the vertical appearance of the house being replaced by a more horizontal form. Although the details and style have been designed to match or imitate the existing dwelling with reference to the Council's design guidance for residential extensions, the lack of any set back of the side extension or set down of the roof ridge, together with the width and depth of the front extension, would result in a dominant addition which would harm the appearance of the host property and street scene.
9. The Council has not raised objections to the proposed rear extensions. As these would be appropriate in scale and design to the original dwelling and would not affect the uniformity of the building on the street elevation, I agree that these would not harm the character and appearance of the area. However, they are not wholly severable from the scheme design such that they could be considered separately.
10. The appellant has referred to examples of two storey side, rear and roof extensions recently granted planning permission and other extended properties in the wider area. These are in parts of Ingleby Way and other streets where there is a greater mix and less uniformity in house styles and types than the area around the appeal site or where the extensions are more subservient to

the original house than the appeal proposal. Therefore, due to their location and design, I do not find them directly comparable to the appeal proposal.

11. For the reasons above, I conclude that the development would harm the character and appearance of the host property and area. This would be contrary to Policy 28 of the Sutton Local Plan 2016-2031 which sets out that development should respect the local context and respond to local character and be of a suitable scale, massing and height to the setting of the site. It would also conflict with the National Planning Policy Framework (the Framework) where it states that development should be sympathetic to local character. Additionally, it would not comply with the Council's "Creating Locally Distinctive Places" and "Design of Residential Extensions" Supplementary Planning Documents. Together, these set out that development should build on local character by protecting the positive features of Sutton's suburban townscape and respect the unique characteristics of the neighbourhood including building lines, scale, massing and height, as well as stating that two-storey side extensions should read as subordinate additions.

Other Matters

12. I have had regard to third party representations which identified concerns over loss of privacy, loss of sunlight and daylight, construction noise and removal of vegetation. However, these matters have not been raised as a concern by the Council and there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. Property values and ownership and whether the application should be considered by the Council's planning committee were also raised but these are not planning matters relevant to my determination of the appeal.
13. As set out above, I have considered the appellant's cost application in relation to the appeal separately. Nevertheless, the appellant's general dissatisfaction with their interactions with the Council during the application process is a matter between those parties and it cannot have any bearing on my determination of this appeal.

Conclusion

14. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR