



Appeal Decision

Site visit made on 27 June 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 31st July 2023

Appeal Ref: APP/P5870/D/23/3315466
43 Rectory Lane, Wallington, SM6 8DX.

- 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 Yohann Saide against the decision of the Council of the London Borough of Sutton
 - The application Ref DM2022/01845, dated 11 October 2022, was refused by notice dated 9 January 2023.
 - The development proposed is described as retention of a part one, part two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a part one, part two-storey rear extension at 43 Rectory Lane, Wallington, SM6 8DX in accordance with the terms of the application, Ref DM2022/01845, dated 11 October 2022, and the plans submitted with it subject to the following conditions:
 - 1) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 43RLW/1.3/31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, Block Plan (Proposed), site location plan, Flood map for planning and the Design and Access Statement Rev D.
 - 3) The development hereby permitted shall be carried out in accordance with the provisions of the submitted Planning Fire Safety Strategy Rev A dated 14 November 2022.
 - 4) A plan indicating the position, design, materials and type of the boundary treatment to be erected between the development hereby permitted and the neighbouring properties on either side shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the proposed extension hereby permitted is occupied and shall be retained thereafter.
 - 5) Detailed plans and drawings illustrating the privacy screens to the proposed balcony at a scale of 1:10, shall be submitted to and approved in writing by the local planning authority. The screens shall be installed

and completed in accordance with the approved details before the balcony is first brought into use and shall be retained in perpetuity.

Procedural Matters

2. When issuing its decision notice the Council changed the description of the development form that set out on the original Planning Application form. For the sake of clarity, I have adopted the Council's revised description in the bullet point above as this more accurately describes the proposed development.

Main Issues

3. I consider the main issues to be:
 - a) the effect of the proposed development on the architectural integrity of the host property and thereby the character and appearance of the neighbouring terrace; and,
 - b) the effect of the proposal on the living conditions of the occupiers of numbers 42 and 44 Rectory Lane in terms of its potential impact on outlook, privacy and light.

Reasons

4. The property the subject of this appeal is a three-storey mid-terraced dwelling. As I observed the ground on which the houses are built is undulating with the houses stepped to reflect the change in levels. There have been numerous extensions and alterations to the rear of the dwellings in the terrace, including lower ground floor and ground floor additions.

Character and appearance

5. The proposal would replace an existing conservatory with a part one, part two-storey flat roofed rear addition at lower ground floor and ground floor levels. The development also includes a rear balcony and raised rear garden steps.
6. The ground floor extension would be located immediately over the lower ground floor addition. The extensions do not extend across the full width of the host property. The lower ground floor addition would project some 5.940 metres from the existing rear wall of the house, and the ground would project approximately 3.100 metres.
7. The proposed additions would project further into the rear garden than neighbouring additions and would be visible from the bottom of neighbouring rear gardens. Nevertheless, given that they do not extend across the full width of the host property, finish a full storey below the existing eaves line and have flat roofs I consider that they would appear subservient to the original house and the terrace of which it is part.
8. I appreciate that a number of the earlier extensions nearby have mono pitched as opposed to flat roofs, however flat roofs are not an entirely unusual feature. Therefore, their use here does not, to my mind render the proposed extensions necessarily an alien form of development.
9. I note from the evidence before me that the Council have no objection to either the balcony or the raised steps. From what I have seen and read I have not formed a contrary view. I appreciate that screening may be necessary to avoid

overlooking leading to a loss of privacy from the balcony and steps. However, I consider that by careful design these need not necessarily add significantly to the bulk and massing of the development. This is a matter that, if I were minded to allow the appeal, could be addressed by a suitably worded condition.

10. I therefore conclude in respect of the first main issue that, subject to a condition in respect of the design of privacy screening to the balcony/steps, the proposed development would not cause harm to the architectural integrity of the host property or the character and appearance of the neighbouring terrace. It would therefore accord with the objectives of Policy 28 of the London Borough of Sutton Local Plan–*Sutton Local Plan 2016-2031* (Adopted February 2018) (LP) and the guidance in the London Borough of Sutton Local Development Framework Supplementary Planning Document–*Design of Residential Extensions* (Adopted October 2006) as they relate to, along with other things, the quality of development.

Living conditions

11. *Loss of outlook*: Number 42 and 43 have relatively large and long rear gardens. Accordingly, I do not believe that the proposal would result in a significant loss of outlook for either of the neighbouring dwellings.
12. *Loss of light*: the Council consider that the proposed development would impact on natural light to the lower ground floor windows of number 44 and sunlight to its garden.
13. Given the long rear garden of number 44 I do not believe that the proposed extension would impact in any significant way on natural light levels to habitable rooms on the lower ground floor.
14. I accept that the proposed extension would cause some overshadowing of the rear garden immediately adjacent to the rear wall of number 44. However, I consider that having regard to the additions to the rear of number 44, the limited projection into the rear garden of the proposed extensions, the height of the lower ground floor addition and the size of the garden that any overshadowing would not be so significant as to cause harm to residential living conditions.
15. *Privacy*: There is the potential for overlooking leading to a loss of privacy for the occupiers of number 42 and 44 from the new garden level, raised steps and proposed balcony area. However, I consider that this could be adequately addressed by appropriate boundary treatments and screens to the proposed balcony. These are matters that, in my judgement could be conditioned.
16. I therefore conclude in respect of the second main issue that, subject to a condition in respect of boundary treatment and the design of privacy screening to the balcony/steps, the proposed development would not cause harm to the living conditions of the occupiers of number 42 and 44. The proposal would therefore accord with the aims of LP Policy 29 as it relates to amongst other things residential living conditions.

Conditions

17. The conditions follow from those suggested by the Council. As the development has already started, I will not include the standard commencement condition. However, to ensure a high-quality development, I

shall include a condition about the materials to be used in the construction of the external surfaces of the building.

18. To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor of London Plan Policy D12 I will require the development to be carried out in accordance with the submitted Planning Fire Safety Strategy.
19. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.
20. To ensure the private amenity of neighbouring occupiers I shall require details of privacy screens to the balcony and the boundary treatment to be submitted to and approved by the Council.

Conclusions

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

Philip Willmer

INSPECTOR