



Appeal Decision

Site visit made on 26 July 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023.

Appeal Ref: APP/P5870/D/23/3319638

3 Fountain Drive, Carshalton SM5 4AE

- 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 E Tsui against the decision of the London Borough of Sutton.
 - The application Ref DM2022/01596, dated 1 September 2022, was refused by notice dated 16 January 2023.
 - The development proposed is for the erection of a single storey rear and front extension and conversion of loft space involving alterations to existing roofline, a dormer extension to the rear and rooflights to the front slope. Excavation of rear to create terraced garden and raised patio.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Further to the submission of the appeal a lawful development certificate (LDC) has been granted for a rear dormer extension¹ and at the time of my site visit a dormer was under construction.

Main Issues

3. The main issues are the effect of the development on: -
 - 1) the character and appearance of the host property and the surrounding area; and
 - 2) the living conditions of the occupiers of the neighbouring properties with regard to privacy.

Reasons

4. No.3 Fountain Drive is located within a modern housing estate of properties of a similar style and materials. It is part of a row of detached properties, although spacing between them is limited and the garage to No.4 is positioned along the shared boundary. The properties do however have small areas of garden to the front with the landscaping providing some softening to the relatively dense built form and is part of the character of the area.
5. The proposal is for various alterations to the property which would change the appearance of both the front and rear elevations together with additional hard surfacing to the front and the creation of a terraced garden to the rear.

¹ Council reference DM2022/00897 dated 3rd August 2022.

6. The scale of the proposed dormer would be substantial, consuming the entire roof and would be fully glazed. I acknowledge that the LDC, which is for the same form of dormer, is a fallback. However, the conditions of that development require the materials to match the existing property. The proposed powder-coated metal material will be distinct from the existing property exacerbating the dominating appearance the dormer would have on the host property.
7. Similar materials and the type of fenestration would be used for the rear extension and whilst the appellant suggests that these elements are unifying, they would not be readily seen together. Nevertheless, I accept that different design styles can work, and given its modest scale and siting, I do not find the single-storey rear extension objectionable.
8. The proposed front extension would however be an anomaly. Whilst it is designed to link into the existing gabled feature it would disrupt the architectural design and give undue prominence to the garage. It would not extend beyond the front elevation of No.4 but there is no defined building line to the properties in Fountain Drive. The projection would also reduce the depth of the driveway in front and the provision of additional hard surfacing to the side for the parking necessitates the removal of the existing grassed area and an apple tree. These areas are part of the landscaping for the planned estate and contribute to the appearance of Fountain Drive and the wider area. The use of the entire frontage for parking precludes the opportunity, as sought by the Council's tree officer, for a replacement tree, and new planting within the rear garden would not mitigate the loss of visual amenity.
9. Collectively the extent and form of the development would be out of keeping with the appearance of the host property and its homogeneity as part of a planned estate. I recognise that individually some of the elements are relatively modest but together they would be harmful to the property and its surroundings to the detriment of the character of the area. Thus, the proposal would fail to accord with policy 28 of the Sutton Local Plan 2018 and the guidance within SPD4 - Design of Residential Extensions 2006 which require, amongst other things, that alterations and extensions should be attractive and designed to the highest standard and respect the local context and respond to local character.

Impact on neighbours

10. The proposal includes a mixture of excavation and a raised patio area to create level areas within the rear garden. The Council's concerns relate to the lack of clarity in relation to the boundaries and relationship with the neighbouring properties. Within the rear garden, there is a slightly raised patio area, and the existing boundary fencing provides screening to the neighbours. The extent of the proposal would not be dissimilar, and the change to the levels would not, in my view, be significant to result in overlooking of the neighbouring properties.
11. Thus, I find that the proposal would accord with policy 29 of Sutton Local Plan 2018 with regard to protecting amenity and ensuring that development does not result in a harmful loss of privacy.

Other Matters

12. The Council also refused the application on the loss of a protected tree. Full details of the Tree Preservation Order are not before me. However, given the type and age of the tree and the Tree Officer's comments, I find it unlikely that the individual fruit tree would be protected. Nonetheless, this is not a determinative issue as I have found against the proposal on the main issue.

Conclusion

13. For the reasons set out the proposed development would have a harmful impact on the character and appearance of the area and thereby the appeal is dismissed.

G Ellis

INSPECTOR