The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/P5870/D/23/3329912
1 Wilbury Avenue, Cheam, Sutton SM2 7DU

- 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 Kaneshamoorty Sivaruban against the decision of the Council of the London Borough of Sutton.
- The application Ref: DM2023/00963 dated 9 June 2023, was refused by notice dated 7 August 2023.
- The development proposed is for multiple extensions to the ground floor, first floor and complete roof design along with many internal alterations.

Decision

1. The appeal is allowed and planning permission is granted for multiple extensions to the ground floor, first floor and complete roof design along with many internal alterations at 1 Wilbury Avenue, Cheam, Sutton SM2 7DU in accordance with the terms of the application, Ref: DM2023/00963 dated 9 June 2023, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: A100; A101; A102; A103; A104; A105.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with the details set out on the application form.

   4) Notwithstanding Conditions 2 and 3, further details of the design and materials for the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation in the development hereby permitted. The windows and doors shall be installed in accordance with the approved details.

Preliminary Matters

2. The Appellant has explained, in his description for development, that this proposal relates to a redesign following previous refusals. Whilst I have noted the background to this proposal, the description of development need only record the proposals for which permission is sought, which I have set out above, and as further described in the Council's decision notice and as shown on the submitted plans.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the local area.

Reasons

4. The appeal property is a detached property on the eastern side of Wilbury Avenue at its northern end, on the corner with Warren Avenue. It is situated in a predominantly residential area comprising a mix of detached properties of varying designs set on a range of plot sizes. The appeal property is within the Burton Estates Area of Special Local Character (ASLC). The Council defines the ASLC in the following way: *Given the historic importance and the architectural qualities of the buildings and associated landscape of the Burton Estates, it is considered to be one of the best examples of inter-war suburbia*. Many of the individual houses, including the appeal property, have been extended and some more extensively remodelled with a number of new builds but the local area retains an attractive and verdant character and appearance.

5. The Council has not suggested that the existing house has any particular features of architectural quality or historic importance. The existing house has had a number of different extensions to the front side and rear, albeit mainly at ground floor level. The proposal comprises a number of elements, including a front extension, side infill and extension over part single, part two storeys as well as a rear extension and remodelling of the roof form, which would increase the height as well as include a centrally located crown roof. The extensions would combine to create a more symmetrical composition with a forward projecting gable extension at the front and two smaller hipped extensions at the rear. Although most of these extensions would not significantly extend the footprint of the existing house and its existing extensions, the resultant development would result in a larger dwelling and bring two storey development closer to the Warren Avenue frontage.

6. Although the house would be larger than existing and its appearance would change from as existing as a result of the proposed extensions, I consider that it would gain a more balanced and unified appearance. The relationship of built form to the plot size would not be significantly altered and the garden areas to the front and rear would not be materially reduced. It would bring two storey development closer to the Warren Avenue frontage but would still leave an open gap to the side. The existing single storey element on the side closest to No 3 Wilbury Avenue providing the existing garage would be deeper but would still remain as single storey and would not bring two storey development closer to the neighbouring property.

7. There is a wide variety of dwellings in the immediate surrounding area and in this context, I consider that the proposed extended house, in terms of its scale and massing as well as design approach, would be readily assimilated into the local street scene. It would not appear overly bulky or out of character in terms of the scale and massing of the house or in terms of the proportion of built form to the size of the plot. I agree with the Appellant that, although there are a range of designs, many of the existing neighbouring properties substantially fill the width of their plots.

8. I consider that the relationship, in street scene terms, with the neighbouring property at No 3 Wilbury Avenue would not be materially changed, given the continuation of the single storey form along the shared boundary and stepping back of the two-storey element. Indeed, the plans indicate that there would be a slight increase in the open gap between the two properties as a result of the change to the modelling of the house with the new extensions and removal of the existing catslide roof. There would be no terracing effect.

9. The development, over two storeys, would come closer to Warren Avenue. Because of the bend of the road, views of the appeal property along Warren Avenue are largely the section leading up to Burdon Lane to the east. In this context, the mass of the house fronting Burdon Lane is clearly seen and the two houses fronting Warren Avenue set further back. Given the remaining spacing to the nearest house in Warren Avenue, and the openness to the front I do not agree with the Council's concerns that the extended property would appear overwhelming or close down the openness of the street scene along Warren Avenue or when viewed from the junction of Warren Avenue with The Avenue and Wilbury Avenue.

10. For all these reasons I am also satisfied that there would be no harm to the Burton Estates ASLC; the extended property would not be overly obtrusive and would sit comfortably in the street scene and would respect the openness and verdant character and appearance of the ASLC.

11. I am therefore satisfied that the proposal would respect the character and appearance of the local area, including its siting within the Burton Estates ASLC. There would be no conflict with Policy D3 of the London Plan 2021, Policies 28 and 30 of the Sutton Local Plan 2018 and 'Design of Residential Extensions' SPD4 as well as the National Planning Policy Framework, and in particular Section 12, all of which amongst other matters seek a high standard of design which respects the local context.

Other Considerations

12. I am satisfied that the proposal, given its design and form, including the set back of the two-storey element and the orientation of the appeal property in relation to the immediate neighbour to the south, would not have a material adverse effect on the neighbours at No 3 Wilbury Avenue, with particular regard to outlook and loss of light. The Council also raised no concerns in this regard.

Conditions

13. In terms of conditions, the materials as set out on the application forms are required to be used in order to respect the character and appearance of the existing house and local area. A condition to list the approved plans is also required for the avoidance of doubt and in the interests of proper planning.

14. In order to address the concerns of lack of detailing to the proposed windows, I shall impose a condition to require further details to be submitted and approved prior to their installation in order to respect the character and appearance of the appeal property and the surrounding area. The Appellant has also offered to accept such a condition.

Conclusion

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

L J Evans

INSPECTOR