



Appeal Decision

Site visit made on 27 March 2024 by C Glaister

Decision by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/P5870/D/23/3333916

30 Wilbury Avenue, Cheam, Sutton SM2 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Waterman against the decision of the Council of the London Borough of Sutton.
 - The application reference is DM2023/01308.
 - The development proposed is described as "single storey rear extension to detached private dwellinghouse".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council have not referred to a loss of light in the reasons for refusal provided in the decision notice. However, the Council have clearly stated that an adverse impact would arise in this respect in the officer report, and it has therefore been included as a main issue for the appeal.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the host dwelling and the surrounding area; and
 - the living conditions of the occupiers of 28 Wilbury Avenue, with regard to light, outlook, and whether there would be a sense of enclosure.

Reasons for the Recommendation

Character and Appearance

5. The property is a two-storey detached dwelling located within a spacious corner plot. It is set back from Wilbury Avenue and away from High View adjacent to the south. Boundary treatments around the site obscure the rear ground-floor level of the property from public viewpoints. The dwelling is directly adjacent to No 28 and is the first in a row of closely aligned detached dwellings on Wilbury Avenue when entered from the south.

6. There is an existing ground-floor rear extension at the appeal property which is also combined with a side extension. The size of the existing rear extension is not insignificant. The proposal would roughly double the depth of the rear extension. The combined ground-floor rear projection would be deeper than the main body of the dwelling and relate poorly to its overall appearance. It would also confine the area of garden behind it, disrupting the layout of the site and resulting in an awkward relationship with the rear boundary which narrows towards the property as it leads south. The scale of the extension, particularly in this location, would not therefore be suitable for the site.
7. The SPD¹ suggests that rear extensions should be subordinate and sympathetic to the appearance of the original dwelling. Due to the combined depth and width of the extensions and location of the proposal it would not be subordinate or sympathetic to the appearance of the original dwelling. The proposal would not therefore align with the advice provided in the SPD.
8. The property is within an Area of Special Local Character. Policy 30 of the Local Plan² seeks to ensure development conserves or enhances the elements which contribute to an Area of Special Local Character's particular character and appearance. The Council haven't identified in the officer report which contributory elements would be harmed by the proposal. The area around the site includes properties with a range of architectural styles but is largely characterised by large, detached dwellings on spacious plots with hipped roofs and a combination of brick and rendered facades, brick walls and vegetation. Given that the proposal would be obscured from public views and would not be highly visible from most of the surrounding properties, it would do little to affect the wider area or the elements that contribute to its particular character and appearance.
9. For the reasons above, the proposal would harm the character and appearance of the host dwelling. It would therefore fail to comply with Policy 28 of the Local Plan which seeks to ensure development is attractive and of a suitable scale to the setting of the site. Although it would not harm the character and appearance of the surrounding area, and would comply with Policy 30 in this regard, this would not undermine the harm identified above.

Living Conditions

10. No 28 is north of No 30. There is a hedge between the garden of these two properties which reaches the eaves of the existing extension. The width of the hedge would be reduced along the length of the proposed extension but would continue to divide the two sites and provide screening between them. As No 28 is north of No 30, the hedge casts a shadow over part of No 28's rear garden. However, No 28's rear garden is fairly large and wide, and it is not therefore majorly affected by the hedge overall.
11. The extension would be taller than the hedge and would marginally increase the depth of the shadow cast over No 28's rear garden. However, the increase would be limited and much of the garden would continue to receive adequate sunlight. Harm would not therefore arise in this respect.
12. Although the extension would be a denser structure than the hedge and slightly taller, much of the extension would still be screened by the hedge and the

¹ Supplementary Planning Document Design of Residential Extensions (October 2006)

² Sutton Local Plan 2016 – 2031 (February 2018)

limited height of the extension would not be significant enough to create a sense of enclosure for the occupants of No 28, particularly given the size of this property's garden. Harm would not arise in this respect.

13. The ground-floor windows at the rear of No 28 look out towards the rear garden. Views towards the appeal property at this level are oblique and are already confined by the existing hedge. The proposed extension would do little to change this. Outlook from the ground-floor rear windows would not therefore be adversely affected and harm would not arise.
14. For these reasons, the proposal would not harm the living conditions of the occupiers of 28 Wilbury Avenue with regard to light, outlook, or sense of enclosure. It would therefore comply with Policy 29 of the Local Plan which seeks to avoid adverse effects on the amenities of those currently occupying adjoining properties. It would also align with the guidance in the SPD where it relates to neighbouring amenities.

Other Matters

15. The appellant has noted that no objections were received from neighbouring residents. However, an absence of objections is a neutral matter which does not weigh in favour of the proposal.

Conclusion and Recommendation

16. The proposal would harm the character and appearance of the host dwelling. While it would not cause unacceptable harm to the character and appearance of the surrounding area or the living conditions of neighbouring residents, a lack of harm is a neutral factor and would not outweigh the identified harm.
17. Consequently, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

F Wilkinson

INSPECTOR