



Appeal Decision

Site visit made on 25 April 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH May 2024

Appeal Ref: APP/P5870/D/24/3336801

27 Milton Avenue, Sutton SM1 3QB

- 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 and Mrs J Cumpper against the decision of the Council of the London Borough of Sutton.
 - The application ref. DM2023/01286, dated 9 August 2023, was refused by notice dated 30 October 2023.
 - The proposed development is for the demolition of single storey side, rear, and first floor rear extensions. Erection of a two storey rear extension. Construction of single storey rear extension at the rear of the existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey side, rear, and first floor rear extensions. Erection of a two storey rear extension. Construction of single storey rear extension at the rear of the existing garage at 27 Milton Avenue, Sutton SM1 3QB in accordance with the terms of the application ref. DM2023/01286, dated 9 August 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: location plan, 21/10/14B, 21/10/17, 21/10/18, 21/10/19, 21/10/20, 21/10/21, 21/10/22.
 - 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.
 - 4) The development must be carried out in accordance with the provisions of the Fire Safety Report - Fire Statement For 27 Milton Avenue unless otherwise approved in writing by the Local Planning Authority.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be installed in the side elevations of the approved development at first floor level.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building and the local area.

Reasons

3. The appeal site comprises a detached, two-storey house on Milton Avenue with off-street parking on the driveway to the front. The local neighbourhood is predominantly residential in nature.
4. Being at the back of the property, the two-storey element would have limited public impacts. It would be set within the body of the current rear elevation, without projecting out to the either flank. The pitched roofs would be below the main ridge line, with a valley gutter that would serve to break up the mass of the addition. The projection of some 3 metres into the garden is relatively modest, whilst the eaves line would be continuous and match that which currently exists on the flank elevations at the junction between the first floor and the roof slope above.
5. Taken in the round, I consider that this part of the appeal scheme would visually connect with the general appearance of the existing dwelling, without dominating it or resulting in a contrived design solution, and respond to the original characteristics of the house. I am satisfied that views of the development from neighbouring gardens would not be adversely affected.
6. In other respects, the Council does not appear to object to the ground floor addition at the rear of the garage, and I have no reason to disagree.
7. I consider that the proposal would not materially harm the the character and appearance of the existing building and the local area. It would meet Policy 28 of the Sutton Local Plan 2018 and the Council's Supplementary Planning Documents 4: The Design of Residential Extensions and Supplementary Planning Document 14: Creating Locally Distinctive Places, which together seek to secure new development of acceptable scale and appearance.

Conditions

8. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials to match those on the existing dwelling would provide for a satisfactory appearance.
9. Fire safety requirements can be secured such that necessary measures are incorporated in to the proposals and restricting flank windows at first floor level would protect the living conditions of the occupants of neighbouring properties from undue loss of privacy. I do not consider a condition limiting the use of the flat roof to the ground floor utility room to be necessary, as there is no practical opening from the house that would provide access.

Conclusion

10. Based on the preceding and all else before me, the appeal succeeds.

C Hall

INSPECTOR