



Appeal Decision

Site visit made on 26 March 2024 by C Glaister

Decision by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2024

Appeal Ref: APP/P5870/D/23/3334381

Fairways, Cuddington Way, Cheam, Sutton SM2 7JA

- 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 Mark Curcio against the decision of the Council of the London Borough of Sutton.
 - The application reference is DM2023/01415.
 - The development proposed is described as "Demolition of a part of the existing single storey extension and construction of part two storey extension on the front porch in the front elevation, part two storey extension on both sides and on the rear of the existing single storey extension with dormer windows to the front and the rear of the house and alterations to the existing internal floor plans".
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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 Matter

3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 December 2023. The revised national policy is a material consideration. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. It is not therefore necessary to seek further submissions on the revised Framework, and no party would be disadvantaged by this action.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host dwelling and the surrounding area; and

- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether Inappropriate Development

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of, among other things, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy G2 of the London Plan¹ and Policy 24 of the Local Plan² reflect the objectives of the Framework. Policy 24 also states that extensions and alterations to an existing building will be granted subject to the increase in external volume of the built form being no greater than 30% above the size of the original building. The Council state that the proposal would result in an increase of 81%. The appellant has not disputed this figure. The proposal would therefore far exceed the 30% permitted by local policy.
7. The existing property is a detached two-storey dwelling. The proposal would increase the size of the property at the front, sides, and rear, and at roof level. As a result, the proposal would completely transform the overall size of the property and represent a very significant visually substantial increase.
8. There are large properties nearby, some of which have been extended, including Cookridge and Cheslyn. The exact details of the development at these properties have not been provided for the appeal and their individual merits, including the degree to which the volume of each property was increased and whether there were very special circumstances present, are not clear. It is not therefore possible to directly compare these developments with the appeal proposal, which is nevertheless considered with respect to its own individual planning merits.
9. Accordingly, the proposal would result in an addition that is disproportionate over and above the size of the original building in visual terms and with regard to its volume. It would therefore fail to comply with Policy 24 of the Local Plan and would be inappropriate development with respect to the Framework. By definition such development would harm the Green Belt.

Openness

10. There are other dwellings either side of the appeal property, but no development directly opposite. There is a golf-course behind the site and much of the wider surroundings are spacious and verdant, though there is also denser residential development to the east.
11. Although the proposal would be proportionally significant in relation to the original building, it would not encroach into the Green Belt to a significant

¹ The London Plan (March 2021)

² Sutton Local Plan 2016-2031 (February 2018)

extent and the effect of the development would be limited to an area on and around an existing building and between other dwellings. The effect of the proposal on the openness of the Green Belt, both visually and spatially, would therefore be limited.

12. Although the harm would be limited, the proposal would nevertheless be detrimental to the openness of the Green Belt.

Character and Appearance

13. The ground-floor of the existing property is much wider and deeper than the first-floor and the dwelling as a whole has a bottom-heavy appearance. The proposal in its entirety would improve the visual balance of the property and each element together would appear visually unified. Although large, the two-storey rear extension would be set in from either side and would not be exceedingly deep in comparison to the main body of the property. It would be sympathetic to the other elements of the scheme and the overarching appearance of the property and be viewed as an integrated part of the building as a whole.
14. The rear dormer would have a pitched roof and would not exceed the main ridgeline at its highest point. It would be set up from the eaves, centrally located, and relatively narrow in comparison to the width of the rear extension and the property as a whole. There would be no other roof-level development at the rear or side and, in isolation, the dormer would not therefore be overly dominant or result in a top-heavy appearance. Harm would not therefore arise in this respect.
15. The Council are satisfied that the development proposed at the front and sides of the property would not be harmful to the character and appearance of the property or the surrounding area. These elements of the proposal would be of a high-quality design and sympathetic to the appearance of the property as a whole as well as the overarching aesthetic of the surrounding built environment. These elements would therefore be acceptable.
16. For these reasons, the proposal would not harm the character and appearance of the host dwelling or the surrounding area. It would therefore accord with Policy 28 of the Local Plan which seeks to ensure development is attractively designed, respects the local context, and is of a suitable scale, massing, and height to the setting of the site.

Other Considerations

17. There is a lack of substantive evidence demonstrating what could be achieved through permitted development and the information provided by the appellant in any case indicates that this would be exceeded by a noticeable amount. This therefore holds very little weight. The existing property is presentable, and the improvements associated with the design of the proposal would be minor and hold little weight. The proposal would not negatively affect the living conditions of neighbouring residents. However, this is a neutral matter which would not weigh in favour of the proposal.
18. The site is in very close proximity to a Site of Importance for Nature Conservation. The Council's Biodiversity Team has indicated that there is the potential for foraging and roosting bats to be present and that the works proposed would have a deleterious impact on bats if present. All bat species

are designated and protected as European protected species and it is necessary to abide by the provisions of The Conservation of Habitats and Species Regulations 2017 irrespective of whether or not the property has permitted development rights. A Preliminary Roost Assessment has not been submitted for the appeal and it is not therefore possible to ensure harm would not arise to bats.

Conclusion and Recommendation

19. The proposal would be inappropriate development in the Green Belt to which substantial adverse weight is attached in line with the Framework. There would be limited harm to the openness of the Green Belt. Additionally, there is a lack of evidence to determine whether bats would be harmed.
20. There would not be any harm to the character or appearance of the host dwelling or the surrounding area, though this is a neutral matter which would not undermine the harms identified above. The other considerations in this appeal do not clearly outweigh these harms, and the very special circumstances necessary to justify the development do not therefore exist.
21. Consequently, the proposal would conflict with Policy G2 of the London Plan, Policy 24 of the Local Plan, and section 13 of the Framework as summarised above.
22. For the reasons given 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

23. 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