



Appeal Decision

Site visit made on 23rd May 2024

by Megan Thomas KC Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 17th June 2024

Appeal Ref: APP/P5870/D/24/3337368

26 The Manor Way, Wallington SM6 7PJ

- 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 Kishore Venkata Hanumath Dogiparthi against the decision of the London Borough of Sutton.
 - The application Ref.DM2023/01784, dated 27 November 2023, was refused by notice dated 11 January 2024.
 - The development proposed is the erection of a single storey side and rear extension and removal of rear chimney stack.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the host dwelling and wider area, and the effect on the living conditions of the occupants of no.24 The Manor Way in relation to outlook and sunlight.

Reasons

Character and appearance of host dwelling and area

3. The appeal site is a semi-detached two storey dwelling on the west side of The Manor Way, which is a residential road in Wallington. Its semi pair is no.28 which is to its south. No.24 The Manor Way is situated to the north and is also a semi-detached dwelling. The appeal site has a rear garden.
4. The dwelling has a single storey garage on its northern flank and, to the rear of that, a higher single storey side extension/lean-to. The difference in heights can be seen from the road. At the rear there is a conservatory, patio doors and two windows facing the rear garden, at ground floor level.
5. The proposal is to remove the conservatory and to construct an L-shaped wrap around extension. The ground floor side element (which is higher than the garage) would be reduced in width allowing for a walkway along the side (northern) boundary of the property to the rear garden.
6. The dwelling has a prior approval for a 6m deep single storey rear extension (ref.DM2023/01265) spanning the width of the existing original two storey element of the dwelling.

7. Whilst acknowledging that the proposal would create a fuller step-in from the common boundary with no.24 and that the conservatory would be demolished, the proposal would significantly increase the built form to the rear of the appeal site. The projection from the rear elevation coupled with the overall width of the side/rear extension would fail to appear subordinate to the main dwelling. It would dominate the rear garden. Given the available plot size at the rear, the proposal would appear overly prominent and squeezed in, which would be to the detriment of the character and appearance of the host dwelling and wider area. In coming to this view, I have borne in mind that there is a potential fallback development, nevertheless, the adverse impact of the proposal on character and appearance would be worse than if the fallback development was implemented.
8. On this issue, I conclude therefore that the proposed development would harm the character and appearance of the host dwelling and the area. It would be contrary to policy 28 of the Sutton Local Plan 2016-2031 (adopted 2018) and the 'Design of Residential Extensions' Supplementary Planning Document no.4.

Living conditions of Occupants of 24 The Manor Way

9. There is a modest side/rear extension at 24 The Manor Way. The rear element is not deep. At the appeal site, the proposal would result in a deep extension with eaves at about 2.4m high sited not far from the common boundary with no.24. Notwithstanding the boundary treatment, this would be oppressive for the occupants of no.24 causing an undue feeling of enclosure and loss of outlook when using the part of their rear garden closest to their rear elevation.
10. In relation to loss of sunlight, given that the proposal at the appeal site would be almost due south of the garden at no.24, would be a deep extension and would be situated not far from the common boundary, it would prevent direct sunlight from reaching part of that neighbour's rear garden. I consider this combination would result in an unacceptable loss of sunlight for the occupants of no.24 The Manor Way when reasonably enjoying their garden. The proposal would also be worse in terms of loss of outlook and loss of sunlight than if the prior approval fallback development was implemented.
11. I have noted that the current occupier has not raised issues of loss of outlook or sunlight but, nevertheless, I am obliged to consider the impacts on existing and future occupants of the property, on an objective basis.
12. On this issue, I conclude that the impact on the living conditions of the occupants of no.24 The Manor Way in relation to loss of outlook and sunlight would be unacceptable. This would be contrary to policy 29 of the Sutton Local Plan 2016-2031 (adopted 2018) and the 'Design of Residential Extensions' Supplementary Planning Document no.4.

Conclusion

13. Accordingly, having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR