



Appeal Decision

Site visit made on 15 August 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 NOVEMBER 2024

Appeal Ref: APP/P5870/W/24/3341211

1 Elgin Road, Sutton, Wallington SM6 8RE

- 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 AM Building & Management Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2023/01391.
 - The development proposed is described as 2-storey side extension to 1 Elgin Road to provide additional floor area for the 4 existing flats and construction of 2 x 1 bedroom flats.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - occupiers of flats 1 and 4, 1 Elgin Road, with specific regard to daylight and outlook.

Reasons for the Recommendation

Character and appearance

4. The appeal site comprises a two-storey, semi-detached property with a small front garden, adjoining Elgin Road, and a modest side garden. The properties along the southern side of Elgin Road, including that of the proposal, form pairs of semi-detached properties of various traditional designs. The front elevations of these pairs are similar in appearance, bestowing each with an attractive symmetry. The relationship of the north elevations of these dwellings with the highway is consistent, affording the street scene an appealing uniform building line. As such, the appeal property positively contributes to the character and appearance of the area.
5. The proposal would comprise a two-storey side extension to No. 1 and the construction of an adjoining two-storey building containing two flats. The

proposed side extension and adjoining building would be set back significantly from the existing front elevation and would be substantially wider than the existing semi-detached building. The proposal would disrupt the existing pleasing uniformity of the street scene's building line and introduce a dominant addition to the street which would not be subordinate in form or scale. This, combined with its reduced ridge line, would create a discordant feature with the existing semi-detached properties and would be pronounced, in consideration of its prominent corner plot location. The proposal would unbalance the symmetry of the adjoining pair, appearing obtrusive, particularly when viewed in the context of the uniformity of the surrounding pairs of semi-detached properties.

6. The proposal would utilise similar traditional design and materials to No. 1. Furthermore, its side elevation would retain a similar separation from the site boundary as other properties within the area, thus avoiding a cramped appearance within the site. Nevertheless, this would fail to negate the above identified harm to the character and appearance of the area. The appellant makes reference to previous appeals¹ at the site involving the erection of a detached dwellinghouse. Given the physical separation of these proposals from 1 Elgin Road, they are not directly comparable to the appeal before me.
7. Accordingly, the proposal would have an unacceptable impact on the character and appearance of the area, conflicting with the relevant provisions of Policy 28 of the Sutton Local Plan 2016 – 2031 (2018) (SLP) which, amongst other things, requires new development to respect the local context and respond to local character. The proposal would additionally conflict with the relevant provisions of the 'Creating Locally Distinctive Places' Supplementary Planning Document (2008), which when read as a whole, requires new development to respect and preserve the unique positive characteristics of an area.
8. The decision notice references Policies D1 and D4 of the London Plan (2021) (LP) which relate to character assessments and identifying locations for growth, and masterplans and design codes, respectively. These policies do not directly relate to the proposal's effect on the character and appearance of the area, and as such I find no conflict with them in this regard.

Living Conditions

9. No. 1 comprises four flats and has a number of windows within the side elevation. The most notable of these windows are the two within the ground floor serving the bedroom of flat 1, and the large first-floor window serving the bedroom of flat 4. These represent the sole windows to these rooms and given the adjoining open area between the side elevation and the highway, afford the occupiers especially good levels of daylight and outlook.
10. The proposal would remove the side elevation bedroom windows to flat 1 and replace them with a single window in the front elevation, within close proximity to the existing side elevation of No. 1. Given the front elevation of the proposal is significantly recessed from the existing building line, the two-storey side elevation of No. 1 would project notably beyond the proposed ground floor bedroom window. As such, the levels of daylight and outlook to the bedroom of flat 1 would be significantly reduced, having an unacceptable impact on the living conditions of its occupiers.

¹ Appeal Decisions APP/P5870/W/19/3237007 & APP/P5870/W/22/3290332

-
11. The proposed flats would have a similar rear building line to that of No. 1 with the proposed side extension recessed, creating a narrow gap. The bedroom window of flat 4 would remain within the side elevation adjoining the narrow gap, directly facing and in close proximity to, the wall surrounding the balcony of the proposed first-floor flat. This window opening would receive minimal levels of daylight and offer an exceptionally poor outlook, having an unacceptable impact on its occupiers.
 12. I acknowledge that the appellant has liaised with the four leasehold owners of the existing flats comprising No. 1, securing an agreement in principle with them for the proposed works. Nevertheless, planning permission is in perpetuity and the lack of objection from the occupiers of flats 1 and 4 does not in itself negate the harm that I have identified above.
 13. Accordingly, the proposal would have an unacceptable impact on living conditions of flats 1 and 4, 1 Elgin Road with specific regard to levels of daylight and outlook, conflicting with the relevant provisions of Policy 29 of the SLP, which amongst other things, requires new development to not adversely affect the living conditions of future occupiers or those currently occupying adjoining properties.

Other Matters

14. I acknowledge that the proposal would contribute two additional dwellings to the housing supply of the borough. However, these benefits would be limited by reason of the minor scale of the development. This has not lead me to an alternative conclusion on the main issues.
15. The proposed development would improve the condition of the existing poorly maintained site. Nonetheless, I am not satisfied that the proposal before me is the only way to achieve this.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, the proposed development would not accord with the development plan, when taken as a whole, and I recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR