



Appeal Decision

Site visit made on 1 November 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/P5870/D/24/3351109

127 Clensham Lane, Sutton, SM1 2ND

- 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 Mrs Olena Rodrigues against the decision of the Council to the London Borough of Sutton.
 - The application Ref is DM2024/00816.
 - The development proposed is for a proposed conservatory.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 129 Clensham Lane (No.129), with particular regard to outlook, daylight and sunlight.

Reasons

3. Clensham Lane is characterised by uniformly designed pairs of semi-detached dwellings. Many of the dwellings have single storey rear extensions and projections of various sizes and designs. This includes the appeal dwelling which has an "L" shaped rear extension, with the recess sitting alongside the boundary with No.127. The existing extension has a fully pitched roof and an eaves height of some 2.835 metres. However, the side wall of the extension where it adjoins No.129 is some three metres in height. The extension sits approximately to the southwest of No.129 and beyond the extension there is a tall timber fence running along the joint boundary line.
4. The dwelling at No.129 has a shallow rear projection on the northern side of its rear elevation, whilst the dwelling at 131 Clensham Lane (No.131), has a deep single storey extension that projects up to the boundary with No.129. As a consequence of these rear projections the outlook from the ground floor rear window located close the appeal dwelling is enclosed and the level of daylight and sunlight within the room the window serves is restricted. Similarly, the outlook and level of daylight received from the doorway on the side wall of the rear projection at No.129 and the adjacent garden area is restricted.
5. Amongst other things, policy 29 of the Sutton Local Plan 2018 (SLP), seeks to ensure that new development does not adversely affect the living conditions of

the occupiers of nearby properties due to loss of outlook, daylight, sunlight or overshadowing. The Council's Supplementary Planning Document – Design of Residential Extensions (SPD) is consistent with this. It advises that with semi-detached dwellings extensions that project up to the party boundary line, the eaves height should be limited to no more than 2.5 metres. Such extensions should not be more than three metres in depth.

6. The proposed extension would round off the existing extension and blend in appropriately with the host dwelling. Notwithstanding this, together the existing and proposed extension would project in excess of five metres beyond the main rear wall of the host dwelling and its mono-pitched roof would range between 2.835 and 2.5 metres in height. Also, the upper part of the proposed side wall, which would face No.29 would project above the boundary fence and would comprise solid composite panels.
7. For these reasons the proposed extension would materially add to the sense of enclosure in the outlook from the adjacent ground floor rooms and garden area at No.129. Whilst any additional loss of daylight and sunlight would largely be restricted to the immediately adjacent garden area at No.129, this would add to the sense of enclosure in the outlook from the adjacent rear window and side doorway at No.129. The resultant cumulative harm would unacceptably harm the living conditions of the occupier(s) of No.29.
8. This harm would materially outweigh the benefits for the appellant and their family that would result from the additional living space. Further, it is not a matter that could be adequately dealt with by the imposition of conditions.
9. I conclude that the proposal would unacceptably harm the living conditions of the occupier(s) of No.129 due to loss of outlook and associated loss of daylight and sunlight. Accordingly, the proposal would conflict with SLP Policy 29 and the advice set out in the SPD.

Elizabeth Lawrence

INSPECTOR