



Appeal Decision

Site visit made on 11 February 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

Appeal Ref: APP/P5870/D/24/3354823

23 Osney Walk, Carshalton, Sutton SM5 1EL

- 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 Packianathan Anton Jeyaseelan against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/00825.
 - The development proposed is side extension above existing single storey ground floor extension with hip pitched roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to a single storey front extension. However, the description of development in both the application form and decision notice do not refer to this. Moreover, I saw on site that the single storey front extension depicted on the existing plans has already been built, and the appellant has confirmed there is no single storey front extension proposed as part of the proposal. I have thus considered the appeal based on the description above.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal site comprises a two-storey end-terrace dwelling located on a residential cul-de-sac. The dwelling is finished in a red brick with red roof tiles and a hipped roof design. It features a single storey extension to the side and a porch to the front.
5. The surrounding area is characterised by short terraces formed of houses of a similar age and style. Osney Walk and the immediate neighbouring streets are laid out in a square arrangement, with triangular plots at each corner, including the appeal site. These streets are located in the St Helier Estate Area of Special Local Character (ASLC). This area is interspersed with public greens and incidental open space, which gives the ASLC its special character. The low-rise nature of the dwellings and the spacing provided by the geometry of the layout, particularly at corner plots, also positively contributes to its character and appearance.

6. The Design of Residential Extensions Supplementary Planning Document October 2006 (the SPD) supports either a subordinate approach or an integrated approach to the extension of existing dwellings. In respect of the latter however, the SPD cautions that in some cases this can destroy the symmetry or balance of a dwelling or disrupt the rhythm of built form and space between buildings. The SPD also highlights that the surroundings of houses are as much a part of the character of the neighbourhoods as the buildings themselves. It advises that where the area is characterised by dwellings set in spacious plots, proposals that detract from this will be resisted.
7. The proposal would extend above the existing single storey side extension. While it would feature matching materials, it would have a width greater than half the width of the original dwelling. The ridge height of the extension would be flush with that of the main roof, and there would be only a small front elevation setback, giving it a higher eaves level at the front. The proposal would therefore fail to successfully provide a subordinate addition sympathetic to the appearance and proportions of the existing dwelling.
8. On the other hand, the width of the extension would create a wide expanse of blank brickwork on the front elevation between the first-floor windows, the front elevation window would also be narrower than the existing front facing first floor window and others along the terrace. To the rear, the proposal would not replicate the fenestration of the dwelling either, instead creating a two-storey blank brick wall. It would therefore unbalance the front of the dwelling and adjoining terrace, and so would not convincingly appear as an integral part of either. The design of the proposal would therefore sit somewhat uncomfortably between the two approaches to extensions set out in the SPD.
9. I recognise that the amount of external amenity space within the plot, and the footprint of the dwelling as a proportion of the plot size, would not change. However, the added mass at first floor and its proximity to the shared boundary would appreciably erode the sense of space around the dwelling and the gap to neighbouring dwellings at first floor. This would have a deleterious effect on the spaciousness of this corner and the open setting of the adjacent junction. Some screening would be provided by the trees within the adjacent open space however this is limited in extent and less effective in winter months. The proposal would therefore detract from the prevailing character and appearance of the host dwelling and surrounding area and its contribution to the special character of the ASLC.
10. The proposal would have a harmful effect on the character and appearance of the host dwelling and surrounding area. It would therefore conflict with Policies 28 and 30 of the Sutton Local Plan 2016-2031 February 2018 (the Local Plan). These policies, among other provisions, seek to ensure that extensions are designed to the highest standard, respect the local context and respond to the local character, are of suitable scale, massing and height to the setting of the site and/or townscape and make a positive contribution to the streetscene. They also seek to conserve, and where practicable, enhance the borough's historic environment, including Areas of Special Local Character.

Other Matters

11. I recognise that, in dismissing the appeal, the appellant would not be able to extend their property in the manner proposed. Article 1 of the First Protocol (A1FP)

of the Human Rights Act 1998 provides that every natural or legal person is entitled to the peaceful enjoyment of their possessions. However, the A1FP rights are qualified. They do not in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property. Given the conflict with the development plan and identified harm in this case, dismissal of the appeal is a proportionate and necessary response in the public interest, and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

12. While permitted development rights may permit householders to add additional accommodation, including by adding extra floors, there is no compelling evidence before me of a realistic fallback position that would result in the same or greater harm to the character and appearance of the area than the appeal scheme.

Conclusion

13. The development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR