



Appeal Decision

Site visit made on 25 March 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by K L Robbie BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/P5870/D/24/3356802

41 Sutton Common Road, Sutton SM1 3HJ

- 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 Ms S Nadaraj against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/01010.
 - The development proposed is demolish of existing conservatory and detached garage and construction of a single storey side and rear extension.
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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 Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the appeal property and the surrounding area.

Reasons for the Recommendation

4. The appeal property is a two-storey semi-detached dwelling located on Sutton Common Road, it sits in a group of two semi-detached pairs, set back at an oblique angle from the road with gardens and driveways to the front and long gardens to the rear which back onto the long rear gardens of properties on Vermont Road. Some of the properties in the group have been extended to the rear with a variety of styles of extension.
5. The proposal involves the demolition of a timber garage structure and conservatory at the rear and the construction of a single storey rear extension in its place. The main part of the extension would be the full width of the property and would be approximately 4.5 metres in length with a mono-pitched roof. A utility room and store would extend beyond the main extension in approximately the same position as the existing garage which would extend for a further 5 metres in length. This part of the proposal would have a mono-pitched roof at right angles to the main extension roof. The resulting extension would be almost 9 metres in length close to the boundary with 43 Sutton Common Road (No. 43).

6. Although the proposal would be to the rear of the property, development should respect its local context and character and although other properties within the group have been extended, the excessive overall length and awkward roof arrangement of the appeal proposal would result in an incongruous addition to the appeal property. Whilst I acknowledge that the utility and storeroom element of the proposal would effectively replace the timber garage its monopitched roof and awkward relationship with the main part of the extension would appear at odds with the established character of development in the surrounding area where extensions tend to have a simple rectangular form. Furthermore, the appellant states that the garage is used for ancillary storage purposes and therefore does not currently form part of the floorspace of dwelling. Consequently, little weight can be attributed to the assertion that the proposal would only marginally increase the footprint of the property.
7. The gap between the appeal property and neighbouring properties is small, and views from the neighbouring property at No. 43 would be obscured by a garage structure and conservatory extension. Nevertheless, the proposal would be visible from other properties nearby and therefore these factors would not overcome the harm that I have found to the character and appearance of the property set out above,
8. I therefore conclude that the proposal would therefore be contrary to Policy 28 of the Sutton Local Plan 2016-2031 (February 2018) and the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that development respects local context and respond to local character. The proposal is also contrary to guidance contained within the Supplementary Planning Document 'Design of Residential Extensions' (SPD 4) which advises that extensions should always be in sympathy with the appearance of the original dwelling.

Other Matters

9. I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan, the SPD and the Framework.
10. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal relates to a development for the appellant who states that a family member is elderly and has dementia and is therefore a person who shares a protected characteristic for the purposes of the PSED. In dismissing the appeal, I recognise that accommodation which may be suitable for persons with such a protected characteristic would not be forthcoming. However, in my view, the adverse impacts of dismissing the appeal on those persons are proportionate to the adverse impacts that I have identified above.

11. I note the appellants assertion that lesser schemes could be built using permitted development rights. I have only been provided with dotted outlines of the approximate location of alternative schemes, I have little evidence to support these claims, such as a certificate of lawful development or a prior approval certificate. Nevertheless, such schemes would likely have a lesser impact on the character and appearance of the property and the area. However, my considerations are based solely on the scheme before me. I have made my recommendation on the basis of what is proposed and its consequent effects on the information provided and for the reasons set out above.
12. Whilst I understand the appellants may wish to remove unattractive elements and improve outlook, light levels and the overall living conditions at the property, the appeal proposal would not be the only means of achieving these objectives. I also note that the appellant has stated that eco-friendly components will be used in the construction of the development. However, I have very limited details before me of what construction methods and materials would be used. None of these matters would not outweigh the harm I have found in this case.
13. The appeal property is not within a conservation area or within the curtilage of a listed building and no objections were received at the planning application stage. These are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issue.

Conclusion and Recommendation

14. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

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

KL Robbie

INSPECTOR