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# Appeal Decision

Site visit made on 24 August 2023

**by C Hall BSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> September 2023**

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**Appeal Ref: APP/P5870/D/23/3324454**

**63 Hilldale Road, Cheam SM1 2JA**

- 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 Pirabakaran Thanabalasingam against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2023/00123, dated 25 January 2023, was refused by notice dated 28 March 2023.
  - The proposed development is for a first floor side extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 63 Hilldale Road, Cheam SM1 2JA in accordance with the terms of the application Ref DM2023/00123, dated 25 January 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NLAxx/07-C, NLAxx/08-C , NLAxx/10-C, NLAxx/11-C , NLAxx/12, NLAxx/16-C, NLAxx/18
  - 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.

## Main Issue

2. The main issue is the effect of the development having regard to:
  - the character and appearance of the site and the surrounding area; and
  - the living conditions of the occupants of 61 and 61A Hilldale Road in respect of light and outlook.

## Reasons

### *Character and appearance*

3. The appeal site comprises a two-storey, detached house with off-street parking on the driveway to the front. The local neighbourhood is predominantly residential in nature.

4. Policy 28 of the Sutton Local Plan 2018 (LP) advocates that new extensions should, amongst other things, respect the local context and respond to local character, and be of a suitable scale, massing and height to the setting of the site and/or townscape. The Council's Supplementary Planning Document 4 'Design of Residential Extensions' 2006 (SPD) includes a subordinate approach to design, which means that the extension plays more of a 'supporting role' to the original dwelling. In general the extension should be no larger or higher than the existing, and the form, pitch and materials for the roof should match the existing dwelling. Figure 4 of the SPD demonstrates that a reasonable distance of 1 metre from each side boundary avoids a terracing effect.
5. The elevation plans show that the extension would be set below the ridge line of the host building, and set back from the front elevation, thus creating a sense of subservience. The form, pitch and materials for the roof would broadly match the existing dwelling. Overall, in my view the scheme would visually connect with the general appearance of the host dwelling, without dominating it, and respond to the original design characteristics.
6. The resultant gap between the appeal property as extended at first floor level and nos. 61 and 61A Hilldale Road would be nearly 2.1 metres as shown on the proposed block plan. Based on the guidance in the SPD and having regard to my observations on site, this arrangement would avoid a terracing effect, reflecting the spacing of neighbouring properties elsewhere along the public highway, and would be harmonious within the context of the streetscene.
7. To my mind, there are there are no sound planning reasons for the appeal to be dismissed on character and appearance grounds based on the policy provisions before me. I therefore conclude on this matter that the proposed development would assimilate with the site and the surrounding area. It would be in accordance with Policy 28 of the LP and the SPD, which requires new development of acceptable scale and design.

#### *Living conditions*

8. The appeal proposal would face the side wall of 61 and 61A Hilldale Road, which contains one ground and one first floor window. Given the relationship between built form on this side of the public highway, and the orientation of the properties, these would appear to be the principal openings that would be affected by the scheme.
9. The proposed development would be set against the backdrop of the existing appeal dwelling, and would not protrude beyond its existing front or rear elevations. Although it would project outwards and upwards, within the context of the scale of the existing built form, and its proximity to the adjacent units at 61 and 61A, the impact of the alterations would be relatively limited. To my mind, any changes in the outlook from the openings at both ground and first floor level of the adjacent properties would not be significant.
10. I am therefore satisfied that the extension would not have an unduly oppressive or intrusive effect upon outlook, and it would be unlikely to result in a sense of confinement or enclosure sufficient to cause adverse harm above and beyond the current situation. In a high-density area such as this, it would not be unusual to be able to see the built form of other dwellings from flank windows serving living rooms or bedrooms. Taken in the round, whilst I acknowledge that there is some effect, I consider that any impact would not be so harmful as to warrant dismissal of the appeal.

11. The existing built arrangement between the appeal dwelling and the adjacent properties would already cause a loss of light in the afternoon to the windows in the side wall of 61 and 61A. Although there may be a period over lunchtime and during the early afternoon when there would be some additional loss of light as the sun passes over, this would be for only a brief time. With this in mind, I am of the view that the appeal scheme would result in no adverse loss of daylight or sunlight above and over that which is presently experienced. In this context I find that the development would not be so unneighbourly as to warrant a refusal of planning permission on this ground.
12. I therefore consider that the proposal would not result in material harm to the living conditions of the occupants of neighbouring dwellings having regard to outlook and light. It would meet with Policy 28 of the LP, which seeks to ensure that development does not harm the amenity of occupiers of nearby properties.

### **Conditions**

13. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials to match those on the existing dwelling would provide for a satisfactory appearance.

### **Conclusion**

14. Having regard to all matters raised and based on my reasoning above, the appeal is allowed.

*C Hall*

INSPECTOR