

## PLANNING COMMITTEE - Date: 15 July 2015

**Report of the Executive Head for Economic Development, Planning and Sustainability.**

Ref: B2014/70685/FUL	WARD: B06 / SUTTON WEST	Time Taken: 37 weeks, 0 days
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Site: 101 CHEAM ROAD Sutton SM1 2BE  
 Proposal: Erection of a detached single storey annexe at rear to be used by people with learning difficulties.  
 Applicant: Mr Michael Forzani  
 Agent: Mrs Dawn Morrison

**Recommendation:****GRANT PLANNING PERMISSION**

**Reason for Report to Committee: The application has been de-delegated by Councillor Burke.**

**Summary of why application proposal is acceptable:**

The proposed annexe would be appropriate to the residential use of the site and would not cause harm to the character or appearance of the host building and the character and appearance of the Landseer Road Conservation Area would be preserved.

The proposal would not cause harm to neighbouring occupiers or result in harm to a protected tree or adversely impact on local highway conditions.

**1.0 BACKGROUND****1.1 Site and surroundings:**

1.2 The site is located on the southern side of Cheam Road and comprises a large detached Victorian Villa building which is in use as a residential care home for 6 people with learning difficulties with 4 full time members of staff, within Class C2 of the use class order 1987 (as amended). The staff members do not live at the above site and operate in shifts to provide 24 hour care.

1.3 The application site has a generous rear garden to a depth of approximately 29 metres that contains a mature tree protected by a Tree Preservation Order in the south-eastern corner of the site adjacent to the boundaries with 1 Landseer Road and 99 Cheam Road.

1.4 The area immediately around the site is principally residential in nature, characterised by mainly detached dwelling houses, some of which have been converted to flatted units. There are also modern purpose built flatted development adding to the eclectic mix of housing within the area and conservation area.

**1.5 Site specific designation:**

1.6 The site is located within the Landseer Road Conservation Area and part of the rear garden is within a Green Corridor.

**1.7 Relevant Planning History:**

- 1.8 96/41211/CPU – Use of premises as a care home for five people. Granted 12.11.1996.
- 1.9 98/43462/HHA – Formation of a dormer extension at side and a dormer window at rear. Granted 14.08.1998.
- 1.10 98/43671/HHA – Erection of a conservatory at rear. Granted 22.10.1998.
- 1.11 13/68445/FUL – Installation of replacement windows with UPVC frames. Granted 22.01.2014.

**2.0 APPLICATION PROPOSALS****2.1 Details of Proposal:**

2.2 This application seeks planning permission for the erection of a detached single storey annexe at rear to be used in conjunction with the existing use of the site by people with learning difficulties.

2.3 The proposed building would provide ancillary facilities to the existing care home. As originally submitted the proposed annexe would have been located at the midway point of the garden with its longside orientated parallel with the side (eastern) boundary of the site and would have measured approximately 11.70 metres in depth, 5.10 metres in width and eaves height of 2.30 metres with a hipped dual pitched roof to a ridge height of 4.10 metres.

2.4 The original scheme proposed an increase of one additional bedroom at the site increasing the number of residents from 6 to 7 with no change in staffing levels.

**2.5 Significant amendments since the application was received:**

2.6 Following concerns that the original location may bisect the rear garden and cause harm to the character and appearance of the Landseer Road Conservation Area, the location of the annexe has been amended so it is repositioned close to the rear (southern) boundary. In addition, the size of the building has been reduced in footprint to measure approximately 6.00 metres in depth and 8.20 metres in width. The annexe would have an eaves height of 2.30 metres with a hipped dual pitched roof to a ridge height of 3.90 metres.

2.7 The amended proposal would create one additional bedroom increasing the total residents from 6 to 7 residents with no change in staffing levels.

**3.0 PUBLICITY****3.1 Method of Notification:**

3.2 The application was advertised by way of individual letters of notification and a site notice was posted in November 2014.

3.3 A further notification was carried out following the receipt of the amended plans in June 2015.

**3.4 Number of letters received:**

3.5 Four letters of objection were received from 99, 103, 105 Cheam Road and 1 Landseer

Road in response to the original notification. No further objections were received to the revised submission.

3.6 Any further representations received in response to the further notification on 23 June 2015 after the publication of this report will be reported to the Committee by way of an addendum.

3.7 **Summary of material responses:**

Proximity of annexe to neighbouring boundary.

Excessive size of proposal.

Loss of daylight / sunlight and outlook.

Incongruous development which would fail to preserve and respect the conservation area.

Loss of garden space.

Loss of privacy / enjoyment of garden.

Impact on protected tree.

Increased noise / disturbance.

3.8 **Official Consultation**

3.9 **Principal Tree Officer:**

3.10 No objections to the proposal subject to conditions to secure tree protection.

3.11 **Senior Highways Engineer:**

3.12 No objection.

3.13 **Biodiversity Officer:**

3.14 No objection.

3.15 **Transport for London:**

3.16 No objections to the proposal subject to a condition to secure a construction method statement.

3.17 **Councillor Representation:**

3.18 Councillor Burke de-delegated the application on 24 December 2014 and has raised objections to the proposed development on grounds of the design and impact on adjoining occupiers.

4.0 **MATERIAL PLANNING POLICIES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

(1) The London Plan 2015.

(2) The Local Development Framework (LDF) which, at present, it comprises two main documents:

- (a) The Core Planning Strategy (CPS)
- (b) The Site Development Policies Development Plan Document (DPD)

4.2 Also a material consideration in determining planning applications are:

**National and Regional Planning Guidance:**

National Planning Policy Framework March 2012  
National Planning Practice Guidance 2014

**The London Plan:**

3.9 Mixed and balanced communities  
3.16 Protection and enhancement of social infrastructure  
7.1 Lifetime Neighbourhoods  
7.2 An Inclusive Environment  
7.4 Local Character  
7.5 Public Realm  
7.6 Architecture  
7.15 Reducing Noise and Enhancing Soundscapes

**The Core Planning Strategy:**

PMP2 – Suburban Heartlands  
BP5 – Improving Health and Well-Being  
BP12 – Good Urban Design and Heritage.

**Site Development Policies DPD:**

DM1 – Character and design  
DM2 – Protecting Amenity  
DM3 – Enhancing the Street Scene and Public Realm  
DM4 – Historic Environment  
DM5 – Sustainable Design and Construction  
DM9 – Water Supply, Water Quality and Sewerage Infrastructure  
DM12 – Noise and Vibration  
DM19 – Promoting Sustainable Transport and Accessibility  
DM20 – Assessing the transport impact of new development  
DM21 – New development and the Highway Network  
DM22 – Parking  
DM30 – Housing & Backgarden Land  
DM31 – Social and Community Infrastructure

**Supplementary Planning Guidance/Documents**

SPD14 – Creating Locally Distinctive Place

5.0 **PLANNING CONSIDERATIONS**

5.1 The application is considered in relation to the national and local planning policies referred to in the preceding section of the report, and in relation to the representations received as a result of the consultation process. This section of the report provides an analysis of the specific aspects of the proposed development and the principal issues that need to be considered in the determination of the planning application. The principal issues that have to be addressed in relation to this scheme are:

**Land Use**  
**Design Quality**  
**Amenity**  
**Trees**  
**Biodiversity**  
**Highways**

**5.2 Land Use:**

- 5.3 Policy 3.9 of the London Plan states that communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. Policy 3.16 of the London Plan states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. Policy DM31 'Social and Community Infrastructure' of the Site Development Policies DPD states that the Council will grant permission for the development of social and community infrastructure where it meets certain criteria including providing flexible and adaptable space, not having any undue adverse environmental effects and being close or accessible to the community it is intended to serve and is of an appropriate scale to meet need.
- 5.4 The site is in use as a care home for people with learning difficulties. The host building currently accommodates 6 people with 4 members of staff. The proposal seeks to create a self-contained unit within the annex for one additional resident, to increase the total number of residents on the site from 6 to 7. The site currently has 4 fulltime staff and there is no proposal to increase staffing levels.
- 5.5 The proposed annexe would provide the single resident with the ability to live independently whilst benefiting from continued support from the main residence. Given the use of the existing site it is considered that the proposed annexe would be an acceptable and appropriate use on the land. It is not considered that the proposal would result in overdevelopment of the land and would provide an enhanced social infrastructure that meets the needs of its occupants.
- 5.6 The proposal would enable residents to learn to live independently within their existing environment with continued support from on site staff and could eventually see residents able to return to full independent living.
- 5.7 The NPPF does not include residential gardens in the definition of previously developed land, often referred to as 'brownfield' sites. However, it is considered that the NPPF does not introduce a presumption against the development of 'private residential gardens' as a matter of principle, but, by excluding private residential gardens from the definition of 'previously developed land' elevates the status of private residential gardens for those developing policy and determining planning applications.
- 5.8 The Councils existing policies seek to resist the loss of back garden land that is considered to be of ecological value and / or would harm the character of the area. It should be noted that policy DM30 of the Site Development Policies DPD document places a greater emphasis on controlling development on backgarden land and states that the Council will not grant planning permission for the development of backgarden land where the site either individually, or as part of a larger street block, makes an important contribution to the character and appearance of the surrounding area or adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties. Policy DM30 of the Site Development Policies DPD is

considered to be in general conformity with the meaning and intent of the NPPF as it requires the Council to give even greater emphasis to how the development of private residential gardens will impact on the character and appearance of a particular area. The immediate area around the site is characterised principally by residential development with generous rear gardens extending to a depth exceeding 25.00 metres. This block of rear gardens as a larger street block makes an important contribution to the character and appearance of the conservation area and any development, except for ancillary outbuildings, would be considered out of character and would be unacceptable in design terms. It is apparent that there are other examples of ancillary outbuildings in similar positions located adjacent to the rear boundaries within the rear gardens of adjacent dwellings, to a similar size and scale and therefore the proposed ancillary building would not appear out of character and would be acceptable in relation to Policy DM1 and DM30 of the Site Development Policies DPD.

- 5.9 Policy DM30 states that the Council considers that the ecological value of back gardens is likely to be influenced by the depth of individual gardens within the street block; the overall size of the block of back gardens in which the development is located; and the degree to which the block of back gardens has been affected by previous developments. In this instance the garden block would cover a limited area which would not be considered significant although the degree to which the area has been affected by previous development is minimal.
- 5.10 The Council considers that in most instances gardens where the distance between the principal rear walls of dwellings is greater than 70 metres are of ecological value. As such the distance, between the principal rear elevation of this property and the rear boundary, is significantly below this figure. Therefore, it is considered that the development of an ancillary building, which would not form a separate residential unit of accommodation, over a small part of this garden to provide ancillary accommodation for one resident would not result in an alien form of development or appear out of character with the wider area and would not be located on land considered to be of high ecological value.
- 5.11 The proposed detached outbuilding would be used to provide an annexe to the main property for use as accommodation for one resident. A condition is recommended to ensure that the use of the outbuilding remains ancillary and subservient and at no time becomes a separate self contained residential unit.
- 5.12 As such, it is considered that the proposal is acceptable in land use terms subject to the consideration of all other relevant policy advice and material considerations.
- 5.13 **Design Quality**
- 5.14 Policies 7.4, 7.6 and 7.8 of the London Plan, BP12 of the adopted Core Planning Strategy, DM1 of the Site Development Policies DPD and SPD14 'Urban Design' along with National policy, requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings. Policy DM4 of the Site Development Policies DPD states that the Council will grant planning permission for development that preserves and enhances the character and appearance of conservation areas.
- 5.15 The proposed building would be sited at the rear of the garden, set approximately 2.80 metres from the boundary with 1 Landseer Road and 1.20 metres from both flank boundaries with 99 and 103 Cheam Road. The annexe as amended in size would be 6.00 metres in depth, a maximum of 8.20 metres in width to a maximum height of 3.90 metres with a hipped dual pitched roof with an eaves height of 2.30 metres. The

proposal would be set approximately 20.00 metres from the rear elevation of the main dwelling. The building would be constructed from red bricks with slate tiled roof.

- 5.16 There are outbuildings located adjacent to the rear boundaries of 99, 103 and 105 Cheam Road with a block of garages located to the rear of 97 Cheam Road. There is also an attached garage to the northern side of 1 Landseer Road adjacent to the outbuilding to the rear of 105 Cheam Road with a vehicular access between these structures to the outbuilding within 103 Cheam Road. It is considered that the alignment of this building follows the grain of existing outbuildings at the rear of adjoining properties is an acceptable response to objections and will minimise its impact on neighbouring properties.
- 5.17 The design and choice of materials proposed would complement that of the host building. Whilst the original submission was not considered to be acceptable due to the size and position of the annexe, which would have demonstrably harmed views across the rear of gardens as seen from public views to the east and west, the revised positioning means that these views are not harmed and the building in its revised location at the end of the garden means it would not appear prominent in views from the east or west. The sympathetic choice of materials would enable the building to be viewed positively in its context and it is considered to be acceptable in design terms. The development would not detract from the character and appearance of the Landseer Road Conservation Area.
- 5.18 The scale, bulk and size of the proposed building would be appropriate to the host building and the site context. There are similar sized outbuildings present on properties within the area and as such the proposal would relate appropriately to this mix character and built pattern of development in the immediate surroundings.
- 5.19 Consequently, the proposal would therefore preserve the character and appearance of the Landseer Road Conservation Area, the existing building and would not adversely impact on the appearance of the site as viewed from Landseer Road
- 5.20 **Affect on neighbouring amenity**
- 5.21 Policy DM2 of the Site Development Policies seeks to protect the amenities of neighbouring properties in terms of overlooking, loss of outlook and loss of light. Policy DM2 continues that proposals should prevent undue noise, vibration, odours, smoke, fumes and dust.
- 5.22 The proposed annexe would be sited towards the rear of the garden near the southern boundary of the site and would be stepped a minimum of 1.20 metres from the east, west and south boundaries. The annex would be situated in excess of 20 metres from the rear of the host building and neighbouring properties to the east and west. The annexe would adjoin the side/north boundary of the property at no. 1 Landseer Road.
- 5.23 Given the separation distances between properties and the limited size of the annex, it is considered there would be no significant reduction to the daylight/sunlight received by neighbouring properties. The building would be located to the rear of the garden and given the presence of similar outbuildings on adjoining and adjacent land, the building would not result in a loss of outlook as it would be viewed as being an extension of the built form in this street where a number of neighbouring properties have added outbuildings. The window and door to the annex would be north facing and looking into the host garden, but the separation distances acknowledging the need for mutual privacy between the annexe and neighbouring properties, will ensure that there is no unacceptable loss of privacy to neighbouring occupiers.

5.24 Many of the objections received relate to noise and disturbances from the existing use and that the proposed use of the building would further compound this. The proposal would create additional space for one resident increasing the total number of residents on the site to 7. It is appreciated that the nature of the care home is likely to generate some noise and disturbance however the provision of one additional resident is unlikely to materially increase this to the extent that such demonstrable harm will be arise in terms of the impact on neighbouring residents.

5.25 As such, the proposal is considered acceptable in terms of the impact on neighbouring amenity.

5.26 The existing building is regulated by the Care Quality Commission (CQC) and the proposed accommodation will be are regulated and controlled by the CQC in regards to the standard of accommodation provided for future residents.

5.27 **Trees**

5.28 There is a semi-mature tree subject to a Tree Preservation Order (TPO) located within 1 Landseer Road adjacent to the rear boundary of the application site. The position of the proposed annexe building would be within 2 metres of this tree. The Council's Tree Officer raises no objection to the proposed siting of the annexe subject to conditions ensuring that the tree would adequately protected during the construction of the building. This request has been suggested as part of the recommended conditions in schedule 2 of this report.

5.29 As such the proposal would not adversely impact on the protected tree located within the site.

5.30 **Biodiversity**

5.31 A section of the rear garden is designated as a Green Corridor.

5.32 Policy DM17 of the Site Development Policies DPD states that within Green Corridors the Council will not grant planning permission for development where there would be a significant damaging impact on the nature conservation value or integrity of the site or that would adversely affect the value of Green Corridors for nature conservation, amenity and leisure purposes.

5.33 The revised location of the annexe would not adversely affect the value of the green corridor as it preserves the openness of the rear gardens which is a characteristic feature of the area. The proposal would be replicating existing development form in the vicinity which are also located within this designated Green Corridor. On this basis, it is considered that there is no harm arising to biodiversity interests.

5.34 **Highways:**

5.35 Policies DM20 and DM22 seek to ensure that new development does not adversely impact on the local highway network and to ensure that parking provision is acceptable in the context of the surrounding area.

5.36 The site is located within a controlled parking zone surrounding Sutton Town Centre. Given the use of the site, with no proposed increase in staffing numbers, it is not considered that an increase in one resident at the site would adversely impact the adjoining area in terms of vehicular trips or parking.

6.0 **CONCLUSION AND RECOMMENDATION**



- 6.1 The proposal is considered to be in accordance with the objectives set out in the London Plan and London Borough of Sutton Site Development Policies and Core Strategy.
- 6.2 It is therefore, recommended that planning permission be approved.

Background Papers: B2014/70685/FUL

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://gis.sutton.gov.uk/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **B2014/70685**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



Mrs Dawn Morrison  
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B2014/70685/FUL

# DRAFT

**WARNING:** It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

## FIRST SCHEDULE

101 CHEAM ROAD Sutton SM1 2BE

Erection of a detached single storey annexe at rear to be used by people with learning difficulties.

## SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

(2) All external facing materials, treatments and finishes shall be similar to those of the original building. Where this is not possible the type and treatment of the materials to be used shall be agreed in writing by the Local Planning Authority prior to the development being carried out.

Reason: To ensure that the extension harmonises with the existing building.

(3) No forms of development shall commence (including ground works preparation and the storage of plant or materials) until a detailed and scaled Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority (LPA). These submissions shall include the revised position of the proposed structure, details of the specification and location of exclusion fencing and ground protection measures, and the methods for any construction activity that may take place within the Root Protection Area (RPA) of the TPO'd tree. The position of all protective measures shall be shown to scale on the TPP, including the position of service routings. The AMS shall also include provision for a pre-commencement meeting, and supervisory regime for all ground works within the RPA and monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

Reason: To ensure good arboricultural practice and compliance with British Standard BS 5837:2012 'Trees in Relation to Design, Demolition, and Construction - Recommendations.'

(4) The construction of the proposed development shall at all times be carried out in accordance with BS: 5837:2012.

Reason: To ensure adequate protection is afforded to the protected tree situated close to the proposal.

(5) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music or speech shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00 am and 1.00pm on Saturdays and not at all on Sundays, Public and Bank Holidays.

Reason: To safeguard the amenity of the occupiers of adjacent premises and the area generally during the building construction process.

(6) The development shall not begin until a Construction Method/Environmental statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding, behind any visibility zones;
- (f) construction traffic routing;
- (g) means to prevent deposition of mud on the highway;

has been submitted to and approved in writing by the Local Planning Authority, and only the approved details shall be implemented during the construction period.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway.

(7) The building hereby permitted shall not be occupied at any time other than for purposes ancillary and subservient to the use of the dwelling at 101 Cheam Road.

Reason: To ensure that the approved building is not used as a separate unit of residential accommodation.

(8) The development hereby permitted shall be carried out in accordance with the following approved plans: 1762 01, 1762 02, 1762 03 Rev B and 1762 04 Rev A.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### INFORMATIVES.

(1) This application has been assessed against the relevant policies of the London Plan 2011, Sutton's Core Planning Strategy 2009 and the Site Development Policies DPD 2012. The proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

(2) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

(3) The footway and carriageway on the A232 Cheam Road must not be blocked during the development at 101 Cheam Road. Temporary obstructions during the conversion must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A232 Cheam Road.

All vehicles associated with the development at 101 Cheam Road must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.