

PLANNING COMMITTEE - Date: 25 April 2018

**Report of the Assistant Director of Environment, Housing and Regeneration  
Directorate**

Ref: DM2018/00216	WARD: A04 / CHEAM	Time Taken: 10 weeks, 2 days
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Site: 12 Peaches Close, Cheam, SM3 7BJ  
 Proposal: Demolition of existing garage and shed and erection of a two storey side/rear extension to form a new 3 bedroomed end of terrace house and provision of bin storage and 2 car parking spaces for both new and donor dwelling (one each to the front accessed from Peaches Close and one each to rear accessed from Old Barn Close).  
 Applicant: Mr S Woods  
 Agent: Mr Chris Forster

**Recommendation:**

**GRANT PLANNING PERMISSION**

**Reason for Report to Committee: The recommendation has been opposed in writing by 10 or more persons residing at separate addresses.**

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

- The proposed dwelling is considered to be acceptable in principle and would be an intensification of the residential use within a designated Area of Potential Intensification.
- The design of the proposal is sympathetic and proportionate to the existing dwelling and would not result in harm to the streetscene or character of the surrounding area.
- The proposal would not detrimentally affect the amenity of the neighbouring residential occupiers.
- The proposal would result in adequate living accommodation for future occupiers, and would not harm the protected tree on site.
- The proposal would provide adequate and accessible car parking for both the donor and new dwelling in accordance with the Council's maximum standards

**1.0 BACKGROUND**

**1.1 Site and Surroundings:**

1.2 The application site is 12 Peaches Close, Cheam, which comprises one half of a pair of semi-detached dwellings. The site is located on the northern side of Peaches Close, adjacent to the entrance to Cheam Sports Club. The dwelling has a hipped roof design with a front porch and small bay window to the front

elevation, with a detached garage located to the side of the dwelling adjacent to 10 Peaches Close. The site has rear garden which backs on to Old Barn Close to the rear of the site. Within the rear garden is a protected tree (Corsican Pine).

- 1.3 The surrounding area is predominantly residential in nature, however to the north of the site beyond the railway track is Cheam Village District Centre. Peaches Close is a cul-de-sac, and is characterised by two storey maisonettes. There is an example of a detached dwelling within Peaches Close interspersed between the maisonettes and a row of two storey terraces at the end of the cul-de-sac including one chalet bungalow. The application site and 14 Peaches Close are unique within Peaches Close forming the only semi-detached dwellings within the road. Old Barn Close has a large Edwardian dwelling which has been significantly extended and converted to provide flats with a separate attached dwelling, otherwise bungalows are the predominant house type within this close.
- 1.4 **Site-specific Local Plan designation:**
- 1.5 The site has a protected tree to the rear virtue of TPO 2011/04.
- 1.6 The site is located within an Area of Potential Intensification.
- 1.7 **Relevant Planning History:**
- 1.8 SUT/16965 – Erection of four semi-detached houses and four semi-detached and one detached bungalows was granted planning permission on the 30 June 1952.
- 1.9 SUT/28571 – Erection of porched and covered way was granted planning permission on the 20 November 1963.
- 1.10 11/63935/FUL – Erection of a 2-bed two storey end of terraced dwelling. Erection of a single storey rear extension and conversion of loft space of existing house involving alterations to the roof line and formation of a dormer extension at rear. Provision of 3 car parking spaces at rear access from Old Barn Close was refused planning permission on 10 May 2011.

The reasons for refusal are as follows;

- (1) *The proposal, by reason of its design, siting and width, would represent an overdevelopment of the site which would be to the detriment of the streetscene and character of the area whilst imbalancing [sic] the existing pair of semi-detached dwellings. The proposal would thereby be contrary to policies BP12 and PMP2 of the Core Planning Strategy and Supplementary Planning Document 14 - Creating Locally Distinctive Places.*
- (2) *In the absence of evidence to the contrary, the failure to provide off-street car parking spaces in accordance with the Council's standards results in insufficient parking provision in an area with high levels of demand for on-street parking, which would exacerbate existing parking pressures on surrounding roads, giving*

*rise to conditions prejudicial to highway safety and thus causing danger and inconvenience to all users of the public highway and the amenity of local residents; contrary to Policies TR12 and TR13 of the Sutton Unitary Development Plan.*

- (3) *The proposed vehicle parking spaces would be located within the root protection area of the protected Pine tree located to the rear of 12 Peaches Close and without evidence to demonstrate otherwise, the proposal would result in harm to the Pine tree to the detriment of the character and appearance of the area. In this respect, the proposal would be contrary to policy OE30 of the Sutton Unitary Development Plan and policy DM1 of the Site Development Policies DPD - Proposed Submission.*

- 1.11 15/0030/WPT – Corsican Pine - Ground Works was granted on 8 May 2015.
- 1.12 15/72547/FUL – Erection of a detached 1- bedroomed bungalow with associated amenity space and car parking space with access onto Old Barn Close was refused planning permission on the 12 October 2015.

The reasons for refusal are as follows;

- (1) *The proposed development by reason of its design, appearance and site coverage would constitute an incongruous, unsympathetic and cramped form of back land development which would be out of keeping with the prevailing pattern of development on Old Barn Close. As such, the proposal would harm the prevailing character of the area contrary to policies BP12 and PMP2 of the adopted Core Planning Strategy, policies DM1, DM3 and DM30 of the Site Development Policies DPD, the National Planning Policy Framework and the Council's adopted Supplementary Planning Document 14: Creating Locally Distinctive Places and Policy 3.3 of the London Plan 2015.*
- (2) *In the absence of evidence to indicate otherwise, the applicant has failed to demonstrate that the proposed dwelling would not unduly impact on the existing TPO tree which is located in the north-western corner of the site. As such, the proposed development would result in a substantial degree of harm to the significance of the existing tree as a public asset, contrary to Policy DM1 of the Site Development Policies DPD.*
- 1.13 Erection of a detached a 1 bedroomed bungalow with associated amenity space and car parking space with access onto Old Barn Close was refused planning permission on the 7 January 2016.

The reasons for refusal are as follows;

- (1) *The proposed development by reason of its design, appearance and site coverage would constitute an incongruous, unsympathetic and cramped form of back garden development which would be out of keeping with the prevailing pattern of development on Old Barn Close. As such, the proposal would harm the prevailing character of the area contrary to policies BP12 and PMP2 of the adopted Core*

*Planning Strategy, policies DM1, DM3 and DM30 of the Site Development Policies DPD, the National Planning Policy Framework and the Council's adopted Supplementary Planning Document 14: Creating Locally Distinctive Places and Policy 3.3 of the London Plan 2015.*

(2) *The proposed development, notwithstanding the submitted Arboricultural Report, by reason of its proximity to the existing TPO tree and the failure to provide adequate protection to the entire Root Protection Area (RPA) of the tree, would result in a substantial degree of harm to the tree and its significance as a public asset, contrary to Policy DM1 of the Site Development Policies DPD.*

1.14 17/0135/WPT – Extension of Hard Surfacing T1 Pine Tree was granted on the 29 December 2017.

1.15 At the time of the site visit works had begun within the rear garden to install hard standing under tree works application ref: 15/0030/WPT, and 17/0135/WPT.

1.16 18/00256/CPU – Erection of a single storey rear extension was granted on the 11 April 2017.

## 2.0 APPLICATION PROPOSALS

### 2.1 Details of Proposal:

2.2 Planning permission is sought for the demolition of the existing garage and shed and erection of a two storey side/rear extension to form a new 3 bedroomed end of terrace house and provision of a bin storage and 2 car parking spaces for both new and donor dwelling (one each to the front accessed from Peaches Close and one each to rear accessed from Old Barn Close).

2.3 The proposed side extension would measure approximately 5 metre in width and 11.2 metres in depth. It would have a two storey rear projection which would project past the rear elevation of the donor property by 3 metres. It would have a hipped roof design measuring approximately 5.2 metres to the eaves, and 8.1 metres in overall height continuing the existing ridge and eaves heights of the donor property

2.4 A front entrance porch is proposed to the extension which would be 1.9 metres in width and 1.1 metres in depth, and 2 metres in height and would have a flat roof.

2.5 Windows are proposed to the front elevation at ground and first floor level serving bedrooms, with bi-fold doors at ground floor level serving the kitchen/living area and a single window proposed to the rear elevation at first floor level serving a bedroom. 2 side windows are proposed at both ground and first floor levels serving the kitchen/living area and bathrooms respectively.

2.6 The proposal would result in the partitioning of the rear and front gardens to provide private amenity space to the rear and car parking spaces to the front and

rear for both the donor property and the proposed dwelling. Cycle storage would be provided within the rear garden of the proposed dwelling.

2.7 Refuse storage would be provided within the front garden of the donor and proposed dwelling.

2.8 **Significant amendments to application since submitted:**

2.9 None.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 Neighbour notification letters dated the 23 February 2018 were delivered to 10 adjoining and nearby properties and a site notice was erected within the vicinity of the site dated 5 March 2018.

3.4 **Number of Letters Received:**

3.5 Fifteen individual letters from differing addresses were received, and a petition with 10 signatures objecting to the proposal was received. 10 of the letters received were in support of the proposal, with the five remaining letters objecting and the petition of 10 signatures to the proposal residing at separate addresses which include addresses that objected by letter.

3.6 **Material Objections:**

- The proposal would result in a cramped unsympathetic form of development to the detriment of the streetscene and character of Peaches Close,
- Loss of sunlight/daylight and overshadowing to 8 & 10 Peaches Close,
- It would breach Article 8 of the Human Right Act 1998,
- The proposal would harm the visual amenity and streetscene of Peaches Close,
- Increased car parking and traffic,
- Overdevelopment of the site,
- Overlooking and loss of privacy,
- Loss of outlook by reason of a visually overbearing development,
- The car parking would cause noise and disturbance and pollution,
- The proposal would unbalance the pair of semi-detached properties,
- Division of the rear garden is inappropriate,

3.7 **Non-material Objections:**

- It would devalue 14 Peaches Close

**3.8 Materials Reasons for Support**

- The proposal would improve the visual amenity of the area,
- The proposal has sufficient car parking,
- The Mayor of London is urging suburban councils to build on “brownfield” plots,
- The plot is big enough to accommodate the proposal,
- It would help satisfy the need for more family housing,

**3.9 Official Consultation:**

3.10 **Senior Highways Engineer** raised no objection to the proposal subject to conditions securing a construction method statement.

3.11 **Sustainability Officer** raised no objection subject to conditions securing a reduction in CO<sub>2</sub> emissions and provision of Sustainable Urban Drainage System (SUDS) and water efficiency measures.

3.12 **Biodiversity Officer** was consulted but no comments were received.

3.13 **Waste Management** was consulted but no comments were received.

3.14 **Principle Tree Officer** raised no objection to the proposal subject to a condition securing a landscaping scheme.

3.15 **Councillor Representation:** None.

**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:

- The London Plan 2016
- The Sutton Local Plan 2018

Also material considerations in determining planning applications are:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.
- The Draft London Plan 2017
- Draft NPPF 2018
- Human Rights Act 1998

- Equality Act 2010

### **The London Plan:**

- 3.3 Increasing Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing development (tables 3.2 & 3.3)
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 5.15 Water use and supplies
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

### **Sutton Local Plan 2018**

- Policy 1 Sustainable Growth
- Policy 7 Housing Density
- Policy 9 Housing Sizes and Standards
- Policy 13 Housing and Garden Land
- Policy 28 Character and Design
- Policy 29 Protecting Amenity
- Policy 30 Heritage
- Policy 31 Carbon and Energy
- Policy 32 Flood Risk and Sustainable Drainage
- Policy 33 Climate Change Adaption
- Policy 34 Environmental Protection
- Policy 36 Transport Impact
- Policy 37 Parking
- Policy 38 Infrastructure Delivery

### **Supplementary Planning Guidance/Documents**

- SPD 4 Design of Residential Extensions
- SPD14 Urban Design Guide – Creating Locally Distinctive Places

## 5.0 PLANNING CONSIDERATIONS

5.1 The principal considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Principle**
- **Design**
- **Impact on Neighbours**
- **Layout and Landscaping**
- **Trees**
- **Highways**
- **CIL**

### 5.2 **Principle:**

5.3 The NPPF states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. One of the 12 principles is that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high amenity value.

5.4 The London Plan outlines the need for residential development within London through Policy 3.3 Increasing Housing Supply.

5.5 Policies 1 and 7 of the Sutton Local Plan 2018 acknowledge the NPPF's presumption in favour of sustainable development, but expect that the majority of housing to be provided within Sutton Town Centre and the other district centres and their surrounding Areas of Potential Intensification. Whilst this is the case Policy 7 qualifies this expectation by stating that "within the Suburban Heartlands developments should maintain and seek to enhance the quality of the borough's environment ensuring all new development respects the positive features of Sutton's character, reinforcing local distinctiveness and a sense of identity. The council will apply the suburban setting of the London Plan density matrix to these areas."

5.6 Policy 13 of the Sutton Local Plan 2018 states "The council will not grant planning permission for the development of back garden land where the site, either individually or as part of a larger street block:

- a) Makes an important contribution to the character and appearance of the surrounding area.
- b) Is considered to be of local ecological value by the council.
- c) Is likely to make a significant contribution to minimising the risk of flooding in Flood Zones 2 and above or in a critical drainage area.
- d) Where the development of the site would adversely affect the amenity of future occupiers or those currently occupying adjoining or nearby properties."

- 5.7 Whilst there is no moratorium on the development of back garden land policy 13 of the Sutton Local Plan emphasises the need for such development to respect the local character and context of the area, whilst requiring the development to be sympathetic to the amenity of neighbouring occupiers, and also take in to consideration the important benefits that back gardens within suburban areas play the biodiversity and helping to reduce flood risk.
- 5.8 At the time of the site visit, it was noted that the land on which the proposed side extension would be sited has an existing single storey detached garage and a single storey “lean to” extension. Whilst the land would technically be classified as back garden land, it is considered that it does not make an important contribution to the character of the area nor is it considered to be of ecological value due to the presence of the garage and “lean to”. The site is not located within a Flood Risk Zone 2 or above and as discussed later in this report it is considered that the proposal would not result in harm to the amenity of neighbouring occupier.
- 5.9 In addition the site would front Peaches Close being located within an existing gap in the streetscene forming an infill development aligned with the established front building line of the properties on the northern side of Peaches Close.
- 5.10 As such it is considered that the proposal would not contravene policy 13 of the Sutton Local Plan.
- 5.11 The proposal would provide an additional family dwelling house in a sustainable location, designated as an Area of Potential Intensification. Such locations are where the council expects to provide the majority of the housing for the life time of the Sutton Local Plan 2018, and the proposal would result in an intensification of the residential use in accordance with both national and regional policy.
- 5.12 Furthermore the proposal would result in a residential density of 44 units/hectare which would fall within the acceptable residential density for a suburban area with a PTAL of 3 as specified within policy 7 of the Sutton Local Plan and table 3.2 of the London Plan. The plot size of the resultant new and existing properties would be generally comparable with the pattern of development of the surrounding properties, where divided gardens are a common feature of the predominate maisonettes.
- 5.13 It should also be noted that the Local Planning Authority considered the principle of the previously refused application ref: 11/63935/FUL to be acceptable.
- 5.14 Taking into account the above reasons it is considered that the principle of the development would be acceptable in land use terms.
- 5.15 **Design:**
- 5.16 The NPPF states that planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants

of land and buildings. Policies 7.4 and 7.6 of The London Plan (2011) state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design. Policies 3.4 and 3.5 require new housing to respect local context and character.

5.17 Policy 28 of the Sutton Local Plan states The council will grant planning permission for new development, including new buildings, alterations and extensions, provided the new development:

- a) Is attractive, designed to the highest standard, especially with regard to architectural detailing, and uses high-quality materials.
- b) Respects the local context and responds to local character and heritage assets.
- c) Is of a suitable scale, massing and height to the setting of the site and/or townscape.
- d) Seeks to improve an area of poor character.
- e) Makes a positive contribution to the street frontage, streetscene and / or public realm, such as using railings and low walls where practicable.
- f) Is inclusive and accessible for all and improves movement through areas with direct, accessible and easily recognisable routes.
- g) Is secure and designed to minimise crime and anti-social behaviour.
- h) Is robust and flexible in use.
- i) Responds to natural features and retains trees, hedges and other landscape features and spaces of amenity value, where possible.
- j) Is not dominated by car and cycle parking.
- k) Creates attractive, functional and clearly defined public and private space.
- l) Protects any important local views and creates new ones wherever possible.

5.18 The council's design guidance for residential two storey side extensions is found in SPD4 and encourages a subordinate approach when designing such extensions. This entails a set-back from the front elevation and a lowered ridge height and the extension to be proportionate in its width to the main dwelling house.

5.19 It is noted that the previously refused application ref: 11/63935/FUL was refused on design grounds, stating that the proposal would represent an overdevelopment of the site and that the proposed extension would unbalance the semi-detached dwellings. The two storey side extension proposed under this application followed the design guidance given in SPD4 and had a lowered ridge height, with a set-back, and the proposed extension appeared as a residential extension to the main dwelling house and was considered to be excessive in these circumstances as it would exceed half the width of the existing dwelling.

5.20 In addition the previously refused application also included a part one, part two storey rear extension to the donor property at 12 Peaches Close. This resulted in

a large wrap round extension to the main property. In addition a rear dormer to the main dwelling was also proposed.

- 5.21 The current proposal would be more than half the width of the main dwelling and would have an integrated design approach with no set-back from the front elevation nor a lowered ridge height. However the proposed extension would provide a separate dwelling designed to mimic the existing dwelling and its attached pair and as such it is considered that an integrated approach such as that proposed would be an acceptable design solution for the extension as the proposed dwelling would appear as an end of terraced dwelling house and would read as a continuation of the existing pair in size and scale and would not read as a residential extension of the donor property.
- 5.22 It is acknowledged that there has been a refusal of a previous application ref: 11/63935/FUL on design grounds. This application took a design approach which resulting in a subordinate residential extension, appearing excessively wide and unbalancing the pair of semi-detached properties and also included extensions to the rear of the donor property.
- 5.23 Taking in to account the above, it is considered that the provision of the two storey side extension, whilst wider than that previously refused, would not constitute an overdevelopment of the site. It would retain a separation of approximately 0.5 metres to the boundary with 8 and 10 Peaches Close and would appear as a continuation of the streetscene, located to the side of the existing property, between dwellings, infilling a gap in the streetscene, and would be located within an area where intensification of residential uses is encouraged by policy.
- 5.24 The integrated design of the extension, with a front entrance porch similar to that of the donor property is considered to address the incongruous nature of the previously refused application, in that the extension would appear as a separate and intentionally built dwelling, which retains proportions similar to that of the donor property. Due to the unique nature of the site forming the only semi-detached building within Peaches Close, the loss of the semi-detached appearance of the building would not be harmed by the proposed addition, instead it would appear sympathetic and complement the existing building, by retaining the detailed architectural features and roof design.
- 5.25 As such it is considered that the proposed extension would not result in demonstrable harm to the character of the building, surrounding area or streetscene and is acceptable in design terms and would be in accordance with policy 28 of the Sutton Local Plan.
- 5.26 **Impact on Neighbours:**
- 5.27 Policy 29 of the Sutton Local Plan states that the Council will not grant planning permission for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties.

Specifically, new development should not result in overlooking, loss of outlook, loss of daylight (overshadowing and natural light) to neighbouring properties.

- 5.28 The proposed extension would not project past the rear elevation of 8 and 10 Peaches Close and would retain a separation of 0.5 metres to the shared boundary. 8 and 10 Peaches Close retain a separation of approximately 4 metres to 1.5 metres to the shared boundary. It was noted from the site visit and a letter received from 8 Peaches Close that the side facing windows facing the application site serve the hallway and bathrooms to these dwellings as well as secondary windows to habitable rooms at first floor level. It is also noted that the proposed dwelling would have side facing windows at ground floor level and first floor level. The first floor windows serve bathrooms and could reasonably be conditioned to have obscure glazing and to be non-opening below 1.7 metres of the finished floor level. This is also the case for the proposed ground floor side facing window which also serves a bathroom. The other proposed ground floor side facing window located to the northern end of this elevation would serve the kitchen area of the open plan living area. Due to the location of this window it is considered that it would not directly overlook any of the side facing windows at 8 and 10 Peaches Close.
- 5.29 Given the separation between the side elevation of proposal and 8 and 10 Peaches Close and the similar rear building line proposed, it is considered that the proposal would not result in harm to the amenity of these neighbouring occupiers in terms of loss of outlook, overlooking or loss of privacy or loss of sunlight/daylight.
- 5.30 The proposed extension would project past the rear elevation of the donor property by 3 metres at both ground floor and first floor level. This is a modest depth of extension and is the depth of single storey extension allowed for semi-detached and terraced dwellings under permitted development rights. The two first floor rear facing windows of the donor property nearest the proposed extension serve a bathroom and toilet. The proposed extension would retain significant separation to the first floor rear facing window which serves a bedroom of the donor property. For these reasons it is considered that the proposed extension would not result in loss of outlook, privacy, or sunlight/daylight to the donor property. In addition it should be noted that the donor property has recently had a lawful development certificate granted for a single storey rear extension which would be 3 metres deep. In addition the site is located within an Area of Potential Intensification for Cheam Village.
- 5.31 Due to the location of the extension to the east of the building and the significant separation distances to other residential properties, it is considered that the proposal would not result in harm to the amenity of other neighbouring occupiers in terms of loss of outlook, overlooking or loss of privacy or loss of sunlight/daylight.

- 5.32 It is recommended that the permitted development rights of the proposed dwelling, in respect to extensions to the dwelling houses, should be removed due to the proposed extension projecting past the rear elevation of the donor property.
- 5.33 Letters have been received raising concern in respect to noise and disturbance and pollution resulting from additional traffic as a result of the proposal. The proposal would provide two additional car parking spaces on to the front of the site and one to the rear of the site. With the car parking split between these two locations it is considered that the proposal would not result in any significant increase in noise and disturbance or pollution arising from addition traffic movements to the detriment of the neighbouring occupier's amenity.
- 5.34 As such it is considered that the proposal would not result in harm to the amenity of the neighbouring occupiers and would be in accordance with policy 29 of the Sutton Local Plan.
- 5.35 **Layout and Landscaping:**
- 5.36 Policy 9 of the Sutton Local Plan states that the Council will not grant planning permission for new residential developments if the development does not meet the internal living space and amenity space standards contained within the London Plan and the Council's Urban Design Guide SPD. Detailed requirements and quantitative standards are further outlined in SPD14 and the London Plan table 3.3 and these should be exceeded where possible.
- 5.37 The proposal would provide a three bedroomed dwelling with a gross internal floor space of approximately 102m<sup>2</sup>. The proposed dwelling would satisfy the minimum floor space standards for a 3-bed two storey dwelling as required by the London Plan table 3.3. All of the habitable rooms within the proposed house would benefit from an adequate level of light and outlook.
- 5.38 The proposal would involve the partitioning of the rear garden of the donor property to provide amenity space for the proposed dwelling. The proposed dwelling would have private garden of approximately 90m<sup>2</sup>, with the donor property retaining a larger rear garden. The proposed private amenity space would meet both the London Plan standard and the council's more stringent standard of 70m<sup>2</sup> of private amenity space for a 3 bedroomed dwelling.
- 5.39 Refuse storage is proposed to the front of the dwellings. Whilst some letters of representation have objected to this location, it is standard practice for family dwellings to store the refuse containers within the front gardens of the properties. As such it is considered an acceptable arrangement.
- 5.40 It is considered that the layout of the proposal would be acceptable and would provide adequate living standards for the future occupiers of the site and retain acceptable living standards both internally and externally for the donor dwelling.

- 5.41 A condition is recommended securing a landscaping scheme for the proposed development prior to its occupation.
- 5.42 **Trees**
- 5.43 The site is subject to a Tree Preservation Order which protects the Corsican Pine to the rear northwest corner of the site. Policy 28 encourages the retention of natural features of sites such as trees.
- 5.44 The laying of hard surfacing has been previously approved under tree works applications refs: 15/0030/WPT and 17/0135/WPT and would not require a separate grant of planning permission being achievable under the existing properties permitted development rights.
- 5.45 An arboricultural report was submitted with the application and was assessed by the council's locum Principle Tree Officer, who raised no objection to the proposal, subject to conditions securing tree protection during the course of the development.
- 5.46 There are no other significant trees located within the vicinity of the proposed development and as such given the suggested condition and separation of the proposed dwelling from the protected tree, it is considered that the proposal would not result in harm to the protected tree.
- 5.47 **Highways:**
- 5.48 Policies 36 and 37 seek to ensure that planning permission will not be granted for development likely to result in an increase in on-street parking, where it would adversely affect traffic flows, bus movement, road safety, the amenities of local residents or the local environment.
- 5.49 Appendix 3 of the Sutton Local Plan recommends a maximum of 1.5 off-street parking spaces for a dwelling with 3 bedrooms. One car parking space would be provided to the rear of the site and one to the front of the site for both the existing and proposed dwelling.
- 5.50 As has been mentioned above the laying of hard surfacing has been previously approved under tree works applications refs: 15/0030/WPT and 17/0135/WPT and does not require a separate grant of planning permission. The applicant has also confirmed that the council's Highways Department have agreed to drop the kerb to Old Barn Close to allow for access to the public highways to the rear.
- 5.51 The Senior Highways Engineer has raise no objection to the proposal subject to a condition requiring a construction management plan.
- 5.52 Taking into account that approval for the dropped kerb and the works to provide hard standing have been previously approved, it is considered that the proposal would be acceptable on highways and parking grounds and would provide an

acceptable level of off street parking in accordance with the council's maximum standards.

5.53 **CIL:**

5.54 The London Borough of Sutton introduced its Community Infrastructure Levy (CIL) charging schedule in April 2014. New residential units are charged at a rate of £100 per sqm. This is in addition to the Mayor's CIL charged at £20 per sqm. CIL is charged on the total net additional floor space created (measured as Gross Internal Area). Furthermore, in accordance with the Regulations, any existing buildings on site in lawful use, which are proposed for a change of use as part of the chargeable development and have been in continuous use for six months of the previous 36 months on the day planning permission first permits the chargeable development, will not be charged CIL.

5.55 The gross internal floor space for the proposal is 102m<sup>2</sup>. The side extension and garage which are to be demolished have a gross internal floor space of 20m<sup>2</sup>. This results in a total additional floor space of 82m<sup>2</sup>. The BIS index was 283 at the time of writing. The proposal would be liable for £2,081.26 for the Mayor's CIL and £9,709.62 for the London Borough of Suttons CIL, totalling £11,790.88.

5.56 **Public Sector Equality Duty (PSED) and Human Rights**

5.57 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the PSED. The application proposals are not considered to conflict with the Duty.

5.58 The application has also been considered in the light of the Human Rights Act 1998. Objection has been received that the proposal would violate the owners Article 8 right to respect for their private and family life, their home and their correspondence. The proposal would not violate this right and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 Taking into consideration the location of the site in an Area of Potential Intensification, and that its design would appear as a proportionate and sympathetic addition to the main dwelling it is considered that the proposal is acceptable in principle and design and would provide the benefit of an additional family sized dwelling.

6.2 The proposal would not result in significant harm to the amenity of the neighbouring occupiers and would provide sufficient and adequate living accommodation for future occupiers.

- 6.3 The proposal would not result in harm to the protected tree on site and would provide adequate parking for both the proposed dwelling and the donor property.
- 6.4 It is therefore recommended that the proposal be granted planning permission subject to the recommended conditions.

**G**

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DM2018/00216

# DRAFT

<p><b>WARNING:</b> 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.</p>
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## FIRST SCHEDULE

12 Peaches Close, Cheam, SM2 7BJ

Demolition of garage and shed and erection of a two storey side/rear extension to form a new 3 bedroomed end of terrace house, bin storage with 2 car parking spaces for both new and donor dwelling (one each to the front accessed from Peaches Close and one each to rear accessed from Old Barn Close).

## 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) The development hereby permitted shall be carried out in accordance with the following approved plans: P 17435 2 OS EXT, P 17435 2 OS PRO, P 17435 2 H, P 17435 2 G, P 17435 2 C, P 17435 2 D, P 17435 2 A, P 17435 2 F, P 17435 2 B, P 17435 2 E.

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

(3) All external facing materials, treatments and finishes shall be similar to those of the original building.

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

(4) Prior to occupation, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards (in particular, BS 3882: Specifications for Topsoil. Recommendations (2015) and BS 8545: Trees from Nursery to Independence in the Landscape. Recommendations (2014) or other recognised codes of good practice. The works shall be carried out prior to the occupation of any part or relevant phase of the development or in accordance with the timetable agreed with the Local Planning Authority. Any tree(s) or plants that (within a period of five years after planting) are removed, die, or (in the opinion of the Local Planning Authority) are damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved, unless the Local Planning Authority gives its consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance London Borough of Sutton Local Plan Policy 28: Character & Design..

(5) All tree(s) on and adjacent to the site shown to be retained shall be protected in accordance with the recommendations in British Standard BS 5837: Trees in Relation to Design, Demolition and Construction - Recommendations (2012). This will include an AMS (Arboricultural Method Statement) in accordance with the recommendations made within BS5837:2012 Section 6.1 Arboricultural method statements will be submitted to the Council. This will be accompanied by a Tree Protection Plan (TPP) in accordance with the recommendations made within BS5837:2012 Section 5.5 Tree protection plan. There will be no materials stored within Construction Exclusion Zone (CEZ), and the Tree Protection Fencing (TPF) and other measures shall only be removed on completion of development.

Reason: To ensure tree(s) significant in terms of their provision of local amenity are protected from construction damage, in accordance London Borough of Sutton Local Plan Policy 28: Character & Design.

(6) Prior to occupation of the development hereby approved, the car parking arrangement as shown in the approved drawing no. P 17435 2 F, P 17435 2 E, and P 17435 2 OS PRO shall be implemented and permanently retained thereafter.

Reason: To ensure the development complies with policy 37 of the Sutton Local Plan 2018.

(7) Prior to occupation of the development hereby approved, the cycle storage arrangement as shown in the approved drawing no. P 17435 2 F shall be implemented and permanently retained thereafter.

Reason: To ensure the development complies with policy 37 of the Sutton Local Plan 2018.

(8) Prior to building work starting on site, an Energy Statement incorporating 'as-designed' Standard Assessment Procedure (SAP) outputs shall be submitted to the Local Planning Authority and approved in writing which demonstrates how the proposed dwelling will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 35% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building

Regulations and achieve at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation.

Reason: To comply with Local Plan Policy 31 and London Plan Policy 5.2

(9) Prior to first occupation, 'as-built' Standard Assessment Procedure (SAP) outputs shall be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures unless otherwise approved by the Local Planning Authority in writing. The approved details should thereafter be retained.

Reason: To comply with Local Plan Policy 31 and London Plan Policy 5.2

(10) Prior to building work starting on site, a site specific Flood Risk Assessment (FRA) together with a scheme for the management of surface water run-off must be submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy in London Plan Policy 5.13. The submitted scheme should:

- (i) provide details of the design storm period and intensity, proposed SuDS measures to delay and control the rate of surface water discharged from the site and proposed measures to prevent pollution of the receiving groundwater and/or surface waters;
- (ii) include calculations carried out by an appropriately qualified professional to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as reasonably practicable to the greenfield run-off rate for the same event;
- (iii) where greenfield run-off rates cannot be achieved, and methods of drainage include those lower down the Mayor's drainage hierarchy, evidence should be provided to justify the proposed measures and to demonstrate that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be no more than 3 times the calculated greenfield run-off rate for the same event;
- (iv) demonstrate that the 1 in 30 year rainfall event (plus 30% for climate change) can be contained without flooding; any flooding occurring between the 1 in 30 and 1 in 100 year event (plus 30% for climate change) will be safely contained on site; and that rainfall in excess of the 1 in 100 year event is managed to minimise risks.

Reason: To comply with Local Plan Policy 32 and London Plan Policy 5.13.

(11) Prior to first occupation, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part 3 of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further calculations carried out by an appropriately qualified professional must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as reasonably practicable to the calculated greenfield run-off rate for the same event and no more than 3 times the calculated greenfield run-off rate for the same event. All the measures implemented shall be retained for as long as the development is in existence".

Reason: To comply with Local Plan Policy 32 and London Plan Policy 5.13

(12) Prior to first occupation, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption will be limited to 110 litres per person per day (l/p/d)

based on the Government's national calculation method for water efficiency for the purpose of Part G of the Building Regulations. The Water Efficiency Calculator shall be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.

Reason: To comply with Local Plan Policy 33 and London Plan Policy 5.15.

(13) The first floor side facing windows of the development hereby approved shall be fitted with obscure glazing, and shall be non-opening below 1.7 metres above the finished floor level of the room in which the window is installed.

Reason: To protect the amenity of the neighbouring occupiers in accordance with policy 29 of the Sutton Local Plan.

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or revoking and re-enacting that Order), planning permission shall be required in respect of development falling within Class A of Part 1 of Schedule 2 to that Order.

Reason: To protect the amenity of neighbouring occupiers in accordance with policy DM2 of the Site Development Policies DPD and policy 29 of the draft Local Plan and to prevent overdevelopment of an already constrained site.

#### INFORMATIVES.

(1) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 5000 before proceeding with the work.

(2) The permission hereby granted confers no rights on the applicant to encroach upon, extend over or otherwise enter upon property not in his ownership for any purposes connected with the implementation of this planning permission.

(3) NAMING AND NUMBERING. This permission creates one or more new units which will require a correct postal address. Contact the Street Naming & Numbering Section at 24 Denmark Road, Carshalton, Surrey SM5 2JG, telephone 020 8770 6369 or e-mail [street.naming@sutton.gov.uk](mailto:street.naming@sutton.gov.uk).

(4) This application has been assessed against the relevant policies of the London Plan 2016, 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.

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