

Planning Committee - 2 December 2020

**Report of the Interim Strategic Director, Environment, Housing and Regeneration Directorate**

<b>Ref:</b> DM2020/01082	<b>WARD:</b> B06 - Sutton West	<b>Time Taken:</b> 17 weeks
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**Site:** 4 Beggars Roost Lane, Sutton, SM1 2DX

**Proposal:** Erection of a single storey front/side extension, erection of a single storey rear extension and alterations to first floor flank fenestration. Retention of windows and fenestration alterations to the front, side and rear elevations of the property, a dormer extension to the side roof slope, additional rooflights and the flat roof above the garage.

**Applicant:** Mr A Hunjan

**Agent:** Mr Anthony Leonard

**Recommendation:  
GRANT PLANNING PERMISSION**

subject to the recommended conditions

**Reason for report to the Planning Committee:** The application has received more than 10 letters of representations contrary to the officer's recommendation.

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

- The design of the existing and proposed extensions along with the alterations to the dwelling are considered to be acceptable in design terms, resulting in limited harm to the character and setting of the application property, the streetscene or the adjacent Landseer Road Conservation Area.
- The existing and proposed alterations to the dwelling are not considered to result in any unreasonable impact on the amenities currently enjoyed by the occupants of the surrounding residential properties in terms of loss of daylight, sunlight, sense of enclosure and loss of privacy.
- The proposal would not result in harm to any nearby trees, green corridor or biodiversity value
- The proposal would not adversely impact on parking provision or highway and pedestrian safety.

## **1.0 BACKGROUND**

### **1.1 Site and Surroundings:**

1.2 The application property is a two storey detached dwellinghouse located at the northern end of Beggars Roost Lane, a private cul-de-sac containing four detached dwellings accessed from Grove Road. The rear boundary of the site backs onto a group of garages accessed from Cheam Road, to the east of the site is a steep railway embankment and railway line and to the west are residential properties located on Landseer Road.

1.3 The site is located within an area designated as a Green Corridor.

1.4 The application site falls outside of, but is adjacent to the Landseer Road Conservation Area to the west and a Site of Importance for Nature Conservation to the east

### **1.5 Relevant Planning History:**

1.6 B2012/65414 - Removal of existing roof and provision of new roof at increased height with alterations to roofline, erection of a part one part two storey side and rear extension and erection of a single storey front extension to form garage. Refused 24 April 2012 but allowed at appeal 18 March 2013.

1.7 DM2018/01126 - Non-material amendment application to amend approved planning application B2012/65414/HHA to allow for construction of new walls in blockwork with render finish and application of render to all existing external walls. Granted 19 July 2018.

1.8 DM2018/02075 - Non-material amendment to approved application B2012/65414 to alter fenestration, fascia's, soffits to white upvc and rainwater goods to be black upvc. Granted 18 December 2018.

1.9 DM2019/00259 - Retention of windows and fenestration alterations to the front, side and rear elevations of the property, a dormer extension to the side roof slope, additional rooflights and the flat roof above the garage and proposed erection of a single storey front/side extension, single storey rear extension, additional windows to flank elevations of rear extension and a detached single storey outbuilding. This application was recommended for approval to the Planning Committee on the 3 July 2019 but this was not agreed and instead permission was refused because the proposed application would be excessive in width, bulk, scale and appearance, being disproportionate and overly dominant, which would detract from the character and appearance of the surrounding area and would create a detrimental impact on the setting of the Landseer Road conservation area and in addition, members raised concern of the amount of glazing in the west facing elevation as this would give rise to a perception of overlooking of neighbours and appealed by the applicant. An appeal was lodged which was dismissed (appeal decision dated 16 December 2019), with the Inspector only raising an objection to the outbuilding element of the proposal. The Inspector concluded that:-

*“the alterations and additions that relate to the appeal dwelling would not have a harmful impact on the character and appearance of the area and the setting of the Landseer Road Conservation Area (LRCA). I have also found that the windows in the west elevation would not harm the living conditions of neighbouring occupiers in Landseer Road. However, the proposed outbuilding would have a detrimental impact on the significance of the LRCA and the character and appearance of the area in general. For the reasons set out, I conclude that appeal should be dismissed”*

1.10 Detailed below are the works that have been carried out at the site without planning permission; due to these unauthorised works, an enforcement case is currently open for the application site.

## 2.0 APPLICATION PROPOSALS

### 2.1 Details of Proposal:

2.2 The current application is for the erection of a single storey front/side extension, erection of a single storey rear extension and alterations to the first floor flank fenestration. The application also seeks planning permission for the retention of windows and fenestration alterations to the front, side and rear elevations of the property, the construction of a dormer extension to the side roof slope, additional rooflights and a flat roof above the garage which have been carried out without the benefit of planning permission.

2.3 The application property is currently undergoing extensions and alterations. Planning permission has previously been granted for works to the application property, which are all detailed in the history section above. This application follows on from the previously refused application and has been submitted partly for the retention of unauthorised works and partly for further proposed alterations and extensions. The following changes are proposed between the latest set of approved plans and the submitted plans and will regularise the unauthorised works that have been carried out to the property.

2.4 Retrospective planning permission is sought for the:

- Retention of double window to both front and rear gable;
- Retention of new roof light to both front and rear facing roof slope;
- Retention of flat roof to front garage in place of approved pitched roof;
- Retention of new ground floor window to garage and lounge in western elevation;
- Retention of two first floor windows in the western elevation;
- Retention of two first floor windows in the eastern elevation changed to French doors with Juliette balconies and the
- Retention of a dormer to the western facing roof slope

2.5 Planning permission is sought for the following works which are not yet been completed on site:

- Addition of a single storey front/side extension
- Increase in depth of the single storey rear extension from 3.689m to 6m
- New windows to side elevations of rear extension

2.6 The above proposal is identical to the previously refused application with the exception of the removal of the existing garden sheds and replacement with a detached outbuilding, which is no longer proposed.

**3.0 PUBLICITY - CONSULTATION**

3.1 In total 26 letters were sent to local residents on 12 August 2020 surrounding the site on the following roads listed below, and a site notice was displayed on 21 August 2020 at the entrance to Beggars Roost Lane on Grove Road.

- Beggars Roost Lane
- Cheam Road
- Grove Ave
- Landseer Road

**3.2 Number of Letters Received in response to the proposal:**

3.3 The application received 16 objections from the addresses listed below:-

- 3 Beggars Roost
- 99 and 103 Cheam Road
- 85 and 89 Grove Road
- 1, 3, 5, 6, 7, 8, 9, 11, 13 and 15 Landseer Road
- 36 Lind Road

**3.4 Representations Received:**

3.5 The objections received are listed with an officer response within the table below.

<b>Objection Letters Received</b>	<b>Officer Response</b>
<b>Residential Amenity</b>	
Loss of privacy and overlooking to surrounding properties	The existing and proposed new windows to the application property are not considered to result in any unreasonable loss of privacy or overlooking of the neighbouring properties. The first floor side facing windows in the western elevation will be conditioned to be obscure glazed and fixed shut up to 1.7 metres above the floor

	level in the room that the particular windows will serve. At appeal, the Inspector concluded that the existing boundary enclosures and obscure glazing would ensure no harm would arise from overlooking.
Increase in noise and smoke from fires, length of time taken to complete building works.	The extension of this residential property is not considered to result in noise levels that would be considered unreasonable in this residential setting. Noise generated by building works would be controlled by Environmental Health legislation which controls times of building work. Fires and smoke generation are not controlled by planning legislation, but would be an Environmental Health matter. Planning legislation can not impose a time limit for the completion of work, only its start.
Loss of light to neighbouring gardens	Given the separation distances between the proposed dwellings and the surrounding neighbouring properties, and noting the scale and height of the extensions, there would not be an unacceptable loss of daylight to the gardens or the properties surrounding the site.
Impact on existing view from surrounding properties	Due to the separation between the neighbouring properties and 4 Beggars Roost, it is not considered to result in an unacceptable impact on the outlook from neighbouring properties.
<b>Design</b>	
Over development of property, excessive bulk and massing.	The property is being increased in size by the addition of the front/side extensions, the rear extension and a small dormer extension. Despite this additional floor space, the plot is considered large enough to accommodate development of this size.
Impact on Landseer Road Conservation Area	The impact on the adjacent conservation area is considered to be acceptable. The Inspector in deciding the previous appeal was of the view that the existing and proposed changes and extensions to the property would not harm the Landseer Road Conservation Area. This is a material consideration of significant weight.
<b>Transport and Highways</b>	

<p>Insufficient parking spaces and increase in traffic generation.</p>	<p>The alterations and additional floor space to the dwellinghouse is not considered to result in a significant increase in vehicle movements, traffic or parking pressures within Beggars Roost Lane. The property will remain in use as a single family dwelling with no additional bedrooms as a result of the proposal. Therefore the proposal would comply with the maximum parking requirements set out within Policy 37 of the Sutton Local Plan.</p>
<p><b>Trees/Landscaping/Biodiversity</b></p>	
<p>Loss of garden and trees on site</p>	<p>Taking into account the increase in depth to the rear extension, a sufficiently sized rear garden for the property will still remain for the occupants. This is considered to be acceptable and would be slightly larger than the garden areas to the other properties within Beggars Roost Lane. This proposal does not include the loss of any trees at the site.</p>
<p><b>Other matters</b></p>	
<p>Application proposes change of use to HMO</p>	<p>The application does not propose a change of use to an HMO, and this has been confirmed by the applicant.</p>
<p>Breach of Network Rail guidelines</p>	<p>Network Rail have been consulted on the proposal, their comments have been taken into consideration and any relevant conditions and informatives will be included if the application is granted.</p>
<p>Original planning permission is a material consideration which removed permitted development rights.</p>	<p>The fact that permitted development rights were removed on the original application does not mean that these extensions are unacceptable, it means that the council get to consider any extensions that would have otherwise been permitted development.</p>

3.6 The application received 1 letter of support, received from the applicant, confirming that the application does not involve the change of use to a House of Multiple Occupancy (HMO).

### 3.7 Internal and External Consultation:

<b>Internal Consultation</b>	<b>Comments Received</b>
Enforcement team	There are no objections raised to the proposal, given that the inspector did not raise any objection to the works that are proposed under this application. Because the appeal decision carries significant weight in any subsequent assessment of the planning merits of a similar proposal it would not be expedient to consider enforcement action against any of the unauthorised works that have taken place at the site. In light of this there is no objection to the recommendation to approve.
<b>External Consultation</b>	<b>Comments received</b>
Network Rail	Due to the location of the works, the applicant needs to contact Network Rail's Asset Protection and Optimisation Team. A list of informatives has also been suggested which will be added to any decision notice.

### 3.8 Councillor Representations

3.9 No Councillor representations have been received as part of the application.

### 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

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) 2019.
- National Planning Practice Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.
- Human Rights Act 1998
- Equality Act 2010

- Draft London Plan 2017

#### 4.3 **Public Sector Equality Duty (PSED) and Human Rights**

4.4 In making your decision you must have regard to the Public Sector Equality Duty (PSED) under s149 of the Equality Act (2010). This means the Council must have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

4.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s149 as all the factors that need to be considered may be balanced against other relevant factors.

4.7 It is considered that the retention of existing alterations carried out without planning permission together with additional new work proposed, would not have a negative impact on anyone with protected characteristics. As such, the granting of this application would have no adverse impact on those who share the protected characteristics.

#### 4.8 **Material Planning Policies in the Determination of this Application**

##### 4.9 **London Plan 2016 Policies:**

- 6.3 Assessing effects of development on transport capacity
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture

##### 4.10 **Sutton Local Plan 2018 Policies:**

- 26 Biodiversity
- 28 Character and Design
- 29 Protecting Amenity
- 30 Heritage
- 34 Environmental Protection
- 36 Transport Impact
- 37 Parking



#### 4.11 **Supplementary Planning Guidance/Documents:**

- SPD 4 Design of Residential Extensions
- SPD14 Creating Locally Distinctive

#### 5.0 **PLANNING CONSIDERATIONS**

5.1 The main issues which shall be addressed within this report relate to the following in relation to this application are:

- A) The Design of the Development**
- B) The Impact on Residential Amenity**
- C) Impact on heritage assets**
- D) Biodiversity, Trees and Landscaping**
- E) Transport and Highways**
- F) Conclusion**

##### **A) The Design of the Development:**

5.2 Policy 28 the Sutton Local Plan states that the council will grant planning permission for new development, including extensions, provided the new development is of a suitable scale, massing and height to the setting of the site.

5.3 In accordance with policies 7.4 and 7.6 of the London Plan 2016, buildings and structures should be of the highest architectural quality comprise details and materials that complement local architecture and contribute positively to the character of the area

5.4 This application is similar to the previously refused application with the exception of the proposed outbuilding which is not included. This application seeks permission to retain some alterations that have been carried out without the benefit of planning permission as well as additional works. As noted above, considerable weight is given to the previous appeal decision and the views of the Inspector who did not raise concerns in respect of the works detailed in this application. The reason that the appeal was dismissed was due to the Inspectors concerns about the outbuilding which is omitted from this application.

5.5 A new single storey extension is proposed to the front of the application property, it will adjoin the existing garage at the front and will project beyond the side elevation by 2.24m and would be 7.5m in depth. This element of the proposal will have a flat roof which will be extended across the existing garage, replacing the previously approved higher pitched roof. The extension would not project any further forward than the garage and will retain good separation from the eastern side boundary. Whilst the proposal would extend the flat roof across the width of the property, noting the limited projection to the side and front, on balance this element of the proposal is considered to be acceptable and would not detract from the overall appearance of the development.

- 5.6 The applicant has commenced work to the single storey rear extension approved by application B2012/65414 and which would have extended to 3.689m in depth. This application proposes to increase the depth of the rear extension by an additional 2.311m, to take the total depth to 6m. Whilst this is deeper than normally allowed for a detached property, the orientation of this site together with the relationship with the surrounding properties means that the additional depth can be accommodated without a detrimental impact on the appearance of the application property and will not reduce the amount of outdoor amenity space for the occupants of the property to an unacceptable level. This element of the application is the same as the previous appeal scheme found to be acceptable to the Planning Inspector, and this is a material consideration of significant weight in this application.
- 5.7 A small dormer has been added to the western side roof slope, set back from the front and rear elevation retaining a significant amount of the existing roof slope around the dormer. The window in the dormer is located within the top section of the dormer, facing skywards as it provides light to the staircase only. There are also two additional roof lights, one to the front facing roof slope and one to the rear facing roof slope. These changes to the roof form are considered acceptable in design terms, comply with the SPD design guidelines for roof extensions and do not detract from the overall appearance of the property or the streetscene of which it forms part.
- 5.8 The Inspector concluded that the dormer is acceptable and does not detract from the scale and profile of the main roof and this is a material consideration of considerable weight.
- 5.9 The changes to the fenestration to the front, rear and flank elevations are considered to be acceptable in design terms as they are keeping with the style of the original dwelling. It will be necessary for some of the new windows to be obscure glazed and fixed shut, to protect neighbour amenity, which will be secured by condition.
- 5.10 As previously mentioned the previous application was refused and whilst dismissed at appeal, the Planning Inspector concluded that, in design terms:-

*“...the proposed extensions to the rear, and front/side of the dwelling would both be single storey and continue the flat roof profile of the additions they would adjoin. Neither would excessively project from the dwelling, while their scale would be subservient to the larger central 2 ½ storey proportion of the property, ensuring that it does not detract from its design and overall form”.*

- 5.11 It is considered that the design of the proposed extensions to this property are acceptable and this is supported by the view taken by the Planning Inspector who did not raise any objection to the existing and proposed extensions to the dwellinghouse. The application property is unique in its setting and location at the far end of Beggars Roost Lane and it is considered that the property, set within a larger plot than the neighbouring properties within the same road can successfully accommodate the proposed extensions and alterations without causing harm to the appearance of the application property, the

street scene or the wider surrounding area. As such the proposal is considered to fully comply with the aims and objectives set out in Policy 28 of the Sutton Local Plan and Supplementary Planning Document 4 Design of Residential Extensions.

**B) The Impact on Residential Amenity:**

- 5.12 Policy 29 of Sutton's Local Plan states that the council will not grant planning permission for development if it adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties, or has an unacceptable impact on the residents of the surrounding area. As such, in assessing the impact of a proposed development, the council will take into consideration a loss of privacy, a loss of sunlight or daylight, and increase in noise and disturbance, the creation of a sense of enclosure or the loss of outlook.
- 5.13 Due to the location of the application property, there are a number of surrounding properties to take into consideration. No.3 Beggars Roost Lane is located to the south of the application property with its front elevation facing east. The application property is located adjacent to the flank elevation of this property with a separation distance of approximately 8 metres. Due to the orientation of these two properties the proposed extensions and new windows are not considered to result in any undue impact on the amenities currently enjoyed by the occupants of this property
- 5.14 The other properties located within Beggars Roost Lane and those properties located on the opposite side of the railway line are a significant distance away from the application property to mitigate against any impact on their amenity.
- 5.15 The rear gardens of Nos.1-9 Landseer Road have back gardens that back onto the western boundary of the application property. The application property and the rear extension will run along the rear boundary of nos. 5, 7 and 9 Landseer Road, but it is considered that the rear extension and roof dormer will not result in an unacceptable impact on outlook, privacy or daylight currently enjoyed at these properties due to the depth of the rear gardens and intervening natural screening of the rear boundaries to the Landseer Road properties. As the rear extension will have a flat roof, access to this roof can be prevented by condition to prevent any unreasonable overlooking or loss of privacy
- 5.16 Concern has been raised regarding the additional window in the western elevation of the property, and to prevent this, the proposed first floor windows would be conditioned to be obscured glazed and fixed shut below a certain height which would prevent any loss of privacy or overlooking to the neighbouring gardens and properties.
- 5.17 The appeal Inspectors report concluded that the effect on the living conditions of neighbours would be acceptable and that the existing boundary enclosures and obscure glazing would minimise overlooking and loss of privacy would be within acceptable limits and the proposal would accord with Policy 29 of the Sutton Local Plan. Given the

material weight to be attached to the appeal decision it is considered that the objections on grounds of loss of amenity from overlooking cannot be sustained in this instance.

- 5.18 As such, subject to the conditions mentioned above, the proposal is considered to comply with the aims and objectives set out in Policy 29 of the Sutton Local Plan and the SPD4 for design of residential extensions and would not result in an adverse impact on any adjoining property.

**C) Impact on Heritage Assets:**

- 5.19 In accordance with policy 30 of the Sutton Local Plan 2018, states the council will expect development outside a Conservation Area but which would affect a Conservation Area to conserve and, where practicable, enhance those elements which contribute to the Conservation Area's Special character or appearance.
- 5.20 When reviewing the proposed extensions to the property (and excluding the previously proposed outbuilding) the Inspector stated that:-

*"I have found that the alterations and additions that relate to the appeal dwelling would not have a harmful impact on the character and appearance of the area and the setting of the Landseer Road conservation area."*

- 5.21 Given the considerable weight that must be attached to the appeal decision, it is concluded that the proposal complies with the aims and objectives set out in Policy 30 of the Sutton Local Plan, because it will not harm the setting of the adjacent Landseer Road Conservation Area.

**D) Biodiversity, Trees and Landscaping:**

- 5.22 In accordance with policy 28 of the Sutton Local Plan 2018, new developments will be expected to respect and retain existing landforms and natural features of application sites, including trees of amenity value, hedges and other landscape features, and make suitable provision for high quality additional landscaping.
- 5.23 The whole of the site is within an area designated as a green corridor and adjacent to a Site of Importance for Nature Conservation (SINC). Policy 26: Biodiversity states that the council will not grant planning permission for development within a green corridor where there would be a significant damaging impact to the corridor, unless the needs and benefits of the development clearly outweigh the harm and where development can demonstrate no net loss for biodiversity by providing mitigation and/or compensation.
- 5.24 In this particular case, the proposed front/side extension will be constructed on existing hardstanding and the additional depth of the rear extension would not encroach over a significant amount of the rear garden. It is concluded that because of this, and the fact that boundaries between the site and the railway embankment will be retained as existing with no significant additional light pollution, the proposal would not result in any significant harm to the green corridor or SINC.

- 5.25 This proposal does not involve the removal of any trees within the application site of amenity value, the site is not covered by a Tree Protection Order (TPO) and the site does not fall within a Conservation Area. Whilst it is regrettable if trees have been removed from the site in the past, this proposal does not involve the removal of any existing trees on site.
- 5.26 As with the previous application, the proposal is considered to comply with Policy 28 of the Sutton Local Plan and would not result in any adverse impact to significant trees and landscaping.

#### **E) Transport and Highways:**

- 5.27 Policy 36 of the Sutton Local Plan states that the Council will assess all new development applications for their impact on the existing and proposed transport infrastructure and services, and the local environment.
- 5.28 Policy 37 of the Sutton Local Plan states that 'new developments will be expected to provide car parking in accordance with the council's restraint based maximum car parking standards taking into account public transport accessibility levels, existing publicly available parking provision and usage in the vicinity of the site and the need to deter unnecessary car use while avoiding overspill parking problems'.
- 5.29 The proposal does not result in an increase in the number of bedrooms at the existing property, which will remain a 5 bedroom property. The approved development has a double garage providing two off street parking spaces and the double garage remains part of this proposal in line with that previously approved. As such, the proposal will provide parking in accordance with the maximum parking standards. As such it is considered that this proposal would not result in an unacceptable increase in vehicular movements to and from the dwelling
- 5.30 For the above reasons, subject to conditions, it is considered that the proposal would not result in overspill car parking and would not result in a significantly adverse impact on the safe and efficient operation of the public highway. As such, the proposal would be in accordance with Policies 36 and 37 of the Sutton Local Plan.

#### **F) Conclusion:**

- 5.31 Overall, as with the previous application, and taking into account the Inspectors comments at the previous appeal, it is considered that the design of the extensions and alterations that are to be retained together with the proposed works are acceptable and would not result in harm to the character and appearance of the dwelling, the streetscene or the setting of the adjacent Landseer Road Conservation Area.
- 5.32 The proposal would not result in unacceptable harm to the residential amenity of neighbouring occupiers.

5.33 The proposal would not result in harm to any nearby trees of amenity value, biodiversity or adversely impact parking provision or highway and pedestrian safety.

6.0 **RECOMMENDATION**

6.1 It is recommended that planning permission be granted for the reasons set out above as the proposal is in accordance with relevant planning policies.

**G**

Mr Antony Leonard

DM2020/01082

2c New Road

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**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

4 Beggars Roost Lane Sutton SM1 2DX

Erection of a single storey front/side extension, erection of a single storey rear extension and alterations to first floor flank fenestration. Retention of windows and fenestration alterations to the front, side and rear elevations of the property, a dormer extension to the side roof slope, additional rooflights and the flat roof above the garage.

## SECOND SCHEDULE

(1) The development hereby permitted shall be carried out in accordance with the following approved plans:

1817-100-1, 1817-101-1, 1817-102-2, 1817-103-2, 1817-104-3 C, 1817-105-2 A, 1817-106-3 A, 1817-107-2 and 1817-50-1A.

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

(2) 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.

(3) All external facing materials, treatments and finishes shall be similar to those of the original building and maintained and retained thereafter. This applies unless differences are shown on the drawings we have approved.

Reason: To ensure that the extension harmonises with the existing building and to ensure compliance with Policy 28 of the Sutton Local Plan 2018.



- (4) The flat roof of the rear extension hereby approved shall not be used, all or in part, as a terrace or other amenity space. No railings, fences, walls or other means of enclosure shall be erected on this flat roof, and no alterations shall be carried out to the rear elevation of the application property to form access onto the roof.

Reason: Such a use could be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance contrary to Policy 29 of the Sutton Local Plan 2018.

- (5) The first floor window(s) in the western elevation(s) of the development hereby approved shall be glazed with obscure glass and fixed shut to a height of 1.7 metres above the finished floor level of the room in which the window is installed in a manner that they cannot be opened and retained thereafter.

Reason: To safeguard the current level of privacy enjoyed by the occupants of adjoining properties in accordance with and to ensure compliance with the Sutton Local Plan 2018.

#### 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 submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission
- (3) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

- (4) No pre-application was provided but the submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.
- (5) Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionLondonSouthEast@networkrail.co.uk](mailto:AssetProtectionLondonSouthEast@networkrail.co.uk) prior to works commencing who will ensure the works can be completed safely. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise onboard to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protectionand-optimisation/>.

(6) The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail

development both now and in the future Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

(7) Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land.

#### (8) Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### (9) Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

#### (10) Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

#### (11) Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

#### (12) Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment

#### (13) Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

#### (14) Noise and vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains

#### (15) Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

#### (16) Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

#### (17) Rights

The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

