

Planning Committee - 2 December 2020

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

<b>Ref:</b> DM2020/00462	<b>WARD:</b> A04 - Cheam	<b>Time Taken:</b> 36 weeks 5 days
--------------------------	--------------------------	------------------------------------

Site: 35 Downs Side  
Cheam  
SM2 7EH

Proposal: Erection of part one part two storey front, side and rear extension with new roof and alterations to fenestration and external materials.

Applicant: Mr Belto

Agent: Mr Lee Whiteman

**Recommendation:  
GRANT PLANNING PERMISSION**

subject to the recommended conditions

**Reason for report to the Planning Committee:** The applicant is an employee of the council.

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

- The design of the proposed extensions to the dwelling are considered to be acceptable in design terms and will not result in harm to the character and setting of the application property, the street scene or the Burtons Estate Area of Special Local Character(ASLC).
- The proposed extensions and 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 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 detached chalet bungalow located on the southern side of Downs Side. The junction with Sandy Lane is to the west. The application property is set within a large plot of land with deep front and rear gardens.

1.3 The application property is located with the Burtons Estate Area of Special Local Character (ASLC) and the surrounding area is characterised by large detached dwelling houses set back from the road frontage with a verdant backdrop.

### 1.4 **Relevant Planning History:**

1.5 SUT/22799 - Erection of bungalow. Granted on 29th October 1958

1.6 A1998/43055 - Erection of a single-storey side extension. Granted on 21st April 1998

1.7 A2001/47548 - Erection of a conservatory at rear. Granted on 12 June 2001.

## 2.0 **APPLICATION PROPOSALS**

### 2.1 **Details of Proposal:**

2.2 This application, as amended, proposes the erection of part one part two storey front, side and rear extension with new roof, alterations to fenestration and external materials.

### 2.3 **Amendments:**

2.4 The council had concerns regarding the design and proposed external materials of the initial submission as the design was considered to be too modern resulting in a harmful impact on the character and setting of the surrounding ASLC. The main differences between the original scheme and the amended scheme are the removal of the bulk and massing at first floor level adjacent to the eastern boundary, removal of the roof lights, an area of flat roof has been added to the new roof, a more traditional window style has been proposed together with a more traditional entrance door and external materials.

2.5 The applicant revised the drawings to overcome the concerns raised by the council and neighbours and original objectors were re-consulted on the amended scheme.

## 3.0 **PUBLICITY - CONSULTATION**

3.1 In total 8 letters were sent to local residents on 6 April surrounding the site on the following roads listed below:

- Downs Side
- Sandy Lane
- The Drive

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

3.3 The initial application received 12 objections from the addresses listed below including one objection from the Belmont and South Cheam Residents Association :-

- 17,18, 22, 24, 25A, 28, 29, 32 and 33 Downs Side
- 30 Manor Road
- 42 The Avenue

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 extensions would involve the addition of new glazing at first floor level to the property, however the relationship with the neighbouring properties is not unusual for a residential setting such as this and any additional overlooking between neighbouring properties would be mutual.
Loss of light to neighbouring gardens	Given the separation distances between the proposed dwelling 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. This issue was also addressed by the reduction in the first floor rear projection closest to the eastern boundary.
<b>Design</b>	
Out of keeping and harmful to the character and setting of the Burtons Estate ASLC, contrary to policy 28 and 30 of the Sutton Local Plan	It was acknowledged that the initial scheme was out of keeping with the character of the surrounding area and would have had a detrimental impact on the appearance of both the application property and the wider surrounding area. However the amended scheme is

	<p>considered to incorporate design features and external materials that would be more in keeping with the character and setting of the surrounding area. It is therefore considered that the proposal now meets the aims and objectives set out in policy 28 and 30 of the Sutton Local Plan.</p>
<p><b>Other matters</b></p>	
<p>Loss of a bungalow</p>	<p>The council does not have a policy that seeks the retention of bungalows and it is important to note that this is an application for the extension of the existing property (which already has two levels) and does not involve a change of use.</p>

3.6 Following re-consultation of the original 8 properties and all objectors to the original scheme, three of the original objectors withdrew their objections due to an improvement to the design, bringing the total objections to 9.

**3.7 Councillor Representations**

3.8 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 proposed extensions to this property 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:**

- 7.4 Local character
- 7.6 Architecture

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

- 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 Extension

- Burtons Estate South Cheam Character Appraisal
- 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) Transport and Highways**
- E) 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 comprising details and materials that complement local architecture and contribute positively to the character of the area.

5.4 This application, as amended, proposes the erection of part one part two storey front, side and rear extension with new roof and alterations to fenestration and external materials.

5.5 The existing detached garage will be removed together with the single storey side extension on the eastern elevation and the single storey extensions to the rear. A proportion of the existing walls mainly to the rear of the house will be removed, a new garage will be added adjacent to the western boundary and the ground floor footprint will be squared off at the rear. A first floor will be added to the property, creating two front facing gables with a central recess above the new entrance door.

5.6 At the rear, there will be a part one, part two storey extension with the first floor element mainly focused toward the western side of the property with a rearward facing gable. The single storey element would have a flat roof and the rear facing gable would integrate with the new roof. The new roof to the property will be hipped and tiled in clay tiles, it is noted that the ridge height will only be increased by 0.05m which would not be noticeable when viewed from the public highway.

5.7 The proposed external materials include a chalk white render, brown brickwork and rosemary clay roof tiles which are considered to be more in keeping with the palette of materials seen in the surrounding area.

- 5.8 It is the applicant's intention to retain a number of the original walls to ensure that this proposal is an extension to the existing house and not a complete redevelopment. It is noted that in the event that during construction the original structure that is said to be retained was demolished, the applicant would have to apply for full planning permission for a new house.
- 5.9 As amended, the design is considered to be appropriate in this location. It is noted that the property sits within a large plot of land and therefore the site can comfortably accommodate an extended property with a first floor. A two storey house would reflect the style and massing of the surrounding properties, the majority of which are two storey detached dwelling houses. It is therefore considered that the proposed scheme would not detract from the appearance of the application property, the neighbouring properties or the street scene of which it forms part.
- 5.10 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:**

- 5.11 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 matters such as impact on privacy, sunlight or daylight, and whether there would be an increase in noise and disturbance or an unacceptable increased sense of enclosure or loss of outlook.
- 5.12 The property to the east of the application site is 33 Downs Side, which is a two storey property with a single storey side extension situated close to the boundary between the two properties setting the main property away from the shared boundary. This creates good separation between properties which would be improved by the removal of the existing side extension from 35 Downs Side, increasing the space between properties. As such, there would not be an unreasonable impact on the amenities currently enjoyed by the occupants of this neighbouring property as a result of the rearward and first floor extensions to the application property.
- 5.13 To the west is 191 Sandy Lane which backs onto the side elevation of the application property. The rear garden of this property is approximately 18m deep and 25m wide which mitigates any impact that the proposed extension would have on the outlook currently enjoyed from this property. Given that the main roof ridge will not be significantly higher than it is at present and that the roof will hip away from the boundary the visual impact is considered acceptable.

- 5.14 The properties to the rear of the site located on The Drive are a significant distance away and as such the impact on the amenities enjoyed at these properties would be acceptable.
- 5.15 There are no first floor flank windows proposed. A condition is recommended to prevent access to the flat roof of the rear extension as this will prevent any unreasonable overlooking to the neighbouring property.
- 5.16 As such, subject to the condition 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:**

- 5.17 The application property is located within the Burtons Estate Area of Special Local Character. Policy 30 of the Sutton Local Plan 2018 states that the council will expect development within an ASLC preserves, and where practicable, enhances those element which contribute to the ASLC's particular character or appearance
- 5.18 The Burtons Estate is characterised by large detached properties designed by Andrew Burton, the houses vary in design but there is an arts and crafts theme that consistently runs through all the properties. The character appraisal states that areas of concern raised by residents include the use of inappropriate external materials and inappropriate design.
- 5.19 It is considered that the characteristics of the surrounding properties has been taken into consideration with regards to the proposed appearance, external materials (the character appraisal makes particular mention of render, brickwork and clay roof tiles), the style of the entrance door and the removal of the large areas of glazing to the front and rear gables and replacement with more traditional style windows.
- 5.20 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 Burtons Estate Area of Special Local Character.

**D) Transport and Highways:**

- 5.21 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.
- 5.22 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'.

5.23 The proposal does not result in a loss of off street parking at the site as the garage will be retained and there is space for vehicles to park on the front forecourt of the property. As such, the proposal will provide parking in accordance with the maximum parking standards. It is considered that this proposal would not result in an unacceptable increase in vehicular movements to and from the dwelling

5.24 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.

**E) Conclusion:**

5.25 Overall, it is considered that the design of the extensions and alterations are acceptable and would not result in harm to the character and appearance of the dwelling, the street scene or the setting of the Burtons Estate ASLC.

5.26 The proposal would not result in unacceptable harm to the residential amenity of neighbouring occupiers.

5.27 The proposal would not 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.



Mr Lee Whiteman

DM2020/00462

Carlton House

19 West Street

Epsom

KT18 7RL

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

35 Downs Side, Cheam, SM2 7EH

Erection of part one part two storey front, side and rear extension with new roof and alterations to fenestration and external materials.

## SECOND SCHEDULE

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

001, 002, 010, 012, 013, 014, 015 and 016, received on 20th March 2020 and 020, 021, 022, 023, 024, 025 and 026 received on 19th October 2020.

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.

## 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.