



Application no: DM2021/00142

## PLANNING PERMISSION GRANTED

Town and Country Planning Act 1990

To: Mr Simon Bird  
Bird + MacDonald  
72 The Avenue  
Liphook  
GU30 7QS

Applicant: Sr Veronica Hagen  
Congregation of the Daughters  
of the Cross of Liege  
571, Gander Green Lane  
North Cheam  
SM3 9RF

The Council of the London Borough of Sutton as Local Planning Authority under their powers provided by the above legislation, **DO HEREBY GRANT** permission for the development specified in the First Schedule hereto, subject to the conditions (if any) specified in the Second Schedule.

### FIRST SCHEDULE

In accordance with your application, valid on 26th January 2021.

#### **571 Gander Green Lane North Cheam SM3 9RF**

**Demolition of existing shed and erection of a part one, part two storey side and rear extension involving a garage, single storey outbuilding to rear and a new gate and vehicle access from Caversham Avenue.**

### SECOND SCHEDULE

#### **Condition(s):**

( 1 ) The approved development shall be carried out in accordance with the following drawings/details:

17177 Hard Standing Letter by council's Crossover Engineer  
3772 EX-0001  
3772 EX-1000  
PL-1000 Rev H  
3772 PL-1002 PROPOSED design + access statement(2) Rev A  
Arboricultural Survey, Impact Assessment and Method Statement

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) Prior to the occupation of the development, 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 with Policy 28 of the Sutton Local Plan 2018.

- ( 5) Prior to the commencement of development, measures for the protection of all tree(s) shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be in accordance with the British Standard BS5837: Trees in relation to design, demolition and construction. Any works/development on site shall be carried out in strict accordance with the approved details and the protective measures shall only be removed on completion of the development.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the tree (s) to be retained will not be damaged during demolition or construction and to ensure tree(s) significant in terms of their provision of local amenity are protected from construction damage, in accordance with best practice and Policy 28 of the Sutton Local Plan 2018.

- ( 6) No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of:
- (a) loading and unloading of plant and materials;
  - (b ) storage of plant and materials;
  - (c) programme of works (including measures for traffic management);
  - (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
  - (e) hours of operation;
  - (f) means to prevent deposition of mud on the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties, in accord with policy 28 and 37 of the Local Plan 2018. This condition is required to be pre-commencement as the Construction Logistics Plan needs to be in place before any works take place and to mitigate against the impacts of the demolition / construction process.

- ( 7) The proposed sliding gates at the property boundary in Caversham Avenue, due to the proximity of the public highway and associated need to prevent waiting in the public highway, must include remote operation (capable of use from a vehicle) to prevent unnecessary waiting on the highway and/or blocking the footway. Details of any proposals for automated gates/doors at the entrance to the car port/garage to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, in accordance with Policy 37 of the Local Plan 2018.

- ( 8) Notwithstanding the details hereby approved, the 1st floor flank window located on the east elevation 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 rooms in which the windows are installed in a manner that they cannot be opened and maintained as such permanently.

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.

- ( 9) The flat roof of the rear/side 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.

#### **Informative(s):**

- ( 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) 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 via the following link: <https://www.sutton.gov.uk/propertyapplicationsearch>

- ( 3) 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.

- ( 4) This application has been assessed against the relevant policies of the London Plan 2016 and Sutton's Local Plan 2018. The proposal is 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) Preventing Damage to the Public Highway:

Care should be taken by all applicants to ensure that no damage is caused to the public highway adjacent to their site during demolition and/or construction work. The Council will always seek to recover any costs incurred in repairing or making good such damage from the owner of the development site, except where they are otherwise able to identify the person(s) who caused the damage and are willing to accept the recoverable costs.

#### **Pre-Commencement Highways Condition Surveys:**

To avoid the above costs arising, and BEFORE ANY WORK COMMENCES on your site, PLEASE SEND A BLANK EMAIL to [highways@hcs@sutton.gov.uk](mailto:highways@hcs@sutton.gov.uk) to receive further details on how to arrange a pre-commencement photographic survey of the public highway conditions around your site. Where the Council decides that a survey is necessary a Returnable Deposit and Inspection Fee (Highways to advise) will be payable to London Borough of Sutton. The pre-commencement survey will ensure you are not charged for any damage which existed prior to commencement of your works. If you fail to arrange a pre-commencement survey it will be assumed that any damage to the highway was caused by your own activities and you will be charged the full cost of repair. Once the site works are completed you need to contact Highways to arrange for a post construction inspection to be carried out. If there is no further damage, the case will be closed, and your deposit refunded. If damage is found to have occurred, the

Council will carry out the repairs, and the costs will be charged to you, whether less or more than the deposit value.

(6) Where applicable the developer/applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuance of the application.

(7) Your work may be affected by the provisions of the Party Wall Act 1996 which requires adjoining owners to be formally notified by the owner. This is not a planning matter and further details are issued by the Government <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>.

(8) The Council was able to negotiate successfully with the applicant to amend the application so that it complied with the relevant policies. Sutton Council has accordingly granted planning permission.

### **Building Regulations**

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via <http://www.sutton.gov.uk/buildingcontrol> or by emailing [buildingcontrol@sutton.gov.uk](mailto:buildingcontrol@sutton.gov.uk).



23rd March 2021

Simon Latham, Interim Strategic Director  
Environment, Housing and Regeneration

**LONDON BOROUGH OF SUTTON  
APPENDIX TO PLANNING DECISION NOTICES  
NOTES TO APPLICANTS**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

Before you decide to appeal you may wish to consider amending your proposal to meet the Council's reasons for refusing permission. The Council's planning staff are always prepared to discuss with you ways to avoid an appeal by submitting an alternative application. This may involve a charge in line with our pre-application service ([https://www.sutton.gov.uk/info/200155/planning/1113/pre-application\\_planning\\_advice](https://www.sutton.gov.uk/info/200155/planning/1113/pre-application_planning_advice))

If you want to appeal, then you must do so within 12 weeks of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website <https://www.gov.uk/appeal-planning-decision>.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal at <https://www.gov.uk/appeal-planning-decision>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

## **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

## **The Party Wall etc. Act 1996**

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions.

The Act covers:- (i) work to be carried out directly to an existing party wall or structure

(ii) new building at or astride the boundary line between properties

(iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail [odpm@twoten.press.net](mailto:odpm@twoten.press.net)