

Sutton Council London Borough
Environment, Housing and Neighbourhoods,
London Borough of Sutton,
Civic Offices,
St Nicholas Way,
SM1 1EA

By email

08th November 2023

Dear Sirs,

Re: Prior Notification requirement - Class AA – enlargement of a dwellinghouse by construction of additional storeys.

We submit a Prior Approval application for the proposed additional storey to 51, Lenham Road, Sutton, SM1 4BG. This is a resubmission following the refusal of DM2023/01692. **We believe that the amended drawings have addressed point 1 in the refusal letter. With regards to item 2 we believe that replicating the design of the original building should sufficiently enforce that the external appearance would not be out of keeping as the features already exist. We also believe that appeal decisions that have been made thus far should be considered and make a material consideration when reviewing the revised application. In particular the following appeal decisions:**

APP/J1535/D/21/3266264

APP/X1735/D/21/3269472

Extract from the planning inspectorate decision: the wording of the GPDO refers specifically to the external appearance of the dwellinghouse itself rather than the surrounding area, which is not listed as one of the prior approval matters in respect of proposals under Part 1, Class AA

APP/L3245/D/21/3270569

APP/K0425/D/21/3271339

APP/P1133/D/21/3271995

APP/P3610/D/21/3268375

This proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

This application is accompanied by a site plan, CIL form, the application forms and plans and elevations.

Planning / Building Background:

Local searches carried out recently confirm that there are no planning or building regulations enforcement notices in relation to the property and that the property is not subject to any direction restricting permitted development.

Planning Considerations

Part 1, Class AA – enlargement of a dwellinghouse by construction of additional storeys - of the Town and County (General Permitted Development) Order 2015 (as amended) states that the following is permitted development:

AA. The enlargement of a dwellinghouse consisting of the construction of—

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development parameters

AA.1. Development is not permitted by Class AA if—	
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);	Complies The dwellinghouse has been used as a dwellinghouse since erection.
(b) the dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special scientific interest;	Complies The house is not located on article 2(3) land or a site of special scientific interest.
(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;	Complies The house was erected in approximately 1955.
(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;	Complies The house has not been extended in any such way.
(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;	Complies The house would not exceed 18m
(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than— (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;	Complies The house is currently more than one storey and will not extend beyond 7m. It will be extended 2.66m.

<p>(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—</p> <p>(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or</p> <p>(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;</p>	<p>Not relevant</p>
<p>(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—</p> <p>(i) 3 metres or</p> <p>(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;</p>	<p>Complies The proposed internal ceiling height will match that of the existing.</p>
<p>(i) any additional storey is constructed other than on the principal part of the dwellinghouse;</p>	<p>Complies The extension will be directly from the original dwellinghouse footprint.</p>
<p>(j) the development would include the provision of visible support structure on or attached to the exterior of the dwellinghouse upon completion of the development; or</p>	<p>Complies No visible support structures are required.</p>
<p>(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.</p>	<p>Complies No engineering operations are required outside of the curtilage of the dwellinghouse.</p>

Given the above assessment, the proposal complies with the parameters of Class AA and development is permitted by Class AA subject to the conditions set out below.

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; **The applicant site is detached and some distance from adjoining premises.**

Therefore there would be no overlooking, privacy or loss of light following the development.

(ii) the external appearance of the dwellinghouse, including the design and architectural features of— **demonstrated in the submitted drawings.**

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defense asset impacts of the development; and **no impact.**

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Views dated 15th March 2012 issued by the Secretary of State; **n/a**

Conclusion: I believe that the case provided by this application and its supporting documentation (as listed below) is strong and merits approval. Should you have any queries or require further

information, please do not hesitate to contact me within reasonable time scales to allow for a timely response.

Yours faithfully,



Lee Whiteman

Director

BA(Hons) MArch ARB RIBA

For: Whiteman Architects Ltd