

Delegated Report

Report of the Strategic Director, Environment, Housing and Neighbourhoods

Ref: DM2023/00094	Ward: Stonecot	Expiry Date: 4th August 2023
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Site	93 Epsom Road Sutton SM3 9EY
Proposal	Demolition of the existing detached house and erection of two semi-detached two-storey dwellings with two garages at the rear and a vehicular access from and to Elm Road West.
Applicant	Mr Umer Mansoor
Agent	Mr Steve Bolton

Recommendation	Application Refused
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BACKGROUND

Site and surroundings:

The application site is located to the east of Epsom Road, on a corner plot with Elm Road West to the north of the site. The site contains a detached, two storey, four bedroom house. The site has an access road located to the rear, providing vehicular access to residential garages.

The surrounding area is predominantly residential and is characterised by pairs of semi-detached properties with a few detached dwellings, most of these properties are similar in style and form. Morden Hall Park is located to the north of the site and falls within the London Borough of Merton.

RELEVANT SITE HISTORY

Planning Application Reference: SUT24324--- Address: 95 Epsom Road Sutton

SM3 9EY--- Proposal: Erection of an extension to kitchen, living room and back bedroom 23-3-60--- Status: PD--- Decision: PD--- Date Decision Issued: 23-MAR-60---

Planning Application Reference: SUT25734--- Address: 95 Epsom Road Sutton

SM3 9EY--- Proposal: Erection of cloakroom extension to side of house 8-3-27--- Status: GTD--- Decision: GTD--- Date Decision Issued: 26-MAY-61---

Planning Application Reference: SUT25733--- Address: 95 Epsom Road Sutton

SM3 9EY--- Proposal: Erection of glazed enclosure to front porch 8-3-27--- Status: GTD--- Decision: GTD--- Date Decision Issued: 26-MAY-61---

Planning Application Reference: SUT24002--- Address: 95 Epsom Road
 Sutton
 SM3 9EY--- Proposal: Erection of kitchen, living room and bedroom extension 8-3-
 27--- Status: REF--- Decision: REF--- Date Decision Issued: 23-DEC-59---

Planning Application Reference: DM2023/00094--- Address: 93 Epsom Road
 Sutton
 SM3 9EY
 --- Proposal: DEMOLITION OF EXISTING HOUSE AND THE CREATION OF TWO
 SEMI DETACHED, FOUR BEDROOM HOUSES WITH SINGLE GARAGES---
 Status: REC--- Decision: --- Date Decision Issued: ---

SITE SPECIFIC DESIGNATIONS:

Archaeological Priority Areas	
Enforcement Cases	Ref. No: EC13/0030--- Nature: Using a pathway as part of driveway.
Enforcement Database Uniform	Ref: EC13/0030 - Address: 93 Epsom Road Sutton SM3 9EY - Complaint: Using a pathway as part of driveway. - Status: CLOSED
Enforcement Database Uniform	Ref: EC2018/0028 - Address: 93 Epsom Road Sutton SM3 9EY - Complaint: Erection of a single storey outbuilding - Status: CLOSED
Highways Improvement Corridor	Land Charges Red Route Buffer
Smoke Control Orders	Smoke Control Zone

DETAILS OF PROPOSAL

This application is seeking planning permission for the demolition of the existing detached house and the erection of two semi-detached two-storey dwellings with two garages at the rear and a vehicular access from and to Elm Road West.

AMENDMENTS

None received

PUBLICITY

Type of Site Notice	Reason for Site Notice	Date Posted
Site Notice	Officer Discretion	3rd July 2023

NEIGHBOURS AND CONTIBUTORS

Number of neighbours originally consulted	10
Number of contributors	1
Number of objectors	1
Number in support	0
Number making a neutral representation	0

A full list of contributors can be found in Appendix B.

SUMMARY OF RESPONSES

One letter has been received, raising the following objections:

1. Over development of the site
2. Out of character with the area
3. Overlooking and loss of privacy
4. Garage roof excessively high

Officers response:

1. It is considered that the proposed development does represent over development of the site, as there are concerns regarding the design and footprint of the building, which in turn results in a private rear garden that is too small for one of the houses.
2. It is considered that by reason of the proposed design, the dwellings would appear out of keeping with the surrounding development.
3. The proposed dwellings are considered to not result in an unreasonable level of overlooking or loss of privacy to the surrounding residential properties, an element of mutual overlooking does occur in residential settings such as this.
4. The proposed garage roof is considered to be an acceptable height for an outbuilding in this location.

CONSULTEE RESPONSES

Consultee	Response Date	Comments
Sustainability Officer	21.07.2023	While a SuDS strategy has been prepared in support of this planning application, no energy statement or water efficiency calculations have been submitted. The level of detail provided is therefore not sufficient to demonstrate that the

		Council's sustainability requirements set out Local Plan Policies 31, 32 and 33.
Waste Management	22.06.2023	No objections
Highways	11.07.2023	<p>Access to the garages will be via the existing access road to the rear which will remain unchanged by these proposals; vehicles will be able to enter and exit in forward gear. The scheme provides 2 off street spaces for each house, one garaged. The developer states that electric charging points will be provided in the parking area. It is noted that the rear access road also provides access to other garages etc to the rear of properties fronting Epsom Road.</p> <p>The developer states that secure cycle storage will be provided in the detached garages capable of accommodating at least two bicycles in accordance with the London Plan.</p> <p>The proposed building/construction work is significant, and the A24 Red Route is a busy road. Hence a construction logistics plan should be submitted at an early stage by the developer for consideration by the Council and TfL before any work commences.</p> <p>There are no objections to the principle of development. However the above matters need to be investigated and progressed to a successful conclusion.</p>
Transport For London	14.07.2023	No objections
Environmental Health	23.06.2023	No objections subject to conditions relating to hours of work and a Construction Management Plan.
Tree Officer	18.07.2023	No objection based on there being sufficient clearance from the mature Maple tree located in the footway and Malus spp. on rear boundary. A BS5837 tree protection strategy is required but can be covered via Conditions LT04 and LT06.
London Borough Of Merton	03.07.2023	No comments
English Heritage (GLAAS) Archaeological	26.06.2023	No objection subject to a condition relating to a pre-commencement submission of a written scheme of investigation and an informative.

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MATERIAL PLANNING POLICIES

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 2021
- The Sutton Local Plan 2018

Also a material consideration in determining planning applications are:

- National Planning Policy Framework 2021 (NPPF)
- National Planning Practice Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Documents
- Human Rights Act 1998
- Equality Act 2010

London Plan Policies 2021:

- o GG1 Building strong and inclusive communities
- o GG2 Making the best use of land
- o GG4 Delivering the homes Londoners need
- o D1 London's form, character and capacity for growth
- o D3 Optimising site capacity through the design-led approach
- o D4 Delivering good design
- o D5 Inclusive design
- o D6 Housing quality and standards
- o D12 Fire safety
- o D14 Noise
- o H1 Increasing housing supply
- o H2 Small sites
- o H10 Housing size mix
- o HC1 Heritage conservation and growth
- o G7 Trees and woodlands
- o SI 2 Minimising greenhouse gas emissions
- o SI 4 Managing heat risk
- o SI 5 Water infrastructure
- o SI 12 Flood risk management
- o SI 13 Sustainable drainage
- o T4 Assessing and mitigating transport impacts
- o T5 Cycling
- o T6 Car parking

- o T6.1 Residential parking
- o T7 Deliveries, servicing and construction

Sutton Local Plan 2018 Policies:

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

Supplementary Planning Documents:

- o SPD14 Creating Locally Distinctive Places

PLANNING CONSIDERATIONS

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

- Principle of Development
- Design Quality
- Impact on Neighbours
- Layout and Accessibility
- Trees, Landscaping and Biodiversity
- Highways & Parking
- Fire Safety
- Other matters
- Community Infrastructure Levy (CIL)

Principle of Development :

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) requires the Council to make the most efficient use of land by maximising the re-use of previously developed land and the conversion of existing buildings and states that housing applications should be considered in the context of the presumption in favour of sustainable development. In keeping with aims and intentions of the NPPF, policy 1 of the Sutton Local Plan 2018 states that the council will take a positive approach reflecting the presumption in favour of sustainable development.

GG2 of the London Plan 2021 states that we should enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites. GG4

Delivering the homes Londoners need reflects the need for increasing housing supply and H1 and H2 states the need for new housing within London.

In accordance with policy 7 of the Sutton Local Plan 2018, the council will permit new dwellings providing that developments maintain and seek to enhance the quality of the borough's environment, respecting local character and reinforcing local distinctiveness.

The application property is located to the east of Epsom Road, on a corner plot with Elm Road West to the north. The site is currently occupied by a two storey detached dwellinghouse. There is existing vehicular access to the site from Elm Road West.

The area surrounding the site is predominantly residential, however the site falls outside of an Area of Potential Intensification.

It is proposed to demolish the existing two storey detached dwellinghouse and replace it with a two storey semi-detached pair of dwellings, each with four bedrooms and accommodation within the roof space. Off street parking would be provided at the rear of the site accessed off Elm Road West.

The land use of the site would remain as residential and as such the principle of the proposed development is acceptable, however the acceptability of the proposal depends also on compliance with all relevant policies.

Whilst the NPPF and the London Plan seek to promote the sustainable use of existing developed sites, a balance needs to be struck between need and the design quality and visual impact on the surrounding area. The additional benefit that the creation of one additional dwelling would bring does not outweigh the harm identified with this proposal. There are also other factors, discussed below which indicate that this proposal is unacceptable in policy terms.

Design Quality :

In accordance with policy 28 of the Sutton Local Plan 2018, the council will only grant permission for development providing it maintains and enhances local character and the appearance of the surrounding area.

The existing dwelling on this site is not unattractive and appears to be in an acceptable state of repair, however there is no specific reason to object to its demolition. The application plot is slightly wider than many of the surrounding plots, however the northern corner of the site does form part of the public highway, so the shape of the site is irregular.

The application proposes the erection of a pair of four bedroom dwellings with accommodation within the roof space. The dwellings would both have a frontage onto Epsom Road, with a rectangular bay to the front elevation. The roof form would comprise one single roof plane with gabled ends. The ridge height would be similar to that of the adjacent property no. 95, but the eaves line would be lower.

The proposed dwelling would be almost the full width of the site and would align with the front and rear elevation of the neighbouring property at no. 57. The eaves would be set slightly below that of no.57 and the ridge height of the roof would be similar to that of the adjacent properties. The front building line of the adjacent properties would be respected, however the building will project further rearward into the site than the adjacent properties.

It is considered that the proposed pair of dwellings would appear out of character with the surrounding area where the existing development shares a fairly uniform design. The front elevation of the property would appear at odds with the surrounding development due to the rectangular shallow bays that terminate at eaves level, whereas many of the surrounding properties have a front gable detail. The gable ended roof which will appear as one single roof slope with a large conjoined dormer at the rear would be out of keeping with the surrounding development and would have a detrimental impact on the appearance of the Epsom Road streetscene. The proposed fenestration would also be at odds with the surrounding development and the flank elevations appear bland and stark. It is considered that any development on this site should have design features that compliment or mirror the design of the surrounding development.

The detached garage building to the rear of the site is considered to be acceptable in design and size.

It is considered that the proposed dwelling is not of the high quality of design that is expected by Policy 28 of the Sutton Local Plan.

Therefore, the proposed development, by reasons of its massing and design would appear as an incompatible and incongruous addition to the wider surrounding street scene. As such, the proposal would fail to respect the context of the housing in this area and would have a significant harmful effect on the appearance of the surrounding area and the streetscene contrary to the principles of the National Planning Policy Framework, policy D3 and D4 of the London Plan, policies 1 and 28 of the Sutton Local Plan and SPD 14 Creating Locally Distinctive Places.

Impact on Neighbours :

In accordance with Policy 29 of the Sutton Local Plan 2018, the council will not grant planning permission for any development that adversely affects the privacy, outlook or daylight and sunlight of adjoining occupiers, or would unacceptably impact on the surrounding area.

The main neighbouring property to take into consideration is the adjacent property 95 Epsom Road. The property on the opposite side of Elm Road West and the properties to the rear of the site are a sufficient distance from the application site to mitigate any unreasonable impact on amenity.

No. 95 lies to the southwest of the application site and is a semi-detached two storey dwelling. This neighbour has a single storey side and part rear extension. The proposed dwellings would be set away from the shared boundary by 1.2m, allowing an acceptable separation between dwellings. However, it is noted that the proposed

dwellings would project rearwards at two storey, 5.44m beyond the first floor rear elevation of no. 95. Due to the depth and close proximity to the shared boundary, the rearward projection of the building is considered to result in an unreasonable visual impact and create a sense of enclosure for the occupants of this property, especially given the restricted depth of their rear garden. However the impact daylight enjoyed at no.95 should not be significantly impacted on.

Any additional overlooking from the first or second floor windows to the neighbouring gardens would be mutual and not uncommon in a setting such as this.

It is therefore considered that the proposal does result in an adverse impact on the amenities enjoyed by the occupants of the neighbouring properties and fails to fully comply with the aims set out in Policy 29 of the Sutton Local Plan.

Layout and Accessibility :

Any proposed new dwellinghouse would be required to meet the minimum standards of internal floor space which are set out in Policy D6 of the London Plan 2021 (as amended), and as set out in Policy 9 of The Sutton Local Plan 2018, the Council will not grant planning permission for new residential development, including conversions, which fails to meet the internal space standards set out in the London Plan.

This application proposes two, four bedroom, seven person dwelling houses arranged over three floors. The houses would be expected to provide a minimum of 121m² of gross internal floor space. The submitted plans show that the minimum required floor area will be met and exceeded. Each bedroom would also meet the required floor area for a double room or single bedroom. It is considered that each room would receive good levels of daylight and have a reasonable outlook.

The private outdoor amenity space proposed for house 1 would be acceptable at 108m², but would fall short of the 70m² required for house 2 which would have a private rear garden area of approximately 61m². Therefore the proposal fails to meet the requirements of Policy 9 which requires that a dwelling with three or more bedrooms outside of an API provide 70m² of private outdoor amenity space.

As such, the proposal fails to provide an acceptable standard of accommodation which complies with policy D6 of the London Plan and Policy 9 of the Sutton Local Plan 2018.

Refuse storage and cycle storage has not been shown on the site plan, however it is evident that there would be space for bins stores on the site and for cycle parking within the rear garages. Had the application been recommended for approval, these details would have been secured by condition.

Trees, Landscaping and Biodiversity :

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.

It is noted that there is a mature street tree located to the north of the site within Elm Road West and a Crab Apple Tree located close to the rear of the site, both of which contribute to the appearance of the surrounding area.

If the application were to be recommended for approval, conditions could be used to ensure that these two trees are protected and retained.

Highways & Parking :

In accordance with policies 35 and 36 of the Sutton Local Plan 2018, development proposals will be required to make appropriate provisions for sustainable transport modes and will be assessed for their impact on the existing and proposed transport infrastructure and services, and the local environment. Policy 37 of the Sutton Local Plan 2018 requires development proposals to provide the appropriate amount of car parking and secure cycle storage in accordance with the council's restraint-based maximum car and cycle parking standards and to ensure the safe and efficient operation of the transport network.

The proposed development site is situated within an area of PTAL level 2 of poor transport accessibility. Two off-street parking spaces are proposed for each dwelling, one within a garage and one external space all located to the rear of the site. Access to the garages will be via the existing access road to the rear off Elm Road West which will remain unchanged by these proposals; vehicles will be able to enter and exit in forward gear.

The parking provision would meet the required standards and as such there is no objection with regards to the proposed impact on parking or highways safety.

The scale of the building work is significant and is close to the road junction, it is therefore recommended that a construction logistics plan should be provided at an early stage to the satisfaction of the local authority before any work commences on site. If the application were to be recommended for approval, this would be subject to conditions relating to a CLP and to secure cycle parking details.

Sustainability :

In accordance with policy SI 2 of the London Plan, development proposals will be required to make the fullest contribution to the mitigation of, and adaptation to, climate change and to minimising carbon dioxide emissions according to the following hierarchy: (1) Be lean (2) Be clean; and (3) Be green. In accordance with the London Plan, policies 31 and 33 of the Sutton Local Plan 2018 seek to promote the highest standards of sustainable design and construction within the Borough.

The Sustainability Officer has reviewed the application and has stated that while the submitted sustainable drainage assessment (SuDS strategy) is acceptable for the purposes of Local Plan Policy 32 subject to conditions, objections are raised to this planning application on the basis that no energy strategy or water efficiency

calculations have been prepared to enable it to be determined against the requirements of Local Plan Policies 31 and 33.

As such this will form a reason for refusal.

Fire Safety Statement :

Following the publication of the London Plan in March 2021 all applications are required to meet the highest standards of fire safety. As part of this application fire safety information has been submitted to accord with policy D12a of the London Plan and as such the proposal is acceptable in these terms.

other matters :

The site lies within an Archaeological Priority Area, Historic England have been consulted on the proposal, and whilst they do not raise any objections to the proposal, had permission been granted, conditions would have been required to secure a written scheme of investigation.

Financial Contribution :

The London Borough of Sutton introduced its Community Infrastructure Levy (CIL) charging schedule in April 2014. Any new build, that is a new building or an extension, is only liable for the levy if it has 100 square metres, or more, of gross internal floor space or creates an additional residential unit and is 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).

All Local Authorities are required to index the CIL charges to take account of price increases between the time when charging schedules setting out an authority's rate come into force, and the time at which planning permission is granted. In this instance the London Borough of Sutton's CIL has been indexed from its adoption in April 2014 and the Mayoral CIL indexed from its adoption in April 2012.

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from its adoption in April 2014 and the Mayoral CIL indexed from its adoption in April 2012.

Public Sector Equality Duty (PSED) and Human Rights

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. The application has also been considered in the light of the Human Rights Act 1998 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.

CONCLUSION

It is recommended that planning permission is refused for the reasons set out above as the proposal is contrary to the relevant planning policies.

Report Author: Polly Davidson
Background Papers: DM2023/00094

Appendix A – Conditions, Reasons and Informatives

Refusal Reasons

Reason(s):

(1) The proposed development, by reasons of its massing and design would appear as an incompatible and incongruous addition to the wider surrounding street scene. As such, the proposal would fail to respect the context of the housing in this area and would have a significant harmful effect on the appearance of the surrounding area and the streetscene contrary to the principles of the National Planning Policy Framework, policies D3 and D4 of the London Plan, policies 1 and 28 of the Sutton Local Plan and SPD 14 Creating Locally Distinctive Places.

(2) Without evidence to the contrary, the application has failed to demonstrate that the proposal will provide a satisfactorily reduction in carbon emissions and water efficiency measures. As such, the application would be contrary to Policies SI 2 and 5 of the London Plan 2021 and Policies 31 and 33 of the Sutton Local Plan 2018.

(3) The proposed development, by reason of the height, depth and proximity of the proposed dwelling to the shared boundary with 95 Epsom Road would result in a detrimental impact on the outlook to the detriment of the neighbouring occupiers and create a sense of enclosure. The proposal is therefore contrary to Policy 29 of the Sutton Local Plan 2018.

(4) The proposal would fail to provide an acceptable level of private external amenity space for future occupiers of House 2 contrary to policy D6 of the London Plan 2021 and Policy 9 of the Sutton Local Plan 2018.

Informative(s):

(1) The refused development has been assessed in accordance with the following drawings/details:

2225.P01

2225.P02B

2225.P03A

2225.P04B

2225.P05B

2225.P06B

2225.P07 (Garages)

2225.P08

2225.P09

Flood Risk Map (colour)

CM22264 - Topographical Survey - 93 Epsom Road, Sutton

EA Flood Risk Map for Planning

2225.P10a

Transport for London PTAL Map - Epsom Road, Sutton, SM3 9EY

79038 R1 (Sustainable Drainage Assessment)
Design, Planning and Access Statement Rev B
Planning Fire Safety Strategy
2225.P11
2225.P12
2225.P13 (Trees and Site photographs)
2225.P14 (Landscaping)
Biodiversity Net Gain Assessment - 93 Epsom Road (Summary)
Biodiversity Net Gain Assessment - Sutton Impact Calculator - 93 Epsom Road
(June 2023)
Ecological Impact Assessment - 93 Epsom Road, Sutton SM3 9EY (April 2023)

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

(2) The applicant did not seek pre application advice and the application does not comply with the relevant planning policies. The scale of amendments required to make the application acceptable are such that it would be a materially different application. Sutton Council therefore had no alternative but to refuse planning permission. The applicant is advised to obtain pre application advice before submitting any new application.

Appendix B – List of Contributors

Neighbour	Address	Stance
M.C Hilton-Leigh	62 Woodstock Avenue, Sutton	Object