

Delegated Report

Report of the Strategic Director, Environment, Housing and Neighbourhoods

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|-------------------|----------------------|-----------------------------|
| Ref: DM2021/01764 | Ward: Sutton Central | Expiry Date: 13th June 2023 |
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| Site | 10-12 Lind Road Sutton SM1 4PH |
| Proposal | Retention of four self contained flats and proposed balconies to the rear elevation at ground, first and second floor level. |
| Applicant | KPD Properties Ltd |
| Agent | Giuseppe Nicastro |

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| Recommendation | Application Refused |
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BACKGROUND

Site and Surroundings:

The application site is a two storey property located on the eastern side of Lind Road. The application refers to nos. 10-12 which are located at the northern end of a terrace of six properties. The property has previously been extended with the addition of a with loft extension and basement. A two storey extension was added to the property in either 2018/2019.

The surrounding area is predominately residential, but Lind Road also contains a number of small commercial properties interspersed with the residential dwellings. The site is within the Newtown Area of Special Local Character (ASLC), an Area of Potential Intensification and within a CPZ.

RELEVANT SITE HISTORY

Planning Application Reference: 66/1884--- Address: W C King

5, 6 & 7 Bishops Cottages

Bishops Place

Sutton

Surrey

SM1 4PH--- Proposal: Demolition of existing cottages and use of land for parking of vehicles--- Status: GTD--- Decision: GTD--- Date Decision Issued: 24-OCT-66---

Planning Application Reference: DM2021/00457--- Address: Former The Bungalow

Bishops Place

Sutton

SM1 4PH

--- Proposal: Use of land as a car scrapyard / tyre storage (Sui Generis use class).---

Status: REF--- Decision: REF--- Date Decision Issued: 30-APR-21---

Planning Application Reference: DM2021/01764--- Address: 10-12 Lind Road

Sutton

SM1 4PH

--- Proposal: retention of flats 1A,2A,3A to no 12 and flat 4 10/12 Lind Road--- Status: REC--- Decision: --- Date Decision Issued: ---

Planning Application Reference: 79/19976--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Erection of a detached building at rear comprising of paint shop and compressor. 75-2-32.--- Status: GTD--- Decision: GTD--- Date Decision Issued: 07-FEB-80---

Planning Application Reference: B2008/59077--- Address: 10-12 Lind Road
Sutton

Surrey

SM1 4PJ--- Proposal: Erection of ground and first floor rear extensions with provision of roof accommodation involving an increase in existing roof height. Provision of external staircase and balconies at rear and conversion of premises to provide three 1-bedroomed and two 2-bedroomed self contained flats with provision of four car parking spaces.--- Status: REF--- Decision: REF--- Date Decision Issued: 03-APR-08---

Planning Application Reference: DM2020/01366--- Address: R/O 10 - 12 Lind Road
Sutton

SM1 4PJ--- Proposal: Retention of rooflights to rear roofslope.--- Status: GTD--- Decision: GTD--- Date Decision Issued: 20-NOV-20---

Planning Application Reference: 83/25802--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Provision of a fire escape walkway at rear. 75-2-32.--- Status: GTD--- Decision: GTD--- Date Decision Issued: 28-OCT-83---

Planning Application Reference: DM2018/01616--- Address: 12 Lind Road
Sutton

SM1 4PJ

--- Proposal: Erection of two storey side extension with basement level and accommodation within the roof space to provide additional accommodation to the existing three self-contained flats.--- Status: GTD--- Decision: GTD--- Date Decision Issued: 09-NOV-18---

Planning Application Reference: B2017/76232--- Address: 12 Lind Road
Sutton

Sutton

SM1 4PJ--- Proposal: Prior Approval for Change of use from retail to a residential use providing 4 no. self-contained flats--- Status: REF--- Decision: REF--- Date Decision Issued: 20-MAR-17---

Planning Application Reference: B2017/77001--- Address: 12 Lind Road
Sutton

SM1 4PJ--- Proposal: Prior Approval for Change of use from retail to a residential use--- Status: GTD--- Decision: GTD--- Date Decision Issued: 06-SEP-17---

Planning Application Reference: N1996/40597--- Address: 12 Lind Road
Sutton

SM1 4PJ--- Proposal: Retention of a single-storey building for storage purposes. ---
Status: GTD--- Decision: GTD--- Date Decision Issued: 24-APR-96---

Planning Application Reference: B2016/75458--- Address: 12 Lind Road
Sutton

SM1 4PJ--- Proposal: Erection of a three storey rear extension, increase in roof
height, provision of a dormer extension at rear and conversion of premises to provide
3 self contained flats, comprising a studio flat, a 1-bedroomed flat and a 2-
bedroomed maisonette.--- Status: GTD--- Decision: GTD--- Date Decision Issued:
12-APR-17---

Planning Application Reference: 79/19137--- Address: 8 Lind Road
Sutton

SM1 4PJ

--- Proposal: Continued use of premises--- Status: GTD--- Decision: GTD--- Date
Decision Issued: 06-JUN-79---

Planning Application Reference: 78/17814--- Address: 8 Lind Road
Sutton

SM1 4PJ

--- Proposal: Continued use of premises for stockroom, workshop and office.---
Status: GTD--- Decision: GTD--- Date Decision Issued: 07-JUL-78---

Planning Application Reference: B2005/53508--- Address: 8 Lind Road
Sutton

Surrey

SM1 4PJ--- Proposal: Alterations to rear element at rear incorporating increase in
height of existing roof.--- Status: GTD--- Decision: GTD--- Date Decision Issued: 15-
FEB-05---

Planning Application Reference: 87/29804--- Address: 8 Lind Road
Sutton

SM1 4PJ--- Proposal: Use of premises 123m2 for office purposes. 119-236.---
Status: GTD--- Decision: GTD--- Date Decision Issued: 13-APR-87---

Planning Application Reference: 72/9221--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Erection of a two-storey extension. 42-2-43.--- Status: GTD---
Decision: GTD--- Date Decision Issued: 11-JUL-72---

Planning Application Reference: B2016/74014--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Change of use from an office to a residential use providing
3No. Residential units--- Status: --- Decision: --- Date Decision Issued: 16-MAY-16-
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Planning Application Reference: 81/23629--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Use of premises for office purposes, 75-2-32.--- Status: GTD--
- Decision: GTD--- Date Decision Issued: 20-JAN-82---

Planning Application Reference: B2014/69925--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Change of use from office to residential.--- Status: GTD---
Decision: GTD--- Date Decision Issued: 05-SEP-14---

Planning Application Reference: 77/16134--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Erection of a detached building at rear to be used for storage
purposes and parking of vehicle. 75-2-32.--- Status: GTD--- Decision: GTD--- Date
Decision Issued: 20-APR-77---

Planning Application Reference: B2014/69365--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Change of use of offices to 2 no. Self Contained residential
units.--- Status: REF--- Decision: REF--- Date Decision Issued: 12-JUN-14---

Planning Application Reference: B2014/70953--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Extension to premises- lower ground floor rear extension, first
floor rear extension, raising of roof including rear dormer, new detached building at
rear.--- Status: WDN--- Decision: WDN--- Date Decision Issued: ---

Planning Application Reference: B2016/75804--- Address: 10 Lind Road
Sutton

SM1 4PJ--- Proposal: Erection of a rear extension at lower ground floor to provide a
third bedroom for existing lower ground floor flat. A first floor rear extension, increase
in roof height and loft conversion with rear dormer to provide an additional two
bedrooms for existing first floor flat.--- Status: GTD--- Decision: GTD--- Date
Decision Issued: 11-APR-17---

Planning Application Reference: DM2018/01664--- Address: Rear Of 12 Lind Road
And Former Bungalow Site Off Bishops Place

Sutton

SM1 4PJ

--- Proposal: Erection of an additional floor to existing building to provide 4 self-
contained flats with cycle and refuse stores.--- Status: GTD--- Decision: GTD--- Date
Decision Issued: 26-JUL-19---

Planning Application Reference: B2016/74427--- Address: 12 Lind Road
Sutton

SM1 4PJ--- Proposal: Change of use from retail to a residential use providing 3 self
contained flats.--- Status: GTD--- Decision: GTD--- Date Decision Issued: 29-JUN-
16---

Planning Application Reference: B2017/78259--- Address: 12 Lind Road
Sutton

SM1 4PJ--- Proposal: Erection of two additional floors to existing building to provide

six 1 bedroomed self contained flats together with cycle and refuse stores.--- Status: WDN--- Decision: WDN--- Date Decision Issued: 05-JAN-17---

Planning Application Reference: CLC2019/00255--- Address: Rear Of 12 Lind Road And Former Bungalow Site Off Bishops Place
Sutton
SM1 4PJ

--- Proposal: Application to clear condition 3 (Energy) and 4 (Noise) of approved application DM2018/01664.--- Status: RI--- Decision: RI--- Date Decision Issued: 14-NOV-19---

Planning Application Reference: DM2019/01735--- Address: Rear Of 12 Lind Road And Former Bungalow Site Off Bishops Place
Sutton
SM1 4PJ

--- Proposal: Application to vary condition 1 (approved drawings/details) of planning permission Ref: DM2018/01664 for the 'Erection of an additional floor to existing building to provide 4 self-contained flats with cycle and refuse stores.' To allow for the raising of ridge height by 0.9m.--- Status: GTD--- Decision: GTD--- Date Decision Issued: 09-MAR-20---

Planning Application Reference: DM2020/00985--- Address: Rear Of 2-12 Lind Road Sutton
SM1 4PJ--- Proposal: Erection of a detached two storey building comprising of 4 self contained residential units with refuse and cycle storage.--- Status: REF--- Decision: REF--- Date Decision Issued: 07-SEP-20---

Planning Application Reference: 74/11986--- Address: W C King
5, 6 & 7 Bishops Cottages
Bishops Place
Sutton
Surrey
SM1 4PH--- Proposal: Continued use of land and retention of storage buildings in connection with use as builders yards--- Status: GTD--- Decision: GTD--- Date Decision Issued: 01-MAR-74---

Planning Application Reference: 84/26979--- Address: 5-7 Bishops Cottages
Bishops Place
Sutton
Surrey
SM1 4PH--- Proposal: Continued use of 0.035 acres of land for car parking purposes--- Status: GTD--- Decision: GTD--- Date Decision Issued: 21-NOV-84---

Planning Application Reference: B2001/48142--- Address: Rear Of 2-10 Lind Road In, Bishops Place,
Sutton,--- Proposal: Erection of a two storey building with roof accommodation comprising office/warehouse at ground floor level with office facilities over and provision of five car parking spaces.--- Status: --- Decision: --- Date Decision

Issued: 18-OCT-04---

Planning Application Reference: 66/1883--- Address: W C King

5, 6 & 7 Bishops Cottages

Bishops Place

Of Lind Road

Sutton

Surrey

SM1 4PH--- Proposal: Demolition of existing cottages and use of land as builders store--- Status: GTD--- Decision: GTD--- Date Decision Issued: 24-OCT-66---

Planning Application Reference: 83/25295--- Address: 5-7 Bishops Cottages

Bishops Place

Sutton

Surrey

SM1 4PH--- Proposal: Use of 0.035 acres of land for car parking--- Status: GTD--- Decision: GTD--- Date Decision Issued: 18-AUG-83---

Planning Application Reference: 90/35191--- Address: Mr Davis

5-7 Bishops Cottages

Bishops Place

Sutton

Surrey

SM1 4PH--- Proposal: Erection of a two-storey building comprising workshop/warehouse at ground floor level with office accommodation over and provision of four car parking spaces--- Status: REF--- Decision: REF--- Date Decision Issued: 14-JAN-91---

Planning Application Reference: 86/28669--- Address: 5-7 Bishops Cottages

Bishops Place

Sutton

Surrey

SM1 4PH--- Proposal: Continued use of 0.035 acres of land for car parking purposes--- Status: GTD--- Decision: GTD--- Date Decision Issued: 30-APR-86---

Planning Application Reference: DM2019/01516--- Address: Rear Of 2-12 Lind Road

Sutton

SM1 4PJ

--- Proposal: Erection of a detached two storey building comprising of 4 self contained residential units with refuse and cycle storage.

--- Status: REF--- Decision: REF--- Date Decision Issued: 15-NOV-19---

Planning Application Reference: 77/16062--- Address: W C King

5, 6 & 7 Bishops Cottages

Bishops Place

Sutton

Surrey

SM1 4PH--- Proposal: Continued use as App No 74/12545--- Status: GTD--- Decision: GTD--- Date Decision Issued: 25-FEB-77---

Planning Application Reference: 67/2303--- Address: W C King
5,6 &7 Bishops Cottages
Bishops Place
Sutton
Surrey
SM1 4PH--- Proposal: Use for storage of builders materials--- Status: GTD---
Decision: GTD--- Date Decision Issued: 06-APR-67---

Planning Application Reference: 71/7415--- Address: W C King
5, 6 & 7 Bishops Cottages
Bishops Place
Sutton
Surrey
SM1 4PH--- Proposal: Continues use of builders store--- Status: GTD--- Decision:
GTD--- Date Decision Issued: 25-MAY-71---

Planning Application Reference: 80/20286--- Address: 5-7 Bishops Cottages
Bishops Place
Sutton
Surrey
SM1 4PH--- Proposal: Continued use of land and retention of storage buildings in
connection with use as builders yard--- Status: GTD--- Decision: GTD--- Date
Decision Issued: 31-MAR-80---

Planning Application Reference: 74/12545--- Address: W C King
5, 6 & 7 Bishops Cottages
Bishops Place
Sutton
Surrey
SM1 4PH--- Proposal: --- Status: GTD--- Decision: GTD--- Date Decision Issued: 12-
AUG-74---

Planning Application Reference: B2015/73102--- Address: Vacant Land Rear Of 8-
10 Lind Road Formerly Known As
The Bungalow Bishops Place
Sutton
SM1 4PH--- Proposal: Erection of a pair of 2-bedroomed semi-detached houses
each with cycle and refuse stores and a car parking space at front.--- Status: REF---
Decision: REF--- Date Decision Issued: 13-JAN-16---

Planning Application Reference: N1990/35191--- Address: Rear Of 2-10 Lind Road
In, Bishops Place,
Sutton,--- Proposal: Erection of a two-storey building comprising workshop/
warehouse at ground floor level with office accommodation
over and provision of four car parking spaces.--- Status: REF--- Decision: REF---
Date Decision Issued: 09-JAN-91---

Planning Application Reference: CLC2019/00068--- Address: 12 Lind Road
Sutton
SM1 4PJ

--- Proposal: Application to clear condition 4 (Construction Logistics Plan) of approved application DM2018/01616.--- Status: RI--- Decision: RI--- Date Decision Issued: 03-MAY-19---

SITE SPECIFIC DESIGNATIONS:

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| Areas of Special Local Character | Area of Special Local Character: ASLC10 DD |
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| Controlled Parking Zone | |
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| Decentralised Energy Opportunity Area | |
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| Enforcement Cases | Ref. No: EC15/0297--- Nature: Unauthorised Conversion |
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| Enforcement Database Uniform | Ref: EC2019/0104 - Address: 12 Lind Road Sutton SM1 4PJ - Complaint: Storage of building materials on public highway, condition 4 of DM2018/01616 not discharged - Status: CLOSED |
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| Enforcement Database Uniform | Ref: EC15/0297 - Address: 10 Lind Road Sutton SM1 4PJ - Complaint: Unauthorised Conversion - Status: CLOSED |
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| Enforcement Database Uniform | Ref: EC2019/0318 - Address: Rear Of 12 Lind Road Sutton SM1 4PJ - Complaint: Alleged: Development is not being built in accordance with the approved plans (DM2018/01664) with regards to location and roof form on boundary. As well as failure to approve details of condtion(s) 4 and 5 of the same application prior to works commencing on site. - Status: CLOSED |
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| Enforcement Database Uniform | Ref: EC2020/0172 - Address: Rear Of 12 Lind Road And Former Bungalow Site Off Bishops Place |
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| | <p>Sutton SM1 4PJ</p> <p>- Complaint: Alleged: Development is not being carried out in accordance with the approved plans (DM2019/01735) with regards to additional window openings in the rear elevation and failure to submit details with regards to condition 3 of DM2019/01735 (Sound insulation) before commencing work on site - Status: CLOSED</p> |
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| Enforcement Database Uniform | <p>Ref: EC2021/0149 - Address: 12 Lind Road Sutton Sutton SM1 4PJ</p> <p>- Complaint: Alleged: Development has not been carried out in accordance with the approved plans (DM2018/01616)with regards to the creation of four (4) additional self-contained units (flats) within the two storey side extension. - Status: PCO</p> |
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| Highways Improvement Corridor | Land Charges Red Route Buffer |
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| Potential Intensification | |
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| Radon | |
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| LC Register Part 3 | |
| Smoke Control Orders | Smoke Control Zone |

DETAILS OF PROPOSAL

This application seeks permission for the retention of four self contained flats and proposed balconies to the rear elevation at ground, first and second floor level.

AMENDMENTS

Since the application has been made valid, there have been no amendments to the proposal.

PUBLICITY

| Type of Site Notice | Reason for Site Notice | Date Posted |
|---------------------|------------------------|---------------|
| Site Notice | Officer Discretion | 15th May 2023 |

| Type of Site Notice | Reason for Site Notice | Date Posted |
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| Site Notice | Officer Discretion | 15th May 2023 |

| Type of Site Notice | Reason for Site Notice | Date Posted |
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| Site Notice | Officer Discretion | 16th December 2022 |

| Type of Site Notice | Reason for Site Notice | Date Posted |
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| Site Notice | Officer Discretion | 4th February 2022 |

NEIGHBOURS AND CONTIBUTORS

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| Number of neighbours originally consulted | 22 |
| Number of contributors | 1 |
| Number of objectors | 0 |

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| Number in support | 1 |
| Number making a neutral representation | 0 |

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

SUMMARY OF RESPONSES

One letter of support has been received from the agent acting on behalf of the applicant.

CONSULTEE RESPONSES

| Consultee | Response Date | Comments |
|------------------------|---------------|---|
| Waste Management | 09.12.2022 | No objections |
| Highways | 07.03.2022 | <p>The site is situated on Lind Road in an area of PTAL 6a, representing a very high level of accessibility. The site is within the Sutton town centre CPZ and is within walking distance of Sutton town centre which offers a comprehensive range of facilities.</p> <p>S106 Agreement is required to ensure that future occupants cannot apply for resident and visitor parking permits.</p> <p>Details of proposed on site cycle parking facilities should be requested from the developer, to meet adopted standards.</p> |
| Planning Enforcement | | |
| Sustainability Officer | 10.05.2023 | While the submitted energy statement is acceptable for the purposes of Local Plan Policy 31, the submitted 'drainage provision map' does not contain the necessary level of information or run-off calculations to demonstrate that the council's minimum SuDS performance standards in Local Plan Policy 32 will be met in accordance with the Mayor's drainage hierarchy. Furthermore, the submitted water efficiency calculations fail to demonstrate that the Council's minimum standard of no more than 110 l/p/d set out under Local Plan Policy 33 will be met. Refusal recommended. |
| Environmental Health | 09.12.2022 | No objections or conditions required. |

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 H10 Housing size mix
- o HC1 Heritage conservation and growth
- o G6 Biodiversity and access to nature
- 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 26 Biodiversity
- o 28 Character and Design
- o 29 Protecting Amenity
- o 30 Heritage
- 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
- 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.

The NPPF does not include private residential gardens in the definition of previously developed land (brownfield land). However, the NPPF does not introduce a presumption against the development of 'private residential gardens' as a matter of principle, but, by excluding private residential gardens from the definition of 'previously developed land', elevates the status of private residential gardens for those developing policy and determining planning applications.

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.

There is comprehensive planning history connected to this application site, however the most relevant is DM2018/01616 'Erection of two storey side extension with basement level and accommodation within the roof space to provide additional accommodation to the existing three self-contained flats.' Granted 9th November 2018 - Partially implemented which facilitated the two storey side extension. This two storey extension then created 4 new flats within 12 Lind Road (and partially 10 Lind Road in the loft space). No 12 therefore has 4 unauthorised flats which form the subject of this application.

This application proposes the retention of the three studio units located within the side extension together with the one bedroom, 1 person flat located within the roof space of nos. 10 and 12. The application includes the creation of private outdoor amenity space by the addition of three balconies to the rear elevation.

The application makes provision for no three bedroom units which would fall below the threshold stated in Policy 9 of the Local Plan which states amongst other things that all developments outside Sutton Town centre should seek to provide a minimum of 50% of all dwellings on the site as having three bedrooms or more, unless it can be demonstrated that this would be unsuitable to the location or not viable. The applicant has not set out why this location would be unsuitable for a three bedroom unit, or that it is unviable, therefore the proposal fails to meet the requirement of Policy 9 of the Sutton Local Plan.

The land use of the site would remain as residential and as such the principle of the proposed development is acceptable in principle, and the intensification of additional housing on the site is accepted however the level of intensification will depend on whether additional units are supported by other key fundamentals as noted below and compliance with all relevant policies.

Design Quality :

Policy 28 of the Sutton's Local Plan 2018 states that planning permission will be granted for new development, provided it is attractive and designed to the highest standard, respects the local context and responds to local character, is of a suitable scale, massing and height, makes a positive contribution to the public realm, and responds to natural features of the site.

In addition, Sutton's Urban Design Guide 'Creating Locally Distinctive Places' SPD (SPD14) seeks to ensure that development respects the positive features that contribute to the character and appearance of an area. As such, development will be expected to respect the local character, by ensuring that the scale of development is appropriate and having regard to the existing characteristics of an area.

Policy 30 of the Sutton Local Plan states that the council will expect development within an Area of Special Local Character (ASLC) to conserve, and where practicable, enhances those elements which contribute to the ASLC character's particular character and appearance. These elements may include landscaped area, gardens, trees, hedges and boundary treatments as well as the built form

The actual built design of the two storey side extension to the building follows that of the approved scheme under ref: DM2018/01616 which is broadly considered to be acceptable in design terms, reflecting the form of the existing terrace.

Therefore the main design consideration to take into consideration is the proposed addition of a projecting balconies to the rear of flats 2A, 3A and 4A. These balconies would project a maximum of 1.6m beyond the rear elevation and the balcony to flat 4A would be set within the rear roof slope.

These balconies are considered not to be in harmony with the existing terrace; the properties to which this application relates have been extended considerably over and above their original state, the addition of the balconies is considered to add additional bulk and massing to the rear of the property which would detract from the appearance of the application properties, the terrace of which they form part and the wider surrounding area which is designated as an ASLC. The overall design of these additional balconies is not considered to preserve or enhance the Newtown ASLC and as such would fail to meet the aims set out in Policy 28 and 30 of the Sutton Local Plan.

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.

There are three flats located within the side extension to no.12 at basement, ground and first floor and the fourth flat is located within the roof space above no. 10 and 12. The flats are there at present, however the proposed balconies have not yet been constructed. It has been demonstrated by way of a site visit that the four flats do not give rise to an unacceptable impact on the amenities currently enjoyed by the occupiers of the surrounding development. However, with the addition of the three projecting balconies to the rear elevation, the presence of the ground and first floor balcony would result in loss of privacy and overlooking from these balconies to the occupants of the adjoining flats, in particular the basement flat light well and it is noted that the balconies would be positioned in close proximity to the existing rear windows of flats with no. 12 Lind Road.

As previously noted, the addition of the ground floor rear balcony would result in an unacceptable impact on the rear light well serving the basement flat at 1A in terms of loss of outlook and light.

The noise generated by the increase in units at this site is not considered to go above and beyond the existing situation and would not be unreasonable within this residential setting.

It is considered that the proposal would therefore result in an adverse impact on amenities enjoyed by the neighbouring occupants in terms of overlooking and loss of privacy and therefore fails to comply with the aims and objectives set out in Policy 29 of the Sutton Local Plan.

Layout and Accessibility :

Any proposed new dwelling 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 seeks to retain the existing four flats located within nos.10 and 12 Lind Road. The units as shown on the submitted drawings indicate that three of the flats are studio units (one bed, with no separation from the living area), and the flat located within the roof space is one bedroom. All of the flats meet the required internal space standards in relation to the required floor areas for internal space standards and areas for bedrooms, however the nationally described space standards also require the minimum floor to ceiling height to be 2.3m for at least 75% of the Gross Internal Area of a unit. The floor to ceiling height as shown on drawing no. 30C shows that the floor to ceiling height for the basement flat is 1.98m, the ground floor flat 2.31m, the first floor flat 2.12m and the loft flat 2.19m, this shows that the basement, first floor and second floor flats all fail to meet this requirement and as such would fail to provide an acceptable form of accommodation in relation to floor to ceiling heights.

It is noted that the rooms within the properties would have acceptable levels of natural light and outlook. Therefore not all of the proposed units meet the space requirements as set out in Policy D6 of the London Plan.

Unit 1A has a rear light well area that will provide private outdoor amenity space, and units 2A, 3A and 4A would be provided with a rear balcony to provide private outdoor space. Whilst these balconies and light well would meet the required space provision, they fail to meet the aims of other relevant policies such as design and impact on neighbour amenity.

In addition, it is noted that the occupants of unit 1A in the basement would be negatively impacted in terms of outlook and daylight due to the proposed addition of a projecting balcony for flat 1A which would be positioned above the rear light well serving no.1A.

Refuse storage areas are shown on the plan for each dwelling located at the front of the development which is considered to be acceptable.

Therefore the proposal fails to comply with Policy D6 of the London Plan 2021 and Policy 9 of the Sutton Local Plan 2018.

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.

This proposal does not result in the loss of any significant trees or soft landscaping features on or adjacent to the site.

Therefore there is no objection in relation to Policy 26 of the Sutton Local Plan.

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.

There is no off street parking proposed for the newly created four flats at the site. The site is situated on Lind Road in an area of PTAL 6a, representing a very high level of accessibility. The site is within the Sutton town centre CPZ and is within walking distance of Sutton town centre. Whilst the applicant has stated that would agree to enter into a S106 agreement restricting the purchase of CPZ permits by occupants, this has not been completed as the application is recommended for refusal for other reasons.

Therefore this application would only be acceptable if a S106 agreement relating to the occupants of the four new flats, was in place to prevent the occupants applying for residents and visitors parking permits to prevent unacceptable pressure on the on-street parking situation. The lack of the signed S106 agreement would therefore form a reason for refusal.

Details of proposed on site cycle parking facilities have not been provided at application stage, however, if the application were to be recommended for approval, these details could be secured by condition to meet the required standards.

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 concluded that whilst the submitted energy statement is acceptable for the purposes of Local Plan Policy 31, the submitted 'drainage provision map' does not contain the necessary level of information or run-off calculations to demonstrate that the council's minimum SuDS performance standards in Local Plan Policy 32 will be met in accordance with the Mayor's drainage hierarchy. It is also considered that the submitted water efficiency calculations fail to demonstrate that the Council's minimum standard of no more than 110 l/p/d set out under Local Plan Policy 33 will be met. With an estimated water efficiency performance of 116 l/p/d for each of the retained dwellings, the submitted calculations indicate that the proposed dwellings will fall short of the minimum internal potable water consumption standard of 110 litres per person per day (l/p/d) in line with Local Plan Policy 33 and the upper level of performance in Part G of the Building Regulations. Without this information, the council cannot be sure that the required target is achieved for this development.

Therefore the proposal does not fully comply with Policy 32 and 33 of the Sutton Local Plan and as such, 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.

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.

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: DM2021/01764

Appendix A – Conditions, Reasons and Informatives

Refusal Reasons

Reason(s):

(1) The development, by reasons of the addition of three projecting balconies to the rear elevation appears as an incompatible and incongruous addition to the terrace failing to successfully preserve and enhance the setting and character of the Newtown Area of Special Local Character. As such, the proposal fails to respect the context of the development in this area contrary to the principles of the National Planning Policy Framework, policies D3 and D4 of the London Plan, policies 1, 28 and 30 of the Sutton Local Plan, SPD 14 Creating Locally Distinctive Places.

(2) Without evidence to the contrary, the application has failed to demonstrate that the proposal will meet the council's minimum SuDS performance standards and water efficiency measures. As such, the application would be contrary to Policies SI 5 and 13 of the London Plan 2021 and Policies 32 and 33 of the Sutton Local Plan 2018.

(3) The proposed development, by reason of the failure to comply with internal space requirements for the floor to ceiling heights for units 1A, 3A and 4A and impact on outlook and daylight for flat 1A would fail to provide a suitable level of amenity for future occupiers of the residential accommodation contrary to Policy 9 and 29 of the Sutton Local Plan (2018) and Policy D6 of the London Plan (2021).

(4) A signed legal agreement is not in place to prohibit the future occupiers of the dwellings from obtaining residential car parking permits in the Sutton Controlled Parking Zone, The proposed development is therefore contrary to policies T4 of the London Plan 2021 and Policies 36 and 37 of the Sutton Local Plan 2018.

(5) The proposed development, by reason of the proximity of the ground and first floor flats to the adjoining flats would result in increased overlooking and loss of privacy to the detriment of the neighbouring occupiers. The proposal is therefore contrary to Policy 29 of the Sutton Local Plan 2018.

(6) Without justification as to why the site is unsuitable or that it is unviable to provide 3 bedroom units at this site, the proposal fails to accord with Policy 9 due to the failure to provide 50% of the development as 3 bedroom units, as required by Policy 9 b (ii) of the Sutton Local Plan 2018.

Informative(s):

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

15 C

16 D

17 C
18 C
19 B
22
23 A
24
10 B
block plan
site plan
4 C
Water use Calculations
30 C
31 F
20
Fire Safety Statement
Planning Statement
Energy Statement
Design and Access Statement
Drainage provisions map

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 |
|----------------------|----------------------------|---------------|
| Mr Giuseppe Nicastro | 60 Southbury Road, Enfield | Support |