

## Planning Committee



**1 October 2025**

**7.00 pm at the**

**Civic Offices, St Nicholas Way, Sutton SM1 1EA**

To all members of the Planning Committee:-

Chair: Councillor Jayne McCoy  
Vice-Chair: Councillor Richard Clifton  
Councillors: Sam Cumber, Trish Fivey, Sam Martin, Patrick Ogbonna, Eric Allen, Patrick Magnus, Tony Shields and Tim Foster

Substitutes: Councillors Rob Beck, Edward Joyce, Gemma Munday, Muhammad Sadiq, Jake Short, Luke Taylor, Tim Crowley, Peter Geiringer, Param Nandha, Catherine Gray, Joe Quick, Jillian Green and Nick Matthey

At the discretion of the Chair a Sutton resident may address the meeting for a maximum of four minutes about a planning application that is on the agenda, providing they notify the Committee Support officer below by midday on the day of the meeting or, failing that, at the meeting at least 15 minutes before it is due to start. For more information on how to speak, please visit the council's website or contact the Committee Services Team using the email below.

If more than one resident wishes to address the meeting about the same application they will be asked to select a single speaker. If they cannot do so additional speakers will be allowed, providing an objection is only heard once and the time limit is divided between the speakers.

The applicant will be given a similar opportunity to address the meeting as will the Ward Councillor(s).

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**This meeting will be recorded and made available on the Council's website.**

Helen Bailey  
Chief Executive

Friday, 19 September 2025

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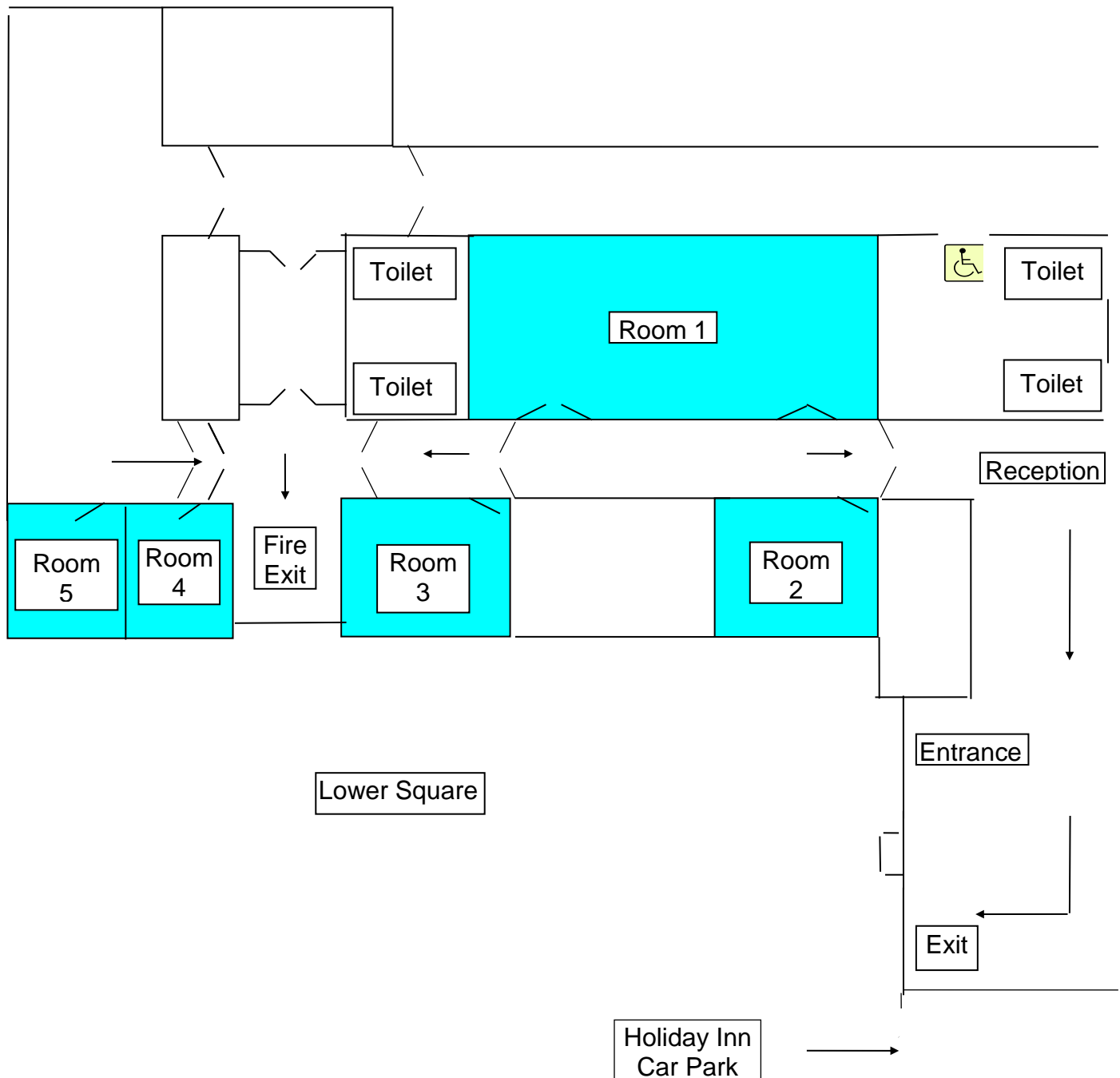
# A G E N D A

- |          |  |          |
|----------|--|----------|
| <b>1</b> | <b>Welcome and introductions</b>   |          |
| <b>2</b> | <b>Apologies for absence</b>   |          |
| <b>3</b> | <b>Declarations of interest</b>  |          |
| <b>4</b> | <b>Minutes of the previous meeting</b>   | 5 - 10   |
|          | To approve as a correct record the minutes of the meeting held on 3 September 2025.  |          |
| <b>5</b> | <b>Any urgent business</b>   |          |
|          | To consider any items which, in the view of the Chair, should be dealt with as a matter of urgency because of special circumstances ( <i>in accordance with S100B(4) of the Local Government Act 1972</i> ).   |          |
| <b>6</b> | <b>DM2025/00470 - Overhill Woodmansterne Lane, Wallington, SM6 0SU</b>   | 11 - 40  |
|          | Demolition of existing dwelling and erection of 4 two storey dwellings with habitable roofspace, parking to front, refuse and cycle stores to rear and provision of new boundary treatment.  |          |
| <b>7</b> | <b>DM2025/00247 - 69 Egmont Road, Sutton, SM2 5JS</b>  | 41 - 66  |
|          | Change of use from Class C3 (Dwelling House) to Class C4 (Small HMO) to provide 6 rooms.   |          |
| <b>8</b> | <b>DM2025/00171 - 69 Cornwall Road Cheam SM2 6DU</b>   | 67 - 96  |
|          | Change of use from Class C3 (residential) to Class Sui Generis (Larger HMO) to provide 9 rooms, erection of a single storey rear extension, conversion of the garage into a habitable room, alterations to ground floor front and flank fenestrations and provision of refuse and cycle storage to the front and rear. |          |
|          | <b>Glossary of common Planning terms and abbreviations</b>   | 97 - 100 |

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### **Reminder – Declaration of Interests**

Members should consider the following interests and whether they have any they should declare.

#### **Disclosable Pecuniary Interests**

Where you have a Disclosable Pecuniary Interest in any business of the Authority at this meeting and you have either declared it beforehand in the Register of Members' Interests or to the Monitoring Officer for entry in the Register you must state at this meeting that you have such an interest and then withdraw from the room or chamber where the meeting is being held whilst that business is considered.

Where you have a Disclosable Pecuniary Interest in any business of the Authority at this meeting and have not previously declared it you must declare the nature of that interest at this meeting and then withdraw from the room or chamber where the meeting is being held whilst that business is considered.

#### **Other Pecuniary and Non-Pecuniary Interests**

Where you have any other pecuniary or non-pecuniary interest in any business at this meeting you must declare that interest, but may continue to speak and vote on the matter. However, if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest then you should declare the interest and withdraw from the room or chamber where the meeting is being held whilst that business is considered.

Further information on these matters can be found in the Council's Code of Conduct and Constitution. If you are in any doubt as to whether you have an interest you should seek advice **before** the committee meeting from Matthew Stickley.

If, during the course of the committee meeting, you consider you may have an interest you should always declare it.

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**Planning Committee****3 September 2025****PLANNING COMMITTEE****3 September 2025 at 7.00 pm**

**MEMBERS:** Councillor Jayne McCoy (Chair), and Councillors Sam Cumber, Trish Fivey, Sam Martin, Patrick Ogbonna, Tony Shields and Tim Foster

**ABSENT** Councillors Richard Clifton, Eric Allen and Patrick Magnus

**26. WELCOME AND INTRODUCTIONS**

The Chair, Councillor Jayne McCoy, welcomed those present.

**27. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Eric Allen with Councillor Peter Geiringer attending as a substitute, from Councillor Patrick Magnus with Councillor Param Nandha attending as a substitute and from Councillor Richard Clifton with Councillor Jake Short attending as a substitute.

**28. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**29. MINUTES OF THE PREVIOUS MEETING****RESOLVED:**

1. that the minutes of the meeting held on 6 August 2025 be agreed as an accurate record.

**30. ANY URGENT BUSINESS**

There was no urgent business.

**31. APPLICATION NO. 025/00548 GRANTLEY COURT NURSING HOME, 22 YORK ROAD, CHEAM SM2 6HH**

The Committee considered a report on the above application for Erection of a single storey detached dwellinghouse with accommodation in the roof space and change of use from Class C2 (Care home) to Class C3 (Dwellings), to provide 9 self contained residential units involving the erection of a roof extension, dormer extension to rear, rooflights to rear roofslope, provision of first floor roof terrace, alterations to fenestrations, bin and cycle stores, parking spaces, vehicular access with associated landscaping.

The application had been de-delegated by Councillor David Hicks on the grounds that it would adversely affect the amenities of the neighbouring occupiers, would set a negative precedent in the area, increase in traffic movements and insufficient parking provision. The

application had received more than 10 objections contrary to the recommendation to grant permission.

The Senior Planning Officer presented the officers' report.

In response to questions, Officers explained that the on-site parking proposed met standards for the size of the application and location of the site. It was clarified that vehicles, including delivery vehicles, would have space for turning on the site and that the proposed road layout met Highways standards as sufficiently wide for vehicles and pedestrians. It was explained that sight lines and visibility from the site were considered good and there were no records of accidents in the area. Yellow lines had been added at the corner of the road to promote safety at a junction.

Officers clarified the layout of the refuse stores, and this met policy requirements, it was added that refuse vehicles would not need to enter the site.

Members discussed the possible tenure of the application, but were aware that the application being considered proposed a change of use from Class C2 (Care home) to Class C3 (Dwellings).

Members discussed the proposed detached garden dwelling and raised concerns about its size, its proximity to neighbouring properties, and its potential to set a negative precedent for back garden development in the vicinity of the site. Attention was drawn that the previous planning permission established the principle of a detached building in the garden, though its scale and use were different.

Members reviewed and discussed the floor plan, noting the number and size of properties, their layout and the number of bedrooms proposed in each. Attention was drawn to the amenity space, including the location and access to the communal garden. Officers added that the lack of direct access to communal outdoor areas was not uncommon in this type of development. Members discussed the safety of the arrangements for accessing the communal outdoor space, and were aware that although access was via an area used for vehicles, this was a low-speed environment.

Mr Davis, an objector, and Councillor David Hicks, a ward councillor, addressed the meeting under Standing Order 31, and the applicant's agent replied.

The principal issues raised by the objector included:-

- He had lived in the area for many years and currently lived opposite the back garden of the application site
- Many adjoining properties would be affected
- An adverse impact on the area would be created by the application
- The application would significantly change the character of the southern area of York Road, which currently had no high-density buildings
- He was content with the proposed development of the main house and that being retained for residential use

**Planning Committee****3 September 2025**

- He acknowledged that the current building needed to be 'sorted out' as it was unsightly and should be returned to productive use
- The proposed five-bedroom detached house within the back garden would create a significant impact as it would be in a modestly sized back garden and would be close to the boundaries of the small gardens of neighbours
- Increased traffic and parking issues created by the application were a concern, the entrance to the site had poor sightlines
- The proposed development would impact neighbours' privacy by creating over looking to property and gardens
- The area was not allocated as an area for intensification in the Local Plan
- The report mentions each application was determined on merit against the Local Plan
- The previous application was for a Care Home and could not be compared to this application
- The back garden development in the previous application was for a smaller development which would have been ancillary to a Care Home
- He had met and discussed the application with the applicant

In response to questions from Members the objector explained that there had been little traffic at the site when it operated as a Care home, as staff had travelled by bus or walked, visitors had been spread over seven days, therefore little traffic had been generated.

The principal issues raised by Councillor David Hicks, ward Councillor, included:-

- The building on the site had been empty for many years
- It would be positive for the site to be brought back into use, however this should be to a good standard and in character with the area.
- This application was an over-intensification of the site, particularly the inclusion of the back garden development
- The proposed garden building was larger than the previously approved structure which would have been an ancillary building to the Care Home
- The single/two storey building in the garden was out of character with the area
- The garden property was of low standard/poor design with only high level windows on the upper floor
- The application would set a negative precedent for future applications in the area
- The application was not in line with policy, the Local Plan

In response, the applicant's agent raised the following issues:

- A Care Home was not financially viable on the site
- Development at the site needs to be financially viable
- The applicant had worked closely with the Planning team
- The original building on the site would remain and some internal original features would be retained
- Some of the proposed properties would have direct access to gardens, all would have access to outdoor amenity space

- The terrace over the flat roof would only include half of the roof area, this would limit overlooking
- There was already some overlooking from current building on the site to its neighbours
- There were mature trees on boundaries which created screening
- The proposal would bring the site back to residential use
- The layout of the access road was included in conditions and was approved by Highways officers
- Parking at the site would be allocated to each property, with larger flats allocated more spaces
- The application was policy compliant

In response to questions from Members, it was clarified that the application made no suggestion of use of the properties as HMOs, the application was for Class C3 (Dwellings) and additional Planning permission would be required for use as HMOs.

In debate Members discussed the application, particularly that the garden property created over development, intensification of use of the site and was not in character with the local area. It was also suggested that this use of the back garden was not policy compliant.

Members were aware that use of the site as a Care Home would not be financially viable. Retaining the main property with the inclusion of a garden property created a financially viable development scheme, which created additional residential property in the area. It was discussed that retaining the current building rather than demolishing it resulted in a compromise to reach a financially viable scheme; the addition of a back garden property.

Members suggested that there was insufficient parking included at the application site, although attention was drawn that parking provision met the required standards. Members suggested the impact on neighbours of the garden property was minimal as the location of the upper windows minimised overlooking, there was also screening from current mature trees on some boundaries. Attention was drawn that the scheme would bring a derelict building into use and contribute to the number of additional homes that are needed in the area.

Resolved:

1. Planning permission be granted, subject to the conditions outlined at Appendix B.

**Planning Committee****3 September 2025****APPLICATION NO. 025/00548 GRANTLEY COURT NURSING HOME, 22 YORK ROAD, CHEAM SM2 6HH (Committee Report)**

A poll vote on the officers' recommendation was held in accordance with Standing Order 31.4, when there voted

Councillor Jayne McCoy

For

Councillor Sam Cumber

For

Councillor Trish Fivey

For

Councillor Sam Martin

For

Councillor Patrick Ogbonna

For

Councillor Tony Shields

Against

Councillor Tim Foster

Against

Councillor Jake Short

For

Councillor Peter Geiringer

Against

Councillor Param Nandha

Against

**Agreed**

The meeting ended at 8.45 pm

Chair:

.....

Date:

.....

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DM2025/00470

Overhill, Woodmansterne Lane, Wallington SM6 0SU

<b>Committee</b>	Planning Committee
<b>Committee Date</b>	1 October 2025
<b>Committee Chair</b>	Councillor Jayne McCoy
<b>Report From</b>	Spencer Palmer, Strategic Director, Environment, Housing and Neighbourhoods
<b>Site Reference</b>	DM2025/00470
<b>Site Address</b>	Overhill Woodmansterne Lane Wallington SM6 0SU
<b>Time taken</b>	21 weeks
<b>Applicant</b>	Mr Stewart Moore
<b>Agent</b>	Mr Barry Hillman
<b>Ward(s) Affected</b>	E10 - South Beddington & Roundshaw

## 1 Summary

- 1.1 The application seeks planning permission for the demolition of the existing bungalow and erection of 4 two storey dwellings with habitable roofspace, car parking to front, refuse and cycle stores to rear and provision of new boundary treatment.
- 1.2 This application has been referred to the committee because the proposal has received over 10 letters of objection contrary to the recommendation to grant planning permission, and the application has been de-delegated by Councillor Edward Joyce on the grounds of the proposal's bulk and it being an overdevelopment of the area.

## 2 Recommendation

- 2.1 To **GRANT** planning permission.

### Summary of reasons for recommendation

- 2.2 It is considered that the level of intensification would be suited within the plot, providing dwellings that fit comfortably and provide a good standard of living and the proposal to provide four (4-bed) family sized dwellings is acceptable in principle in land use terms.
- 2.3 The proposal would be acceptable in design terms and would respect the local context of the site and would not cause harm to the character and appearance of the area.

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*Overhill, Woodmansterne Lane, Wallington SM6 0SU*

- 2.4 It is considered that the proposal would not result in an adverse impact on any adjoining occupiers in terms of increased noise and disturbance or loss of outlook, privacy and light.
- 2.5 The proposal would comply with internal and external space standards and would result in an acceptable standard of living accommodation for future occupiers.
- 2.6 The proposal would not result in overspill parking or cause harm to highway and pedestrian safety.
- 2.7 The proposal would not result in harm to any significant trees and biodiversity within or adjoining the site and would represent a sustainable form of development.

### **3 Background and Key Information**

#### Conditions

- 3.1 The conditions of this application are attached at Appendix B.

#### Site and surroundings

- 3.2 The application site relates to “*Overhill*”, a bungalow located at the northern end of Woodmansterne Lane. It is not located in a conservation area.
- 3.3 The single family dwelling is set within a triangular plot of 895sqm. Due to the shape of the plot the property widens significantly at the street frontage and bottlenecks to the rear (east). The plot shape is due to the building lines on Woodmansterne Lane and Woodcote Road narrowing at the roundabout junction to the north.
- 3.4 The property is wide and measures 22.5 metres in width and is viewed as a bungalow with some roof accommodation and front and rear dormers. Two ancillary detached side buildings erected in the 1980s (ref: 81/23237) flank the main dwelling in the form of a residential extension with a gable roof to the south and a garage to the north. Vehicular access is from an existing crossover on Woodmansterne Lane to the north west corner of the site. The property is of little architectural merit and has a dilapidated appearance, with unkempt grassland to the frontage and temporary make-shift plastic front boundary treatment.
- 3.5 To the south of the site are detached and semi-detached single family dwellings, in a mix of sizes, plot sizes and architectural styles, front Woodmansterne Lane. Opposite the site to the north-west is Wallington High School for Girls. To the east of the site the rear garden boundary adjoins the rear boundaries of properties fronting Woodcote Road, these being 250 and 250a Woodcote Road (two storey family dwellings) and the recently constructed “*Oakbridge House*”, a detached three storey building comprising 9 self contained flats (ref: DM2021/00105).

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- 3.6 Further to the east of the site opposite Oakbridge House is Woodcote Green Public Open Space.

Site specific designations

- 3.7 None.

Planning History

- 3.8 81/23237 "*Erection of two single storey flank extensions*" granted planning permission 25 August 1987.

Relevant Pre-application History

- 3.9 N/A.

Design and Review Panel Feedback

- 3.10 N/A.

#### **4 Application Proposals**

- 4.1 The application seeks planning permission for the demolition of the existing detached bungalow and erection of two semi-detached pairs (4 dwellings in total). The semi-detached pairs would have different plot sizes but the buildings would be the same size and largely be matching in appearance (window layout differs to the rear of Plots 3 and 4).
- 4.2 The properties are two storey (with roof accommodation) 4-bed dwellings with a main gable roof, small front gable and mock tudor detailing at first floor level and facing brickwork at ground floor level. Each property would have rear private amenity space. The properties would provide:

4.3

House	Gross Internal Area (GIA)	Outdoor Amenity
Plot 1	114sqm	117sqm
Plot 2	114sqm	93sqm
Plot 3	114sqm	87sqm
Plot 4	114sqm	84sqm

- 4.4 6 car parking spaces would be provided to the front of the properties on an area of hardstanding, including 1 space per dwelling and 2 visitor spaces (including a disabled parking bay). The existing crossover would be removed and made-good, and a new centrally positioned crossover and access would be provided. The access works are subject to a

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separate Section 278 Agreement between the applicant and the council's Highway Authority. Cycle and refuse stores would be provided in the rear garden of each property.

- 4.5 Soft landscaping improvements and boundary treatments would be provided across the site.

#### Amendments

- 4.6 The internal layout and window layout at first floor level on the rear elevation of the northern most semi-detached pair (Plots 3 and 4) has been amended to prevent any undue overlooking to the east.
- 4.7 A Waste Management Note and updated highways access details have been provided showing sightlines and boundary treatments to the frontage.

## **5 Publicity**

#### Consultation

- 5.1 A site notice was erected to the front of the site on 27 May 2025 for *"Demolition of existing dwelling and erection of 4 two storey dwellings with habitable roofspace, parking to front, refuse and cycle stores to rear and provision of new boundary treatment."*

#### Number of letters received in response to the proposal

- 5.2 The application received 12 letters of objection in total.
- 5.3 A list of the objectors' addresses can be found at Appendix C.
- 5.4 Material objections raised:

Material Issues of Objection Raised	Response
<b>Principle</b>	
Overdevelopment of the site	Whilst it is acknowledged that the plot sizes would be smaller than the large adjacent detached properties, gaps would be maintained between buildings so as not to appear constricted within the plot, and the new dwellings would all provide internal and external space in excess of expected standards in accordance with London Plan. As a result, it is considered that the level of intensification would be suited within the plot, providing dwellings that fit comfortably and provide a good standard of living.

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Impact on Local Infrastructure such as schools and healthcare	The application would be subject to the Community Infrastructure Levy (CIL). CIL is used to support community needs by funding the infrastructure required by the new development.
<b>Impact on neighbours</b>	
Loss of privacy	It is considered that the proposal would not adversely impact on any adjoining neighbours in terms of loss of privacy. This is set out at Section C (Neighbour Amenity) of the report below.
<b>Highways</b>	
Lacks adequate parking provision	6 car parking spaces would be provided, including 1 space per dwelling and 2 visitor spaces. This is in line with London Plan standards and the Council's Highway Officer has raised no objection to the provision.
Vehicle access is unsafe	<p>The Council's Highways Officer has assessed the sightline requirements to the northeast and southwest, accounting for traffic speeds in the immediate vicinity, also that the requirements of pedestrian safety are satisfactorily met and has raised no objection.</p> <p>The access works are subject to a separate Section 278 Agreement between the applicant and the council's Highway Authority.</p>

Internal and external consultations

5.5

Greater London Archaeological Advisory Service (GLAAS)	No comments as the site is not within an Archaeological Priority Area.
Waste Officer	No objections.
Environmental Health	No objections subject to conditions to restrict hours of construction, a Construction Management Plan and a remediation strategy only if contaminated land is found during the course of the development.

Highways Officer	No objections subject to conditions to secure cycle store details. A separate Section 278 Agreement between the applicant and the council's Highway Authority is required for the vehicle access arrangements.
Tree Officer	No objections subject to a condition to ensure tree protection.
Biodiversity Officer	No objections subject to conditions to secure a Biodiversity Gain Plan and Construction Environmental Management Plan.
Sustainability Officer	No objections subject to conditions to secure 'as-built' Standard Assessment Procedure (SAP) outputs and written confirmation that the approved SuDS measures have been implemented.

### Councillor Representations

- 5.6 Councillor Edward Joyce has de-delegated the application on the grounds of the proposals bulk and it being an overdevelopment of the area.

## **6 Material Planning Policies**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- London Plan 2021
- Sutton Local Plan 2018

- 6.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) 2024.
- National Planning Policy Guidance (NPPG).
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents.
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Human Rights Act 1998
- Equality Act 2010

Public Sector Equality Duty (PSED) and Human Rights

- 6.3 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.
- 6.4 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. In this instance, the proposal for new dwellings would not discriminate against those people with protected characteristics and the planning decision would have no adverse impact on those who share the protected characteristics.

**6.5 London Plan 2021 Policies:**

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D12 Fire safety
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy H10 Housing size mix
- Policy G1 Green infrastructure
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 5 Water infrastructure
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking

**6.6. Sutton Local Plan 2018 Policies**

- Policy 1 Sustainable Growth
- Policy 7 Housing Density
- Policy 9 Housing Sizes and Standards
- Policy 10 Loss of Housing and Conversions
- Policy 13 Housing and Garden Land

- Policy 26 Biodiversity
- Policy 28 Character and Design
- Policy 29 Protecting Amenity
- Policy 31 Carbon and Energy
- Policy 32 Flood Risk and Sustainable Drainage
- Policy 33 Climate Change Adaptation
- Policy 34 Environmental Protection
- Policy 36 Transport Impact
- Policy 37 Parking

## **6.7 Supplementary Planning Documents**

- SPD1 Designing Out Crime
- SPD4 The Design of Residential Extensions
- SPD5 Planning Obligations
- SPD 14 Creating Locally Distinctive Places

## **7 Planning Considerations**

7.1 The principal planning considerations are considered to be as follows:

- A. Principle of Development
- B. Design Quality
- C. Neighbour Amenity
- D. Standard of Accommodation
- E. Highways, Access and Parking
- F. Trees, Landscaping and Biodiversity
- G. Sustainability
- H. Fire Safety

### **A. Principle of Development**

7.2 The National Planning Policy Framework (NPPF) is a set of national guidelines from which the principles of modern planning are cascaded into local planning policy; it 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.

7.3 Policy H1 looks to optimise the potential for housing delivery in 'small sites' locations. Policy H2 describes these sites as below 0.25 hectares in size. Typically, these sites are infill, backland or conversions.

7.4 This proposal may be considered as a small site location, however the proposal must respect local distinctiveness as described in Policy D3 of the London Plan and comply with the Sutton Local Plan.



- 7.5 Policy D3 of the London Plan 2021 requires that new development must enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 7.6 Policies 1 Sustainable Growth and 7 Housing Density of the Sutton Local Plan 2018, acknowledge the NPPF's presumption in favour of sustainable development and the council will enable the delivery of new homes to help meet London's housing needs and local housing needs.
- 7.7 Policy 9 of the Sutton Local Plan states that 50% of units should be 3-bed unless this can be shown to be unsuitable to the location or not viable.
- 7.8 All the proposed dwellings would be 4-bed and the proposal would provide 100% of units being family sized dwellings (3-bed+) and the proposal therefore complies with policy 9.
- 7.9 There is no specific policy requirement to protect bungalows, and in this instance the intensification of the site to provide 4 family sized dwellings would result in better-designed, higher-quality new housing that meets a recognised need in Sutton.
- 7.10 It is clear from the policies above that the provision of new housing is generally encouraged by the Development Plan, subject to the impact on the character of an area. In this context, the immediate area is characterised principally by residential developments, lending the site suitable for residential development which would be acceptable in principle in land use terms.

## **B. Design Quality**

- 7.11 The NPPF states that planning authorities should always seek to secure high quality design to ensure that developments, among others, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding built environment and landscape setting.
- 7.12 The London Plan 2021 Policies D1 London's form, character and capacity for growth, D3 Optimising site capacity through the design-led approach and D4 Delivering Good Design state that Local Authorities should seek to ensure that developments promote high quality inclusive design and seek to ensure that development promotes high quality architecture.
- 7.13 Policy 28 of Sutton's Local Plan states that council will grant planning permission for new development provided that it is attractive, designed to the highest standard and uses high quality materials. In addition, new development should respect the local context and respond to local character, make a positive contribution to the streetscene, and respond to any natural and landscape features of the site.
- 7.14 The application is located in a residential area characterised broadly by two storey buildings of varied forms and sizes most of which benefit from immediate street access.

- 7.15 The proposed plot layouts of each house would follow the established urban grain within the street block, with car parking to the front, buildings maintaining the established building line and private outdoor amenity space to the rear. Whilst it is acknowledged that the plot sizes would be smaller than the large adjacent detached properties, gaps would be maintained between buildings so as not to appear constricted within the plot, and the new dwellings would all provide internal and external space in excess of expected standards in accordance with London Plan. As a result, it is considered that the level of intensification would be suited within the plot, providing dwellings that fit comfortably and provide a good standard of living.
- 7.16 The application site is not within a Conservation Area or Area of Special Local Character, and there is no defined architectural style or building type within this predominantly residential area, which comprises a mix of blocks of flats, detached and semi-detached dwellings. The proposed gable roof, materials and general detailed design is typical of architectural features found within the area and overall it is considered that the design of the proposal is acceptable and would not cause harm to the character of the streetscene and wider area.
- 7.17 Whilst there is an open area of hardstanding to the front of the site to accommodate the proposed car parking, this is typical of the existing properties within the area, many of which have in and out driveways. Soft landscaping improvements would be provided to the front and rear of the property offering a good level of external amenity across the site and maintaining the verdant nature of the area.
- 7.18 Conditions have been attached to secure final details regarding materials, boundary treatments, cycle and refuse store appearance, and hard and soft landscaping plans.

### **C. Neighbour Amenity**

- 7.19 Policy 29 of Sutton's Local Plan states that the council will not grant planning permission for development if it adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties, or has an unacceptable impact on the residents of the surrounding area. As such, in assessing the impact of a proposed development, the council will take into consideration a loss of privacy, a loss of sunlight or daylight, and increase in noise and disturbance, the creation of a sense of enclosure or the loss of outlook, effects on microclimate, and odours, smokes fumes and dust.
- 7.20 The adjoining neighbours of the site are 1 Woodmansterne Lane opposite the site, the detached bungalow to the south on Woodmansterne Lane (Sun Ridge), 250 and 250a Woodcote Road to the east fronting Woodcote Avenue (two storey family dwellings) and Oakbridge House flatted development to the north-east at the roundabout junction.

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- 7.21 1 Woodmansterne Lane (opposite)
- 7.22 Over 30 metres would be retained to the nearest property opposite the site to the west 1 Woodmansterne Lane. Given the distance, and that mutual overlooking already occurs between properties on opposing sides of the road, it is considered that the proposal would not unduly affect the amenity of 1 Woodmansterne Lane.
- 7.23 Sun Ridge
- 7.24 The nearest proposed dwelling "Plot 1" (as titled per drawing no. OVRH/100) adjacent to Sun Ridge would maintain a gap of 1.2 metres to the shared boundary and 2.1 metres to the property Sun Ridge. Plot 1 would be sited in front of the front elevation to Sun Ridge by 1.2 metres.
- 7.25 Whilst the proposal would close the gap beyond the existing situation and increase the built form above ground floor level, the proposed semi-detached pair would largely be maintained within the established building line and the dwelling would not project beyond the 45 degree line to any front or rear windows at Sun Ridge. There are 3 side windows at Sun Ridge that face the application site, however 2 of these serve a Bathroom (non-habitable room) and the other serves a bedroom that is dual aspect and has a front window and it is considered that these side windows being secondary windows and serving non-habitable rooms are offered little protection.
- 7.26 The proposed side window facing Sun Ridge serves a staircase (non-habitable room), and would be obscure glazed and therefore no overlooking would occur towards Sun Ridge. This would be secured by condition.
- 7.27 Sun Ridge is due south of the application site and therefore their light would not be affected. Overall, given the reasons outlined above and positioning of the new properties to the north in the established building line, it is considered that the proposal would not adversely affect the amenity enjoyed at the neighbouring property.
- 7.28 250 and 250a Woodcote Road
- 7.29 A minimum gap of 30 metres (at the nearest point between the new dwellings and the properties to the east) would be maintained between dwellings. This is a significant gap and would not affect the light and outlook enjoyed at the properties 250 and 250a Woodcote Road.
- 7.30 Given the truncated nature of the triangular plot, at its closest, the new dwelling at Plot 4 would be sited 4 metres from the rear boundary to 250 Woodcote Road. To ensure that no overlooking would occur, Plot 4's first floor rear windows facing No.250 have been removed and the rear bedroom would now be served by a north facing window. As such, the issue around overlooking from this dwelling to No.250 has been removed.

7.31 Plot 3's first floor rear bedroom is also served by one window, this maintains a gap, at its nearest point, of 8.5 metres to the rear boundary at No.250. However this would be at an oblique angle and offer restricted views and it is considered that this would not result in any undue overlooking. Overall therefore it is considered that the proposal would not adversely impact on 250 and 250a Woodcote Road. A condition will be added to ensure no further changes can be made to these elevations in the future.

7.32 Oakbridge House

7.33 Over 25 metres would be retained between the nearest new property Plot 4 and the flatted development Oakbridge House to the north-east.

7.34 Given the gap maintained and that a car parking area separates the buildings, it is considered that the proposal would not adversely affect the amenity enjoyed by occupants at the new flatted block to the north-east.

7.35 As such, it is considered that overall the proposal would not adversely impact any adjoining neighbours.

**D. Standard of Accommodation**

7.36 Policy D6 of the London Plan 2021 states that housing development should be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

7.37 Policy 9 of Sutton's Local Plan is considered to reflect the London Plan and states that planning permission will not be granted for new residential developments, including conversions, which do not meet the internal space standards set out in Policy D6 of the London Plan 2021.

7.38 In addition, the council will not grant planning permission for new residential development that does not provide an adequate amount of private amenity space, which will be considered on a case by case basis, taking into account the guidance set out in Sutton's Urban Design Guide SPD, the Mayor's Housing SPG, and local character.

7.39 Table 3.1 of the London Plan sets out the minimum floor area for a 4-bedroomed 6 person dwelling over 3 storeys is 112sqm. The proposed dwellings all provide 114sqm and therefore exceed the minimum requirements.

7.40 All main habitable rooms would have adequate outlook and would be located to the front and rear of the building providing a good layout. In addition, all floor to ceiling heights would exceed 2.5 metres and overall, it is considered that the development would offer a good standard of accommodation for the future occupants.

- 7.41 The Mayor of London's Housing Supplementary Planning Guidance (SPG) sets a standard of 5 sqm of private outdoor space for 1-2 person dwellings with an extra 1 sqm for each additional person. The council's Urban Design Guide SPD14 has minimum standards of 25 sqm for flats or one-bedroom units, 40 sqm for two-bedroom units and 70 sqm for 3-bedroom units. Policy 9 of the Sutton Local Plan states that in some cases, particularly in Areas of Potential Intensification, this minimum standard may be considered too onerous and that an adequate amount of amenity space will be considered on a case-by-case basis.
- 7.42 The proposed dwellings would all have access to rear private amenity space that exceeds the Mayor's standards. The dwellings would have private amenity space ranging from 84 to 117sqm which is in excess of the 70sqm set out for 3-bed+ dwellings in SPD14.
- 7.43 As such, it is considered that the proposal would provide a good standard of accommodation and would be in compliance with the above policies.

#### **E. Highways, Access and Parking**

- 7.44 Policy 36 of the Sutton Local Plan states that the Council will assess all new development proposals for their impact on the transport network and the local environment. Policy 37 of the Sutton Local Plan states that new developments will be expected to provide car parking in accordance with the council's restraint based maximum car parking. Chapter 10 of the new London Plan provides policy on a range of transport matters.
- 7.45 6 car parking spaces would be provided to the front of the properties on an area of hardstanding, including 1 space per dwelling and 2 visitor spaces (one of which would be a disabled parking bay). The 4 occupant spaces would be installed with Electric Vehicle Charging (EVC), this would be secured by condition. A swept path analysis for a typical supermarket delivery vehicle has been undertaken, demonstrating the vehicle can access, turn on site and egress in forward gear back onto Woodmansterne Lane and overall the council's Highway Officer has raised no objection to the provision of parking or layout.
- 7.46 The existing crossover would be removed and made-good, and a new centrally positioned crossover and access would be provided. The Council's Highways Officer has assessed the sightline requirements to the northeast and southwest, accounting for traffic speeds in the immediate vicinity, also that the requirements of pedestrian safety are satisfactorily met and has raised no objection.
- 7.47 The access works are subject to a separate Section 278 Agreement between the applicant and the council's Highway Authority. This has been secured by condition.
- 7.48 Cycle parking would be provided for each dwelling, final details of which would be secured by condition.

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- 7.49 The council's Waste Team has reviewed the Waste Management Note and raised no objections.
- 7.50 As such it is considered that parking provision would not be adversely affected by the proposal and the proposal would therefore not cause harm in terms of highway and pedestrian safety.

**F. Trees, Landscaping and Biodiversity**

- 7.51 Policy 26 of the Sutton Local Plan aims to protect and enhance the borough's biodiversity. The council will grant permission for developments that create, conserve or enhance biodiversity and improve access to nature, subject to other policies in the plan.
- 7.52 Policy 28 of Sutton's Local Plan states that new development should make provision for suitable new planting, incorporate well designed soft and hard landscaping and where trees are present on site, a landscaping scheme should be submitted which makes provision for their retention.
- 7.53 The council's Tree Officer has stated that they are in agreement with the submitted Arboricultural report and has raised no objection, subject to the trees being safely retained. A condition has been attached to ensure this. A landscaping condition has also been attached to ensure that provision, establishment and maintenance of a reasonable standard of landscape is provided.
- 7.54 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10% unless the development is exempt and this scheme does not meet that criteria.
- 7.55 A total of 0.53 habitat units are required in order to provide a 10% gain which equates to a deficit of 0.33 habitat units. Offsite compensation will therefore be required.
- 7.56 The Biodiversity Officer has also reviewed the proposal and stated that whilst there is no objection to the development being approved, this would be subject to conditions to secure a Biodiversity Gain Plan and Construction Environmental Management Plan.
- 7.57 The Biodiversity Gain Plan (BNG) would be secured as a pre-commencement condition whereby works cannot start on site until evidence of the off site BNG payment has been provided to the LPA.
- 7.58 As such, subject to the above conditions, it is considered that the proposal would be in accordance with the relevant policies relating to Trees, Landscaping and Biodiversity.

**G. Sustainability**

- 7.59 The council's Sustainability Officer has commented that the proposed energy strategy will deliver an estimated 73.81% reduction in carbon dioxide (CO<sub>2</sub>) emissions compared to the Part L 2021 baseline (tonnes per year) through application of the Mayor's energy hierarchy (be lean; be clean; be green). Total baseline emissions of 4.65 tonnes per annum (tpa) will be reduced by 3.45 tpa to 1.19 tpa. This is well in excess of the 35% target in policy 31 of the Sutton Local Plan.
- 7.60 The proposed energy strategy applies the Mayor's energy hierarchy and delivers a substantial reduction in emissions and is therefore acceptable subject to a condition to ensure compliance with the Energy Statement prepared by GreenSAP Compliance Services Ltd and dated March 2025 and prior to first occupation, 'as-built' Standard Assessment Procedure (SAP) outputs being submitted to and approved by the LPA.
- 7.61 In addition, the submitted SuDS Strategy complied with policy 32 and the submitted Part G calculations demonstrate that the target of 110 litres per person per day will be met for each of the dwellings in line with the relevant target in policy 33. No objection is raised subject to conditions to secure 'as-built' Standard Assessment Procedure (SAP) outputs and written confirmation that the approved SuDS measures have been implemented.
- 7.62 The proposal therefore represents a sustainable form of development and accords with policies 31, 32 and 33 of the Sutton Local Plan 2018.

**H. Fire Safety**

- 7.63 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.

**8 Legal Commentary**

- 8.1 Any planning decision can be appealed by an applicant if it is refused or fails to be determined within the required period. Any Council decision could be challenged by way of Judicial Review.
- 8.2 There are no additional legal implications other than those referenced within the body of the report.

**9 Reason(s) for recommendation**

- 9.1 It is considered that the level of intensification would be suited within the plot, providing dwellings that fit comfortably and provide a good standard of living and the proposal to provide four (4-bed) family sized dwellings is acceptable in principle in land use terms.



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- 9.2 The proposal would be acceptable in design terms and would respect the local context of the site and would not cause harm to the character and appearance of the area.
- 9.3 It is considered that the proposal would not result in an adverse impact on any adjoining occupiers in terms of increased noise and disturbance or loss of outlook, privacy and light.
- 9.4 The proposal would comply with internal and external space standards and would result in an acceptable standard of living accommodation for future occupiers.
- 9.5 The proposal would not result in overspill parking or cause harm to highway and pedestrian safety.
- 9.6 The proposal would not result in harm to any significant trees and Biodiversity within or adjoining the site and would represent a sustainable form of development.

## **10 Appendices and Background Documents**

### **10.1 Appendices**

<b>Appendix Letter</b>	<b>Appendix Title</b>
A	Site Plan
B	Conditions of Application
C	List of Contributors





## Overhill Woodmansterne Lane

☐ LBS Borough Boundary



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**GIS Team, Digital & IT**  
**London Borough of Sutton**  
**Civic Offices, St Nicholas Way,**  
**Sutton, SM1 1EA.**

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**G**

Mr Barry Hillman

DM2025/00470

Hillman Design Ltd

Flat 8

101 Stanley Road

Carshalton

Surrey

SM5 3LS

United Kingdom

**DRAFT**

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

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FIRST SCHEDULE

Overhill

Woodmansterne Lane

Wallington

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Demolition of existing dwelling and erection of 4 two storey dwellings with habitable  
roofspace, parking to front, refuse and cycle stores to rear and provision of new  
boundary treatment.

SECOND SCHEDULE

**Mandatory Conditions**

Development in Accordance with Approved Plans

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

- 001
- OVRH/001
- OVRH/300
- OVRH/310
- TR001 Page 1
- TR001 Page 2
- TR002
- OVRH/400
- OVRH/111
- OVRH 110 rev B
- OVRH 210 rev A
- OVRH 1000
- OVRH 1001
- OVRH/100 rev A
- Fire Strategy
- Design and Access Statement
- Ecological Appraisal & Biodiversity Net Gain Assessment (BNG) by Deepdene dated  
February 2025
- Bat Survey Report by Deepdene dated May 2025

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- Energy Statement prepared by GreenSAP Compliance Services Ltd and dated March 2025
- Conceptual SuDS Strategy Report prepared by Innervision Design Ltd and dated March 2025
- Transport Statement by Pulsar dated January 2025
- Waste Management, Storage and Collection Strategy
- Trees, Construction and Tree Protection – An Impact Assessment and Tree Protection Recommendations by ACS Trees Consulting (ACS Ref: aiams1/overhill/2025) dated 1 May 2025
- Technical Note (Waste Management) by Pulsar reference: 24177/N02 dated 13/08/25
- 24177 C0101
- 24177 C0102

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

Statutory Time Limit - Planning Permission

(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.

Obscure Glazed Windows / Screening

(3) All side windows (except the first floor north facing side window to Plot 4), and the northern most casement (1 of 3 casements) to the first floor rear window of Plot 3, of the development hereby approved shall be glazed with obscure glass and fitted with window restrictors which limit window opening to 100 mm, and be retained thereafter in this manner.

Reason: To safeguard the level of privacy enjoyed by neighbouring occupants in accordance with and to ensure compliance with policy 29 of the Sutton Local Plan 2018.

Trees Retained Protected

(4) All tree(s) on and adjacent to the site shown to be retained shall be protected in accordance with the Arboricultural information submitted with the Application (Arboricultural Method Statement and Tree Protection Plan) and follow recommendations in British Standard BS 5837: Trees in Relation to Design, Demolition and Construction - Recommendations (2012). There will be no materials stored within Construction Exclusion Zone (CEZ), and the Tree Protection Fencing (TPF) and other measures shall only be removed on completion of development. On completion of development, the applicant (their heirs or successors in title) shall submit photographic evidence of compliance with BS5837:2012.

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Reason: 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.

### **Prior to Commencement Conditions**

#### Materials

(5) Prior to the commencement of development (excluding demolition) the type and treatment of the materials, including samples, to be used on the exterior of the building(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the construction of the development hereby approved, completed prior to its occupation/use and permanently retained thereafter.

Reason: To safeguard the visual amenities of the area and to ensure compliance with policy 28 of the Sutton Local Plan 2018.

#### Cycle Storage

(6) Prior to the commencement of the development (excluding demolition works), full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, the size and materials of the enclosure and the means of access. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.

Reason: To ensure the development provides an adequate level of cycle parking facilities and to encourage sustainable modes of transport, in accordance with policies 36 and 37 of the Sutton Local Plan 2018.

#### Landscaping

(7) 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.

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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.

#### Biodiversity Gain Plan

(8) Prior to commencement of the development, the applicant must submit a Biodiversity Net Gain (BNG) plan in line with approved document Ecological Appraisal & Biodiversity Net Gain Assessment (BNG) by Deepdene dated February 2025 to confirm that the scheme will meet the 10% BNG requirement through the purchase of off site credits to the National Habitat bank. The payments must be paid prior to commencement of the development and with written notification of such payment being made to be approved by the Local Planning Authority.

Reason: To enhance and protect the biodiversity value of the land in accordance with Policy 26 of the Sutton Local Plan 2018.

#### Construction Environmental Management Plan (CEMP)

(9) Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be in accordance with the Mitigation details stipulated within the submitted 'Ecological Appraisal & Biodiversity Net Gain Assessment (BNG)' (Deepdene, February 2025) at Section 7 and the submitted 'Bat Survey Report' (Deepdene, May 2025), especially Recommendations 5.1-5.3, to protect flora and fauna on site and include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) The role and responsibilities of the on site ecological clerk of works (ECoW) or similarly competent person, when they need to be on site, responsible persons and lines of communication;
- d) The location and timing of sensitive works to avoid affecting birds and other fauna;
- e) Use of protective fences, exclusion barriers and warning signs;
- f) Construction to ensure it is in accordance with Guidance Note 08/23 Bats and Artificial Lighting (Institute of Lighting Professionals and the Bat Conservation Trust);
- g) The undertaking of an updated bat survey, if demolition works do not commence before May 2026.

All works carried out during the construction period shall be undertaken in accordance with the approved CEMP.

Reason: To enhance and protect the biodiversity value of the land in accordance with Policy 26 of the Sutton Local Plan 2018. This condition is required to be pre-commencement to ensure that protected species and the biodiversity value of the land are not harmed / mitigated for, prior to the demolition / construction process.



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Construction Management Plan (CMP)

(10) No development shall commence, including demolition and site clearance works, until a Construction Management Plan (CMP), to include details of: (a) provision of boundary hoarding; (b) hours of operation; (c) means to control dust and emissions to air; (d) means to control noise and vibration has been submitted to, and approved in writing by, the Local Planning Authority. The CMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties and to minimise the impacts on local air quality in accordance with policies 29 and 34. This condition is required to be pre-commencement as the Construction Management Plan needs to be in place before any works take place and to mitigate against the impacts of the demolition / construction process.

**Prior to First Occupation**

'As-Built' SAP Outputs

(11) The development hereby approved shall be constructed in accordance with the approved Energy Statement prepared by GreenSAP Compliance Services Ltd and dated March 2025. Prior to first occupation, as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has achieved the targeted reduction in CO2 emissions. All of the approved measures must thereafter be retained for as long as the development is in existence.

Reason: To comply with Policy 31 of the Sutton Local Plan 2018.

SuDS

(12) The development hereby approved shall be constructed in accordance with the approved Conceptual SuDS Strategy Report prepared by Innervision Design Ltd and dated March 2025. Prior to first occupation of the development, written confirmation that the approved SuDS measures have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. All of the approved measures must thereafter be retained for as long as the development is in existence.

Reason: To comply with Policy 32 of the Sutton Local Plan 2018.

S278 Agreement

(13) Prior to work starting on site details shall be submitted to and approved by the Council showing the proposed layout and construction details of the new vehicular access from Woodmansterne Lane in accordance with drawing no.s 24177 C0101 and 24177



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C0102. This must include details on visibility splays, proposed boundary treatments and/or planting in the visibility splay, and removing the existing crossover to the site and restoring the pavement to its original condition. The approved works must then be carried out and completed prior to the first occupation of the houses.

Reason: To minimise impacts on the highway network during the operational phase of the development, in accordance with Policy 36 of the Sutton Local Plan 2018.

#### Refuse

(14) Prior to occupation of the development hereby approved, full details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.

Reason: To avoid harm to the character and appearance of the streetscene and local area in accordance with policy 28 of the Sutton Local Plan 2018 and to ensure adequate provision of refuse and recycling facilities in the interests of amenity for future and neighbouring occupiers in accordance with policy 29 of the Sutton Local Plan 2018.

#### Car Parking Laid Out

(15) Prior to occupation of the development the car parking shall be laid out in accordance with drawing no. OVRH/100 rev A and shall be retained thereafter for the lifetime of the development.

Reason: To comply with policy 37 of the Sutton Local Plan 2018.

#### Boundary Treatments

(16) Prior to the occupation of the development hereby approved details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation of the development.

Reason: To comply with Policy 28 Sutton Local Plan 2018.

### **Monitoring and Management Conditions**

#### Fire Safety

(17) The development must be carried out in accordance with the provisions of the approved Fire Strategy.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

#### Hours of Construction

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(18) The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.

Reason: To safeguard the amenity of surrounding occupiers in line with Policy 29 of the Sutton Local Plan.

Land Contamination

(19) If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to the completion of the development hereby approved.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of Policy 34 of the Sutton Local Plan 2018.

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## INFORMATIVES

- (1) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 5000 before proceeding with the work.
- (2) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.
- (3) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

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**Appendix C – List of Contributors**

<b>Address</b>	<b>Stance</b>
1 Woodmansterne Lane, Wallington	Object
2 Woodmansterne Lane, Wallington	Object
250 Woodcote Road, Wallington	Object
School House, Woodmansterne Lane	Object
10 Woodcote Green, Wallington	Object
18 Beddington Lane, Beddington	Object
4 Woodmansterne Lane, Wallington	Object
3 Woodmansterne Lane, Wallington	Object
,	Representation
4 Woodcote Green, Wallington	Object
165 Sandy Lane South, Wallington	Object
Sun Ridge, Woodmansterne Lane	Object
147 Sandy Lane South, Wallington	Object

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DM2025/00247  
 69 Egmont Road  
 Sutton  
 SM2 5JS

<b>Committee</b>	Planning Committee
<b>Committee Date</b>	1st October 2025
<b>Committee Chair</b>	Councillor Jayne McCoy
<b>Report From</b>	Spencer Palmer, Strategic Director of Environment, Housing and Neighbourhoods.
<b>Site Reference</b>	DM2025/00247
<b>Site Address</b>	69 Egmont Road Sutton SM2 5JS
<b>Time taken</b>	29 weeks
<b>Applicant</b>	Mr Robert Maskell - MASKELL INVESTMENTS LIMITED
<b>Agent</b>	Mr Donncha Murphy - DTM Planning
<b>Ward Affected</b>	W06 - Belmont

## 1 Summary

- 1.1 The application seeks planning permission for the change of use of the property from Class C3 (Dwelling House) to Class C4 (Small House of Multiple Occupation (HMO)) to provide 6 rooms.
- 1.2 This application has been referred to the planning committee because the proposal has received over 10 letters of objection, contrary to officers recommendation.

## 2 Recommendation

- 2.1 To **GRANT** planning permission, subject to the conditions outlined at Appendix B and a Section 106 agreement (with the obligations secured outlined at 3.2) by 5th January 2026, or a later date as agreed in writing by the Strategic Director of Environment, Housing and Neighbourhoods.

### Summary of Reasons for Recommendation

- 2.2 The proposal is acceptable in land use terms as it would enable the renovation of the property and delivery of residential housing of a certain tenure within a sustainable location.

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- 2.3 The only external alterations proposed relate to the addition of a refuse store to the front and a bike store to the rear of the property. The proposal would respect the local context of the site and would not result in visual harm to the character and appearance of the site and the surrounding area.
- 2.4 The proposal would not result in undue harm to the amenity of neighbouring occupiers or the future occupiers of the property and would provide a good level of accommodation.
- 2.5 The proposal would not result in an impact on the safe operation of the public highway nor would it result in significant overspill car parking.
- 2.6 The proposal would not impact on trees, biodiversity or increase the risk of flooding at the site.

### **3 Background and Key Information**

#### Conditions

- 3.1 The conditions of this application are attached at Appendix B.

#### Section 106 Obligations Secured

- 3.2 The agreed heads of terms being secured include:
- The future occupiers of the property would not be eligible to apply for resident or visitor parking permits.

#### Site and Surroundings

- 3.3 The application property is a large, 8 bedroom semi-detached, three storey dwellinghouse with a small basement, located on the northern side of Egmont Road. The property has existing off street parking to the front for one car, accessed from an existing dropped kerb, a garage to the side and a large private rear garden. At the time that this application was made, the property was in a very poor state of repair and uninhabited. Renovation work has since commenced on the property to bring it up to modern day standards for habitation. Historically, prior to recent renovations, the property was internally arranged as an unlicensed 8 bedroom HMO as all of the residents' rooms were complete with electricity and gas supplies and separate metering. In addition, there were sinks, water heaters and stoves within each bedroom; these facts indicate that the property was previously used as a type of HMO, albeit unlicensed with no planning history to confirm a change of use.



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- 3.4 The surrounding area is predominantly residential in character, comprising terraced and semi-detached dwellings of varying ages and styles. There are also blocks of flatted development within the surrounding area.

#### Site Specific Designations

- 3.5 The site is located within a Controlled Parking Zone (CPZ) and the property is covered by a borough wide Article 4 Direction withdrawing permitted development rights to convert from C3 use to a small HMO.

#### Planning History

- 3.6 The site has the following planning history:
- 3.7 DM2022/00828 and DM2022/02143, both Prior Approval applications for a single storey rear extension. Both of these applications were refused due to the impact on the amenities enjoyed by the occupants of neighbouring properties and failure to comply with the criteria for Prior Approval applications.
- 3.8 Whilst not relating to this property, it is also worth noting that the adjoining property, no.67 Egmont Road has planning permission for Change of use from Class C3 (Dwelling House) to Class Sui Generis (Larger HMO) to provide 8 rooms (ref: DM2024/01423). This property is also under the same ownership as the application property and refurbishment of the pair of properties is being undertaken as one operation.

## **4 Application Proposal**

- 4.1 This application seeks permission for the change of use from Class C3 (Dwelling House) to Class C4 (Small HMO) to provide a total of 6 rooms.
- 4.2 The dwelling will have a landlord's store and plant room in the basement area, at ground floor level there will be a communal living room, dining room and kitchen, with direct access to the rear garden. At first floor level there will be three ensuite bedrooms and an office with two desks. The second floor will contain three ensuite bedrooms and a second kitchen.
- 4.3 The existing off-street parking space to the front of the site will be retained together with the garage; no additional off-street parking is proposed.
- 4.4 A bin store will be provided at the front of the dwelling and a covered and secure cycle store will be located within the rear garden of the property.

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- 4.5 The applicant has agreed to enter into a S106 agreement which would prevent future occupiers from applying for resident and visitor parking permits.

Amendments

- 4.6 A revised Sustainability and Energy Statement was received.

## 5 Publicity

Consultation

- 5.1 A site notice was displayed at the site on 18th March 2025.

Number of letters received in response to the proposal

- 5.2 The application has received a total of 15 objection letters from 12 households listed below:-

- 63, 65, flat 1 and flat 4 70, 71, 71A, 71B, 73, 73A Egmont Road
- 1, 3 and 5 Filey Close

### 5.3 Councillor Representation:

- 5.4 None.

- 5.5 The objections received are listed with an officer response within the table below

Representations received

- 5.6

Objection Received	Response
<b>Parking and Highway Safety</b>	
The proposal will cause pressure on the parking situation.	One off street parking space will be retained at the property. The applicant has agreed to enter into a S106 agreement which will prevent future occupants of the property being able to apply for resident and visitor parking permits, helping to reduce the on-street parking pressure. The council's Highways Officer has reviewed the

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	application and has raised no objection to the proposal, subject to the S106 agreement.
A S106 agreement is required to prevent occupants applying for parking permits.	The applicant has agreed that they are willing to enter into a S106 agreement to prevent future occupants of the property being able to apply for resident and visitor parking permits.
<b>Standard of accommodation</b>	
The proposed accommodation is substandard and of poor quality.	The proposed layout demonstrates that the bedrooms will be of a good size, all with ensuite facilities, good levels of outlook and natural ventilation will also be achieved. The shared communal areas are also a good size and occupants will have access to a large private outside space, together with cycle storage. No objections have been received from the council's Environmental Health Team regarding the proposal.
The number of rooms at the property could increase.	This permission is for a six bedroom, small HMO, which represents a reduction in two rooms in comparison with the existing layout. If the applicant wishes to increase the size of the HMO in the future, they will have to make a further application and the implications of an increase in rooms will be considered and assessed at that stage.
No family rooms are proposed.	Due to the nature of HMO accommodation, it is not generally suitable for families. However, it does provide an essential type of housing that is an important part of London's housing offer, reducing pressure on other elements of the housing stock.
Loss of a family home.	The existing property is an 8 bedroom property that, according to the applicant, was likely to have been used as an unofficial HMO many years ago as each bedroom had its own locked door, meter, sink and stove in each room. However as there is no planning history, and the

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	<p>property has been run down and empty for around 15 years, for the purposes of this application it is referred to as an existing C3 use.</p> <p>An 8 bedroom house is not the main kind of family housing sought by the council within the borough (smaller, 2-3 bedroom housing are more in demand) as such this large property is more suited to division into smaller units.</p>
<b>Neighbour amenity</b>	
Loss of privacy and overlooking to neighbouring gardens from clear glazing that has been installed in window openings on the ground floor of the eastern elevation.	This proposal does not include any external changes to the building. Whilst it is evident that refurbishment work has and is currently being carried out at the site, no new window openings have been created and there is no restriction on the type of glazing that can be installed at the property.
Increase in noise and antisocial behaviour.	<p>The existing property is an eight bedroom property, it is being reduced to a six bedroom property with communal areas. The council would not be able to control who occupies the rooms within the property, however this in itself is an issue for the council's Environmental Health team to address, as owners of HMO's have a duty to deal with such behaviour as part of their licensing terms. The applicant has confirmed in a management plan that <i>"If it is found that a person's conduct has been causing a nuisance or has exhibited antisocial behaviour, then, at first, they will receive a written warning, to the individual both personally and via their sponsoring Local Authority (as applicable). Should there be no improvement in the conduct of the service user, then the Licence Agreement will facilitate the effective issuing of a 24-hour notice to remove the person from our premises."</i></p>

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<p>The proposal, during construction, has caused an increase in noise disturbance, dust, air quality and pollution.</p>	<p>In this case, the refurbishment work which itself does not require express planning permission is covered by Environmental Health legislation with regards to pollution emissions, noise and disturbance. It is noted that this refurbishment phase will also be time limited.</p>
<p>The gardens of both no.67 and 69 Egmont Road have been opened up to create one large garden space.</p>	<p>The boundary dividing the two plots was eroded over time; there are historical enforcement cases which aimed to get the previous owner to clear the back gardens. When the applicant became the owner of the sites, they cleared the gardens, but the dividing fence was lost. A condition of this application is that boundary treatment details are submitted to the council for approval and implemented at the site prior to occupation as the two properties will have separate private rear gardens as they are separate planning units. The applicant has agreed to this.</p>
<p><b>Other matters</b></p>	
<p>Trees have been removed from the rear garden and environmental degradation has occurred.</p>	<p>The applicant has confirmed that the gardens were severely overgrown due to years of neglect which was attracting rats and other vermin. The removal of the shrubbery and the reinstatement of the garden space has been carried out to address this issue. The overgrown nature of the rear gardens was a complaint raised by the occupants of neighbouring properties.</p> <p>This proposal itself does not include the removal of any trees or soft landscaping from the rear garden. However it was evident on site that trees had been removed from the rear garden and the site had been cleared; given that the site is not within a conservation area, nor are there any Tree Preservation Order (TPO) trees at the site, the owner is able to clear the rear garden and remove trees from the site if they wish.</p>

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Summary of non-material representation(s)

5.7

The proposal will devalue surrounding properties.	The impact of development on property values is not a material planning consideration.
The EPC rating is not high enough to rent out property.	This is covered by separate legislation and therefore comment cannot be made on the EPC rating of the property in relation to the rooms being rented out.

Internal and external consultations

5.8 The following internal consultees were consulted and the comments are listed in the table below:

Internal Consultation	Comments Received
Sustainability Officer	Following review of the supporting reports and documents, there is no objection to the proposal, subject to conditions relating to compliance with the approved Energy Report and solar PV array details.
Highways Engineer	No objections are raised to this proposal, subject to a s106 agreement that would restrict future occupiers from applying for resident and visitor parking permits and details of the cycle parking enclosure must be secured by condition.
Environmental Health Team - HMO Licencing	It has been concluded that the proposal is supported. The layout accords with the team's requirements for licensing and it is confirmed that there are other HMO's close to the site in Egmont Road, however there are still less than 20% of HMO properties within 100m either side of this property and therefore this proposal is policy compliant.
Environmental Health Team	No objections to the proposal.

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Waste Management	No objections, the proposed provision is acceptable.
London Fire Brigade	No objections. The applicant is advised to refer to the relevant Building Regulations.

## 6 Material Planning Policies

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- London Plan 2021
- Sutton Local Plan 2018

6.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) Dec 2024.
- National Planning Policy Guidance (NPPG).
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents.
- Human Rights Act 1998
- Equality Act 2010

## 6.3 Public Sector Equality Duty (PSED) and Human Rights

6.4 In making your decision you must have regard to the Public Sector Equality Duty (PSED) under s149 of the Equality Act (2010). This means the Council must have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

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- 6.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s149 as all the factors that need to be considered may be balanced against other relevant factors.
- 6.7 It is considered that the proposed change of use from Class C3 (Dwelling House) to Class C4 (Small HMO) to provide 6 rooms would not have a negative impact on anyone with protected characteristics. As such, the granting of this application would have no adverse impact on those who share the protected characteristics.

#### **6.8 Material Planning Policies in the Determination of this Application**

#### **6.9 London Plan 2021 Policies:**

- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H9 Ensuring the best use of stock
- H10 Housing size mix
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 4 Managing heat risk
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

#### **6.10 Sutton Local Plan 2018 Policies**



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- 1 Sustainable Growth
- 7 Housing Density
- 9 Housing Sizes and standards
- 10 Loss of Housing and Conversions
- 26 Biodiversity
- 28 Character and Design
- 29 Protecting Amenity
- 31 Carbon and Energy
- 32 Flood Risk and Sustainable Drainage
- 33 Climate Change Adaptation
- 34 Environmental Protection
- 36 Transport Impact
- 37 Parking
- 39 Monitoring

#### **6.11 Supplementary Planning Guidance/Documents:**

- SPD 5 Planning Obligations
- SPD14 Creating Locally Distinctive Places

### **7 Planning Considerations**

#### Principles of Development

- 7.1 The main issues addressed within this report relate to the following (including whether any material planning objections have been reasonably addressed) as being most relevant to this application are:

- A) Principle of the Development**
- B) Design of the Development**
- C) Impact on Residential Amenity**
- D) Layout and Standard of Accommodation**
- E) Trees, Landscaping and Biodiversity**
- F) Sustainable Design and Energy Efficiency**
- G) Transport and Highways**
- H) Fire Safety**
- I) Conclusion and Recommendation**

#### **7.2 A) Principle of Development:**

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- 7.3 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.
- 7.4 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.
- 7.5 Policy H9 of the London Plan states that Boroughs should take account of the role of HMOs in meeting local and strategic housing needs. HMOs are an important part of London's housing offer, reducing pressure on other elements of the housing stock.
- 7.6 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. Both Policies 1 and 7 of the Sutton Local Plan 2018 acknowledge the NPPF's presumption in favour of sustainable development, but expect that the majority of housing to be provided within Sutton Town Centre and the other district centres and their surrounding Areas of Potential Intensification.
- 7.7 This site is located outside of, but adjoins an Area of Potential Intensification. With regards to land use, the application property has been in a poor state of repair for many years and its appearance, up until refurbishment works began in February/March earlier this year, detracted from the character and appearance of the surrounding area. By bringing this property back into habitable residential use, this will have a positive impact on the character of the area. The application site, at the time that the application was made, was laid out as a 8 room HMO (unlicensed), with a large rear garden and a forecourt area, with an existing drop kerb and an off-street parking area.
- 7.8 The property is currently vacant, however it was arranged as an HMO for many years. From details provided by the applicant, it appears that the property was used as a type of HMO given the room layout and facilities, however the property does not benefit from any recent HMO licence and as such this application is required as there is no planning history relating to the change of use from C3 to HMO. This application proposes to

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upgrade the facilities and modernise the property so that it can operate as an HMO and achieve the required licence.

- 7.9 Up until recently the use of the property as a smaller HMO would not have required planning permission. Permission is only required as the council has introduced an Article 4 Direction removing permitted development rights to change from Class C3 to a small HMO.
- 7.10 Policy H9 of the London Plan states that Houses in Multiple Occupation (HMOs) are an important part of London's housing offer, reducing pressure on other elements of the housing stock. Their quality can, however, give rise to concern. Where they are of a reasonable standard they should generally be protected and the net effects of any loss should be reflected in Annual Monitoring Reports.
- 7.11 The conversion of larger properties into smaller properties is a valuable source of new housing supply and, therefore, the council will support conversion in appropriate circumstances. The Article 4 Direction which was recently introduced borough wide is a way to introduce some element of control to the council to enable it to limit small HMO concentration in certain areas and, consequently, limit the harm to amenity and neighbourhoods that concentrations of HMOs can sometimes cause.
- 7.12 Policy 10 of the Sutton Local Plan is broadly relevant to this proposal; whilst it is noted that this proposal is not for an extension to an existing HMO (to which part c of Policy 10 is relevant) nor is the proposal for a large HMO (seven or more people) and therefore part d of Policy 10 does not directly apply. However, this proposal is for a small HMO, and due to the new Article 4 Direction it is fair that the council reflects on the aims set out in Policy 10 part (d) in respect of small HMOs.
- 7.13 In this case, it is considered that the proposal would not result in an adverse impact on the amenity of neighbouring properties, it would not detract from the character and appearance of the application property or wider surrounding area, it will create a good level of accommodation for occupants and would not result in a detrimental impact on the on-street parking situation (these separate elements are discussed in greater detail below in the report).
- 7.14 Part d of Policy 10, relates to new large HMO's and its aim is to ensure that there is not a concentration of HMO's in the vicinity where the cumulative effect of the HMOs harms the character of the area. Concentration which harms the area will be considered as where more than 20% of properties 100 metres either side of the proposal site are HMOs. In this case, the adjoining property at no.67 has permission to be a HMO (it is therefore considered that this HMO would not have an unacceptable impact on the amenities of the adjoining property), and it is also known that a property at no.73B is also a small HMO.

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Therefore it is concluded that less than 20% (8.7%) of properties 100m either side of the application property are known to be HMOs.

- 7.15 As such, the principle of the change of use from Class C3 (Dwelling House) to Class C4 (Small HMO) to provide 6 rooms is supported and is considered acceptable in principle in land use terms subject to all other relevant policy advice and material considerations.

**7.16 B) Design of the Development:**

- 7.17 The National Planning Policy Framework and the London Plan encourages intensification of sites subject to them delivering exceptional design and architectural quality, that relates to its local context and has regard to the delivery of well designed places and coherent, inclusive public realm. The council's Local Plan Policies reiterate this in its design aspiration that expects new developments to enhance the public realm, complement the local context and preserve the historic character of areas.
- 7.18 Policy D3 of the London Plan requires development to make the best use of land by following a design-led approach to ensure that it responds to the site's context and capacity for growth and enhances the local context by delivering buildings that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Policy D4 also emphasises the importance of high quality design being ensured by development proposals.
- 7.19 Policy 28 of Sutton's Local Plan states that council will grant planning permission for new development provided that it is attractive, designed to the highest standard and uses high quality materials. In addition, new development should respect the local context and respond to local character, make a positive contribution to the streetscene, and respond to any natural and landscape features of the site.
- 7.20 This proposal does not include any changes to the external appearance of the property itself, the only proposed changes are to the internal layout. It is however recognised that the property, whilst not locally listed, is an architecturally attractive dwelling, which has retained many of its original features such as hung tiles, attractive brickwork detail and window openings. It is evident that the property had fallen into a very poor state of repair following a long period where the house had not been occupied and the grounds had become overgrown. The council is aware that the applicant has been carrying out substantial refurbishment of the property, together with no.67 which is under the same ownership. These refurbishment works do not form part of this application (which is just for the change of use of the property) however it is noted that the property has been partially renovated, maintaining many of the original features and bringing the property up to modern day standards to enable it to be habitable space and lived in once again. This

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in turn, has a positive impact on the appearance of the application property itself and the wider street scene.

7.21 The proposed refuse store will be situated within the front garden area which is suitable for collection of waste; the external finish of the refuse store will be secured by condition.

7.22 As such, the proposal is considered to respect the context of the development in this area meeting the aims and 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.

**7.23 C) Impact on Residential Amenity:**

7.24 Policy 29 of the Sutton Local Plan states that the Council will grant permission for development unless it adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties, or has an unacceptable impact on the residents of the surrounding area.

7.25 The application site shares a boundary with a number of properties including no.67 and 71 Egmont Road, 1 Filey Close, 11 and 17 Devonshire Road.

7.26 No 67 Egmont Road is the adjoining semi-detached property. This property is under the same ownership as the application property, although it is a separate planning unit. This property has planning permission to be used as an 8 bedroom HMO and is undergoing refurbishment. It is considered that the proposed change of use of no.69 Egmont Road would not result in an unacceptable impact on the amenities that would be enjoyed by the occupants of no.67 in terms of visual impact, daylight, privacy or by an increase in noise and disturbance. A condition is recommended to ensure that suitable boundary treatments are erected between these two properties prior to occupation to ensure that the occupants of each property benefit from private outdoor space.

7.27 No.71 lies to the east of the application property and is a smaller two storey dwellinghouse forming part of a terrace of 6 properties. This property is detached from the application property. Given that there are no extensions or alterations proposed to the application property, this change of use application would not result in any impact on the outlook, privacy or daylight currently enjoyed by the occupants of this property. The property is an existing 8 bedroom dwellinghouse and this proposal to convert to a 6 bedroom HMO is considered to not increase the occupancy to an extent that the noise and disturbance would be significantly out of place within this residential area.

7.28 1 Filey Close, 11 and 17 Devonshire all share a section of the rear garden boundary with the application site; 1 Filey Close is approximately 20m from the rear of the application property and adjoins the eastern side boundary of the application site. The rear shared

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boundary with 11 Devonshire Road is approximately 42m from the rear of the application property and no.17 Devonshire Road has a rear garden that adjoins the garden of the application property at a 90 degree angle and is approximately 34m from the rear of the application property.

7.29 These properties are located a significant distance from the application property itself and as such the proposal is considered to not have an undue impact on the amenities currently enjoyed by the occupants of these neighbouring properties.

7.30 It is considered that the proposal would not result in an adverse impact on amenities enjoyed by the adjoining occupiers located in Egmont Road, Filey Close or Devonshire Road and therefore the proposed change of use is considered to meet the aims and objectives as set out in Policy 29 of the Sutton Local Plan.

#### **7.31 D) Layout and Standard of Accommodation**

7.32 The Council has no specific planning policies or prescriptive standards set out in planning policy or supplementary guidance that specifically deal with minimum room sizes for houses in multiple occupation (HMO). However the governments adopted national minimum space standards for an HMO rooms used as sleeping accommodation are 6.51m<sup>2</sup> for a single and 10.22m<sup>2</sup> for a double room. There are no concerns regarding the size, mix and layout of the HMO units as the internal arrangements are governed by the Housing Act as enforced by the council's Environmental Health Section. In addition the communal living and kitchen areas appear sufficiently sized, this has been confirmed by the council's Environmental Health and Licensing team.

7.33 It should be noted that the Mayor's space standards do not provide guidance on minimum internal floor area requirements for HMO's but the Mayor's Housing SPD explicitly refers to the Housing Act and National HMO standards. The minimum room size proposed accords with the National HMO standards.

7.34 The property will have two communal kitchens, one on the ground floor and one on the second floor. There will be a communal living room and dining room and each bedroom will have a private ensuite toilet and shower. It is considered that all rooms would have a suitable level of outlook, daylight and natural ventilation. There is a large outdoor rear garden which will be available to all residents together with secure cycle storage.

7.35 Refuse storage will be located at the front of the property, accommodating refuse, recycling and food waste collection; the council's Waste Team is satisfied with these arrangements.

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- 7.36 Considering the above, it is considered that the proposal would provide appropriate living conditions for future occupiers of the premises, and would comply with the aims set out in Policy D6 of the London Plan and Policy 9 of the Sutton Local Plan in relation to amenity.

**7.37 E) Trees, Landscaping and Biodiversity**

- 7.38 Policy 26 of the Sutton Local Plan aims to protect and enhance the boroughs biodiversity. The council will grant permission for developments that create, conserve or enhance biodiversity and improve access to nature, subject to other policies in the plan.
- 7.39 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.
- 7.40 The applicant has confirmed that the garden to this property was severely overgrown due to years of neglect which was attracting rats and other vermin. The removal of the shrubbery and the reinstatement of the garden space has been carried out to address this issue. The overgrown nature of the rear garden was a complaint raised by the occupants of neighbouring properties.
- 7.41 This proposal itself does not include the removal of any trees or soft landscaping from the rear garden. However it was evident on site that trees had been removed from the rear garden and the site had been cleared; given that the site is not within a conservation area, nor are there any TPO trees at the site, the owner is able to clear the rear garden and remove trees from the site if they wish.
- 7.42 Biodiversity Net Gain is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10% unless the development is exempt. This scheme is exempt as there are no extensions proposed to the application property.
- 7.43 As such, it is considered that the proposal would be in accordance with Policy G6 of the London Plan and Policy 26 and 28 of the Sutton Local Plan.

**7.44 F) Sustainable Design and Energy Efficiency**

- 7.45 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. Policy 32 states that proposed developments should avoid or minimise all sources of flood risk to people and property,



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taking into account climate change, without increasing flood risk elsewhere. Proposed developments should incorporate effective Sustainable drainage measures as part of the design and layout of the development in order to manage surface water run-off as close to its source as possible.

- 7.46 The Sustainability Officer has reviewed the application and following the submission of a revised Sustainability and Energy Statement, it has been concluded that sufficient details have been provided within the submitted Energy Strategy to satisfy the relevant Policies.
- 7.47 Further details of the solar PV array will be secured by condition, this will include details of the number of panels, power output and CO2 savings expected to be delivered. This is required to ensure compliance with Policy 31 of the Sutton Local Plan 2018.

#### Water Efficiency

- 7.48 The Part G calculations submitted by the applicant in support of this application demonstrate that the council's target of 110 litres per person per day will be met in line with the relevant target in Local Plan Policy 33 and are therefore acceptable
- 7.49 It is concluded that the applicant has supplied sufficient details to enable this planning application to be determined against the requirements of Local Plan Policies 31, 32 and 33 and it is considered that any outstanding information, as detailed above can be secured by condition.

#### **7.50 G) Transport and Highways**

- 7.51 Policy T4 of the London Plan and Policy 36 of the Sutton Local Plan require that developments assess their impact on the local highway and public transport capacity. Policies T5, T6 and T6.1 of the London Plan and Policy 37 of the Sutton Local Plan relate to car parking and cycle parking.
- 7.52 This site is located within an area with a PTAL of 2, which represents poor public transport accessibility and the site is located within the South Sutton Parking Permit Area which operates between 9-11am Monday - Friday. One off-street parking space will be retained at the front of the property which is served by a dropped kerb.
- 7.53 To ensure that this proposal would not cause an unacceptable pressure on the on-street parking situation in the area, the councils Highways Team have recommended that the applicant enters into S106 legal agreement that would prevent future occupiers applying for resident or visitor parking permits as the area is already heavily parked and this will help deter car ownership and additional parking on street.



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7.54 The applicant has confirmed that they are willing to enter into a S106 agreement to ensure that future occupiers of the property would not be able to apply for residents and visitors parking permits for the South Sutton Permit Parking Area.

7.55 It is proposed that there would be covered and secure cycle storage located in the rear garden of the dwelling, this is considered to be acceptable and details would be secured by condition to ensure that the cycle storage is weather proof and secure.

7.56 As such, the proposal is acceptable in transport and highways terms subject to the recommended S106 agreement and cycle storage condition. It is concluded that the aims set out in Policies T4, T6 and T6.1 of the London Plan 2021 and Policies 36 and 37 of the Sutton Local Plan are met.

#### **7.57 H) Fire Safety**

7.58 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, and this detail will be secured by condition.

#### **7.59 I) Conclusion and recommendation**

7.60 Therefore, it is recommended that for the reasons set out above, the application is approved subject to the recommended S106 agreement and conditions.

### **8 Legal Commentary**

8.1 Any planning decision can be appealed by an applicant if it is refused or fails to be determined within the required period. Any council decision could be challenged by way of Judicial Review.

8.2 There are no additional legal implications other than those referenced within the body of the report.

### **9 Reason(s) for recommendation**

9.1 The proposal is acceptable in land use terms as it would enable the renovation of the property and delivery of residential housing of a certain tenure within a sustainable location.

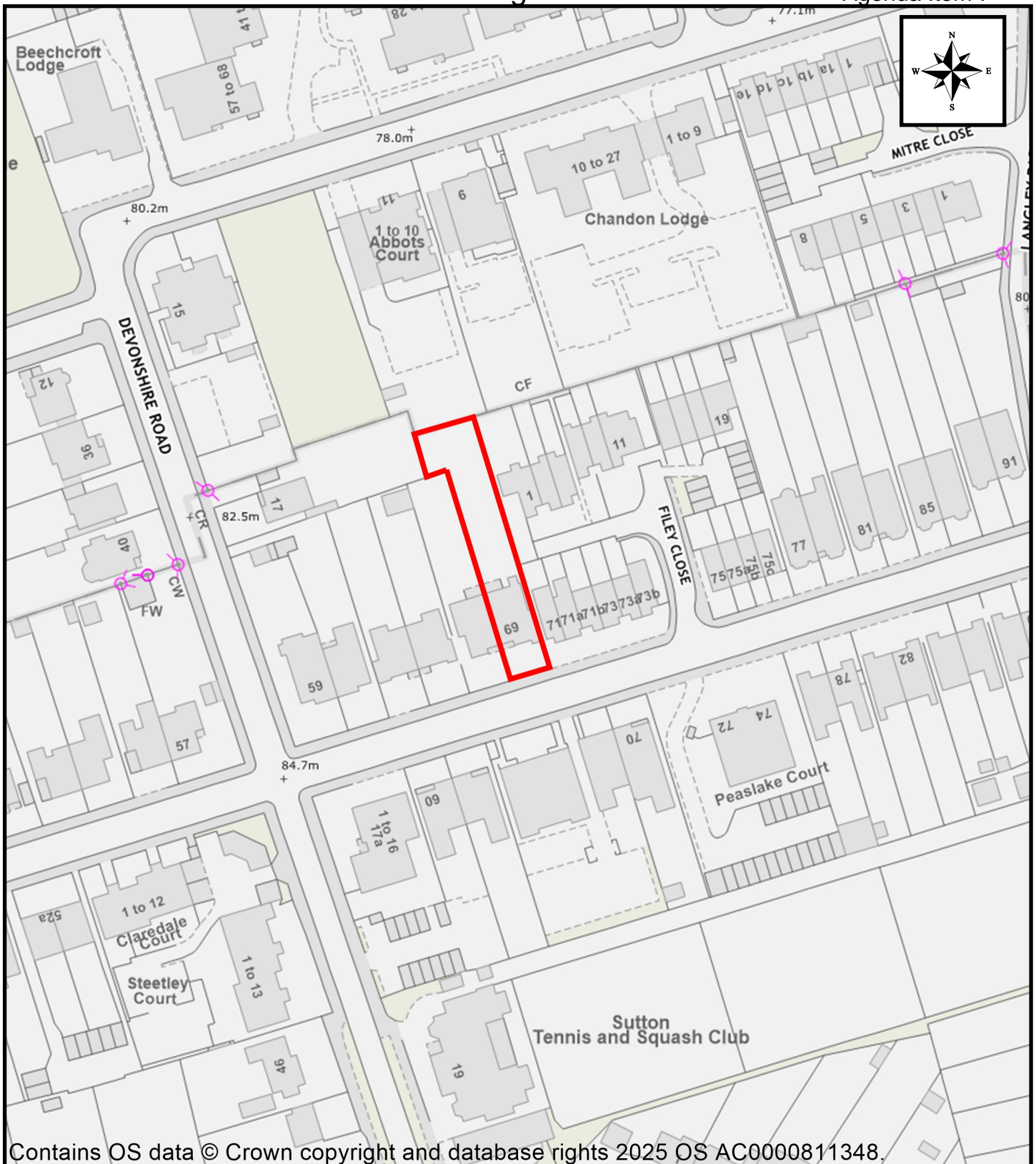
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- 9.2 The only external alterations proposed relate to the addition of a refuse store to the front and a bike store to the rear of the property. The proposal would respect the local context of the site and would not result in visual harm to the character and appearance of the site and the surrounding area.
- 9.3 The proposal would not result in undue harm to the amenity of neighbouring occupiers or the future occupiers of the property and would provide a good level of accommodation.
- 9.4 The proposal would not result in an impact on the safe operation of the public highway nor would it result in significant overspill car parking.
- 9.5 The proposal would not impact on trees, biodiversity or increase the risk of flooding at the site.

## **10 Appendices and Background Documents**

### **10.1 Appendices**

<b>Appendix Letter</b>	<b>Appendix Title</b>
A	Site Plan
B	Conditions of application



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## 69 Egmont Road

☐ LBS Borough Boundary



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**GIS Team, Digital & IT**  
**London Borough of Sutton**  
**Civic Offices, St Nicholas Way,**  
**Sutton, SM1 1EA.**

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G

DM2025/00247

Mr Donncha Murphy  
DTM Planning  
1 Newmans Mall  
Kinsale  
Ireland

DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

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## SECOND SCHEDULE

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

1010, 1030, 1110, 1111, 1112, 1113, 3030, 3110, 3112, 3113, 1210 and 3111, Sustainability and Energy Statement dated 10/07/25, Design and Access Statement and Fire Safety Statement.

Reason: For the avoidance of doubt and in the interest 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) The development must be carried out in accordance with the provisions of the Planning Fire Safety Strategy prepared by DTM Planning dated 26 February 2025.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

4) Prior to the occupation of the development, full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, the size and materials of the enclosure and the means of access. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.

Reason: To ensure the development provides an adequate level of cycle parking facilities and to encourage sustainable modes of transport, in accordance with Policies 36 and 37 of the Sutton Local Plan 2018.

5) Prior to occupation of the development hereby approved, full details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.

Reason: To avoid harm to the character and appearance of the streetscene and local area in accordance with Policy 28 of the Sutton Local Plan 2018 and to ensure adequate provision of refuse and recycling facilities in the interests of amenity for future and neighbouring occupiers in accordance with Policy 29 of the Sutton Local Plan 2018.

6) Prior to occupation of the development hereby approved, full details of the position, design, materials and type of boundary treatments/means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.

Reason: In the interests of amenity for future and neighbouring occupiers in accordance with Policy 29 of the Sutton Local Plan 2018.

7) Prior to the commencement of development, details of the proposed solar PV system must be submitted to the Local Planning Authority and approved in writing, including:

- (i) amended roof plans showing the number of solar PV panels and the total area of the proposed solar PV array;
- (ii) the power output of each panel and confirmation of the electricity that the solar PV array will generate; and
- (iii) confirmation of the CO2 savings expected to be delivered.

Reason: To comply with Policy 31 of the Sutton Local Plan 2018

8) The development hereby approved shall be constructed in accordance with the approved Sustainability and Energy Statement prepared by Bluesky Unlimited Ltd and dated 10 July 2025 together with the approved solar PV details. Prior to first occupation, 'as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has achieved the targeted reduction in CO2 emissions. All of the approved measures must thereafter be retained for as long as the development is in existence.

Reason: To comply with Policy 31 of the Sutton Local Plan 2018.

**INFORMATIVES**

- 1) 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, you MUST contact Sutton Highways DC Team at London Borough of Sutton, 24 Denmark Road, Sutton, Surrey SM5 2JG OR BY EMAIL at: [highwayshcs@sutton.gov.uk](mailto:highwayshcs@sutton.gov.uk); to arrange a precommencement photographic survey of the public highway conditions around your site; where the Council decides that a survey is necessary. A refundable Deposit is payable at application for the survey; together with an Inspection Fee, payable by cheque 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 contact us 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 us again 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.
- 2) This approval only grants temporary permission under 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.
- 3) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985 via the following link: <https://www.sutton.gov.uk/propertyapplicationsearch>
- 4) The temporary 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.
- 5) Where applicable the developer/applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuant to the application.
- 6) The Applicant is advised to ensure the plans conform to Part B of the Approved Document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.



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<b>Committee</b>	Planning Committee
<b>Committee Date</b>	1st October 2025
<b>Committee Chair</b>	Councillor Jayne McCoy
<b>Report From</b>	Spencer Palmer, Strategic Director of Environment, Housing and Neighbourhoods.
<b>Site Reference</b>	DM2025/00171
<b>Site Address</b>	69 Cornwall Road Sutton SM2 5JS
<b>Time taken</b>	33 weeks
<b>Applicant</b>	Mr Padmesh Sharma
<b>Agent</b>	Mr Ed Powell - 3d Planning Design
<b>Ward Affected</b>	W06 - Belmont

## 1 Summary

- 1.1 The application seeks planning permission for the Change of use from Class C3 (residential) to Class Sui Generis (Larger House of Multiple Occupation (HMO)) to provide 9 rooms, erection of a single storey rear extension, conversion of the garage into a habitable room, alterations to ground floor front and flank fenestrations and provision of refuse and cycle storage to the front.
- 1.2 This application has been referred to the planning committee because the proposal has received over 10 letters of objection, contrary to officers recommendation.

## 2 Recommendation

- 2.1 To **GRANT** planning permission, subject to the conditions outlined at Appendix B.

### Summary of Reasons for Recommendation

- 2.2 The proposal is acceptable in land use terms as it would enable the delivery of residential housing of a certain tenure.

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- 2.3 The external alterations proposed are acceptable in design terms. The proposal would respect the local context of the site and would not result in visual harm to the character and appearance of the site and the wider surrounding area.
- 2.4 The proposal would not result in undue harm to the amenity of neighbouring occupiers or the future occupiers of the property and would provide a good level of accommodation.
- 2.5 The proposal would not result in an impact on the safe operation of the public highway nor would it result in significant overspill car parking.
- 2.6 The proposal would not impact on trees, biodiversity or increase the risk of flooding at the site.

### **3 Background and Key Information**

#### Conditions

- 3.1 The conditions of this application are attached at Appendix B.

#### Site and Surroundings

- 3.2 The application property is a large, 8 bedroom detached, two storey dwellinghouse located on the eastern side of Cornwall Road. The property has existing off street parking to the front and an in/out crescent shaped driveway and integral garage. To the rear of the property is a large private garden.
- 3.3 The surrounding area is predominantly residential in character, comprising mainly large, two storey detached and semi-detached dwellings.

#### Site Specific Designations

- 3.4 The property is covered by a boroughwide Article 4 Direction withdrawing permitted development rights to convert from C3 use to a small HMO.

#### Planning History

- 3.5 The site has the following planning history:
- 3.6 86/28847 - Erection of a part one part two storey flank extension. Granted 20/08/86  
S1989/34193 - Erection of a single-storey rear extension. Granted 12/01/90.  
B2003/50847 - Erection of a first floor rear extension. Granted 21/07/2003

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B2014/70663 - Erection of a single storey extension and enlargement of patio area at rear/side. Granted

#### **4 Application Proposal**

- 4.1 This application seeks permission for the change of use from Class C3 (residential) to Class Sui Generis (Larger HMO) to provide 9 rooms, erection of a single storey rear extension, conversion of the garage into a habitable room, alterations to ground floor front and flank fenestrations and provision of a refuse and cycle store to the front of the property.
- 4.2 The proposed external changes to the property include the removal of the garage door and replacement with a door and window. The addition of a window at ground floor in the southern elevation and the addition of an egress window to the front and rear elevation in place of existing windows, and the addition of a single storey orangery to the rear elevation.
- 4.3 The only change to the proposed layout of the property will be the addition of one bedroom on the ground floor following the conversion of the garage and the addition of a single storey rear extension, the first floor layout will remain as existing. Internally, the property will have three bedrooms at ground floor level, one of which will be ensuite, together with a communal kitchen, reception room, dining room, two shower rooms and the orangery. At first floor level, there are six bedrooms and a shared bathroom. Two of the bedrooms have ensuite facilities.
- 4.4 The existing integral garage will be converted into a bedroom with ensuite, this room will also have a separate external door to allow for safe access.
- 4.5 Off street parking will be retained on the existing driveway for four cars.
- 4.6 A bin store and a cycle store will be provided at the front of the dwelling and a soakaway will be added within the lawn of the rear garden.

#### Amendments

- 4.7 A revised drawing indicating the size and location of the soakaway was received. A parking survey was submitted by the applicant in support of the application. Revisions were made to the type of windows proposed in the front and rear elevations and the location of the cycle store was moved from the rear garden to the front of the property.

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## 5 Publicity

### Consultation

5.1 A site notice was displayed at the site on 3rd March 2025.

### Number of letters received in response to the proposal

5.2 The application has received a total of 31 objection letters from 27 households listed below:-

- 2, 3, 8, 10, 12, 13, 17A, 25, 27, 40, 45, 53, 55, 61, 65, 66, 71, 73, 82, 104, 106 and 108 Cornwall Road.
- 9 Bicknoller Close
- 3 and 30 Manor Road
- 42 The Avenue
- 98 Worcester Road

### 5.3 Councillor Representation:

5.4 None.

5.5 The objections received are listed with an officer response within the table below

### Representations received

5.6

Objection Received	Response
<b>Parking and Highway Safety</b>	
The proposal will cause pressure on the parking situation.	Four off street parking spaces will be retained at the front of the property. The applicant has submitted a parking survey of the on-street parking capacity, this has been reviewed by the council's Highways Officer and it has been concluded that there is sufficient on-street capacity to accommodate any additional parking requirement which could be generated by the proposal.

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Additional parking could restrict access to the A217.	No objections have been raised by the council's Highways Team in terms of highway safety and access to the A217, it is also noted that there is a section of Cornwall Road at the junction with the A217 which has double red lines to prevent parked cars from obstructing the access to the A217.
<b>Standard of accommodation</b>	
The proposed accommodation does not allow access to the communal areas without passing through other bedrooms.	The proposed layout demonstrates that access will be possible to the communal areas without having to pass through other bedrooms. It is noted that the occupants of the additional bedroom on the ground floor will have an access door which would allow for a route to the communal areas without passing through bedroom 7 or 8.
There is insufficient communal space.	The proposed ground floor plan shows that there is a large reception room, dining room, kitchen and orangery available for communal use together with a large private rear garden. These facilities are considered to be adequate for a 9 bedroom HMO and no objections to the facilities have been raised by the council's Environmental Health Team in this respect.
<b>Impact on surrounding area</b>	
There are no other HMO's within Cornwall Road.	This is correct and a fact that demonstrates that there is not an overconcentration of HMOs close to this site, which is a requirement set out in Policy 10 of the Sutton Local Plan.
An HMO would be out of character with Cornwall Road.	The existing property is an 8 bedroom property, the external alterations proposed to this dwelling are considered acceptable in design terms, meaning that the property itself would not harm the existing character of the streetstone or wider area. Visually, the property would not differ substantially from the existing situation.

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	In terms of use, the property would differ to the single family dwellings on the road, however HMO's of this type do provide for affordable, flexible accommodation with shared facilities especially important for young professionals.
Increased pressure on local amenities.	There would be an increase in one bedroom at this property, the number of occupants would not differ from a typical single family dwelling house and therefore it is considered that this proposal to change the use of the property from C3 to a large HMO would not result in significant additional pressure on local amenities such as schools, GP surgeries or public transport facilities.
Over intensification of the site.	The application property is a large two storey detached dwelling set within a large plot of land. The existing property has 8 bedrooms and it is therefore considered that this property could support the addition of one bedroom. The proposed rear extension to the property is modest in size and compatible with the layout and size of the existing property.
Lack of details regarding the refuse store and cycle store.	These two elements of the proposal are proposed to be located to the front of the property. The applicant has submitted drawings showing indicative areas where these two stores will be located, however it is acceptable for the details and exact location of the refuse and cycle store to be secured via a pre-occupation condition. The council can then ensure that they are of a suitable design and size.
Would set a precedent for future HMOs within Cornwall Road.	If other properties did want to change use to a large HMO, they would be required to apply for planning permission and the council would consider the proposal against relevant planning policies. The aims of section (d) of Policy 10 of the Sutton Local

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	Plan also restrict an over proliferation of large HMO's within an area.
<b>Neighbour amenity</b>	
Loss of privacy.	This proposal does include the addition of one new window opening, and a new window in place of the garage door, however these are both located at ground floor level and would not result in any unreasonable overlooking or loss of privacy to neighbouring properties.
Increase in noise and antisocial behaviour and erosion of community character.	<p>The existing property is an eight bedroom property, one bedroom on the ground floor is being added to create 9 bedrooms. The council would not be able to control who occupies the rooms within the property, however this in itself is an issue for the council's Environmental Health team to address, as owners of HMO's have a duty to deal with such behaviour as part of their licensing terms. The applicant has confirmed that three of the bedrooms will be occupied by his family and that he, as owner of the property, would be vetting the proposed occupants of the other 6 rooms. The council does acknowledge that in the future all rooms could be let out.</p> <p>Whilst there is concern that this proposal would lead to the erosion of community character, the opposite could also be argued that it could also contribute to the community character by the addition of new residents.</p>
<b>Design</b>	
The loss of the garage is visually unacceptable.	There is no objection to the conversion of the garage into habitable space. The replacement of the garage door with a door and window is on balance acceptable and it is noted that in relation to parking provision, off street parking would remain to the front of the property. It is also noted that this

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	alteration could take place under permitted development for this dwellinghouse.
<b>Other matters</b>	
No pre-application advice was sought.	This is correct, no pre-application advice was sought by the applicant, however this is not a pre-requisite of making an application.
Fire risk concerns.	The applicant has not submitted the required Fire Safety Statement as part of this application, however this information will be required and secured by a pre commencement condition. The applicant will also be referred to the relevant fire safety order as suggested by the London Fire Brigade.
The site is outside of an Area of Potential Intensification (API).	Part (d) of Policy 10 is applicable to this proposal, given that it is for a new large HMO. Therefore there is not a requirement for the property to be located within an API. This only applies to proposals for an increase in occupants to existing large HMOs.

Summary of non-material representation(s)

5.7

Proposal will devalue surrounding properties	The impact of development on property values is not a material planning consideration.
The proposal would be in breach of a restrictive covenant applicable to the Cornwall Road properties	Covenants are a separate issue covering certain properties, these covenants cannot form part of the consideration of the planning application and are a private civil matter.
The site is located near to The Avenue Primary school and occupants might not be vetted.	This is not a material consideration in terms of planning policy.



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Two letters of support were also received, however these are from the applicant in response to the concerns raised above.

Internal and external consultations

- 5.8 The following internal consultees were consulted and the comments are listed in the table below:

Internal Consultation	Comments Received
Sustainability Officer	Following review of the supporting reports and documents, there is no objection to the proposal, subject to conditions relating to the submission of an Energy statement and Flood Risk Strategy. An additional condition will ensure that these agreed statements and reports are implemented at the site prior to occupation.
Highways Engineer	Initially concerns were raised as insufficient supporting documents were submitted to the council to allow for the Highways Planners to assess the proposal. The applicant has submitted amended drawings showing the off street parking provision at the site and a parking stress survey. It has now been concluded that there is sufficient parking through a combination of on and off street parking to support this proposal.  Details of the cycle parking will need to be secured by condition.
Environmental Health Team - HMO Licencing	It has been concluded that the proposal is supported. The layout accords with the team's requirements for licensing, provided that the garage door is replaced with an access door and window. It is confirmed that there is one other HMO in the surrounding area at 40 Holland Avenue, therefore there are less than 20% of HMO properties within 100m either side of this property and therefore this proposal is policy compliant.

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Environmental Health Team	No objections to the proposal.
Tree Officer	Following amendments to the size and location of the proposed soakaway in the rear garden, no objection is raised in relation to the impact on the mature trees located within the rear garden of the property.
Waste Management	No comments received, however it is proposed to have a bin store located at the front of the property. A condition is recommended to ensure that a suitable refuse store is erected at the property to accommodate the relevant size and type of bins.
London Fire Brigade	No objections. The applicant is advised to refer to the relevant Regulatory Reform (Fire Safety) Order 2005 and the implications of an HMO.

## 6 Material Planning Policies

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- London Plan 2021
- Sutton Local Plan 2018

6.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) Dec 2024.
- National Planning Policy Guidance (NPPG).
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents.
- Human Rights Act 1998
- Equality Act 2010

### **6.3 Public Sector Equality Duty (PSED) and Human Rights**

- 6.4 In making your decision you must have regard to the Public Sector Equality Duty (PSED) under s149 of the Equality Act (2010). This means the Council must have due regard to the need (in discharging its functions) to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
  - Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 6.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s149 as all the factors that need to be considered may be balanced against other relevant factors.
- 6.7 It is considered that the proposed change of use from Class C3 (residential) to Class Sui Generis (Larger HMO) to provide 9 rooms, erection of a single storey rear extension, conversion of the garage into habitable rooms, alterations to ground floor front and flank fenestrations and provision of refuse and cycle storage to the front and rear, would not have a negative impact on anyone with protected characteristics. As such, the granting of this application would have no adverse impact on those who share the protected characteristics.

### **6.8 Material Planning Policies in the Determination of this Application**

#### **6.9 London Plan 2021 Policies:**

- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D12 Fire safety

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- D14 Noise
- H1 Increasing housing supply
- H9 Ensuring the best use of stock
- H10 Housing size mix
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 4 Managing heat risk
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

#### **6.10 Sutton Local Plan 2018 Policies**

- 1 Sustainable Growth
- 7 Housing Density
- 9 Housing Sizes and Standards
- 10 Loss of Housing and Conversions
- 26 Biodiversity
- 28 Character and Design
- 29 Protecting Amenity
- 31 Carbon and Energy
- 32 Flood Risk and Sustainable Drainage
- 33 Climate Change Adaptation
- 34 Environmental Protection
- 36 Transport Impact
- 37 Parking
- 39 Monitoring

#### **6.11 Supplementary Planning Guidance/Documents:**

- SPD 5 Planning Obligations
- SPD14 Creating Locally Distinctive Places

### **7 Planning Considerations**

#### Principles of Development

- 7.1 The main issues addressed within this report relate to the following (including whether any material planning objections have been reasonably addressed) as being most relevant to this application are:

- A) Principle of the Development**
- B) Design of the Development**
- C) Impact on Residential Amenity**
- D) Layout and Standard of Accommodation**
- E) Trees, Landscaping and Biodiversity**
- F) Sustainable Design and Energy Efficiency**
- G) Transport and Highways**
- H) Fire Safety**
- I) Conclusion and Recommendation**

**7.2 A) Principle of Development:**

- 7.3 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.
- 7.4 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.
- 7.5 Policy H9 of the London Plan states that Boroughs should take account of the role of HMOs in meeting local and strategic housing needs. HMOs are an important part of London's housing offer, reducing pressure on other elements of the housing stock.
- 7.6 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.
- 7.7 This site is located outside of an Area of Potential Intensification. With regards to land use, the application property as existing is an 8 bedroom dwellinghouse with off street parking to the front. It is proposed to change the use of the property from Class C3

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(residential) to Class Sui Generis (Larger HMO) to provide 9 rooms, together with external changes to the building.

- 7.8 Policy H9 of the London Plan states that Houses in Multiple Occupation (HMOs) are an important part of London's housing offer, reducing pressure on other elements of the housing stock. Their quality can, however, give rise to concern. Where they are of a reasonable standard they should generally be protected and the net effects of any loss should be reflected in Annual Monitoring Reports.
- 7.9 The conversion of larger properties into smaller properties is a valuable source of new housing supply and, therefore, the council will support conversion in appropriate circumstances.
- 7.10 Policy 10 of the Sutton Local Plan is relevant to this proposal. Part (d) of this Policy is applicable to this proposal as a new large HMO is proposed (please note part c is only relevant to extensions to existing large HMO's). Part (d) states that *"Proposals for new large houses in multiple occupation (HMO, seven people or more) will be permitted, provided that the proposal does not lead to a concentration of HMOs in the vicinity where the cumulative effect of the HMOs harms the character of the area. Concentration which harms the area will be considered as where more than 20% of properties 100 metres either side of the proposal site are HMOs, with an HMO defined as student accommodation, houses recorded or known to be an HMO by the council or properties with a C4 / Sui Generis planning permission."*
- 7.11 In this case, it has been confirmed by the council's Environmental Health Licensing Team that there is only one other HMO in the area located at 40 Holland Avenue. Therefore it is concluded that less than 20% of properties 100m either side of the application property are known to be HMOs.
- 7.12 As such, the principle of the change of use from Class C3 (residential) to Class Sui Generis (Larger HMO) to provide 9 rooms is supported by Policy 10 of the Sutton Local Plan and is considered acceptable in principle in land use terms subject to all other relevant policy advice and material considerations.
- 7.13 B) Design of the Development:**
- 7.14 The National Planning Policy Framework and the London Plan encourages intensification of sites subject to them delivering exceptional design and architectural quality, that relates to its local context and has regard to the delivery of well designed places and coherent, inclusive public realm. The council's Local Plan Policies reiterate this in its design aspiration that expects new developments to enhance the public realm, complement the local context and preserve the historic character of areas.

- 7.15 Policy D3 of the London Plan requires development to make the best use of land by following a design-led approach to ensure that it responds to the site's context and capacity for growth and enhances the local context by delivering buildings that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Policy D4 also emphasises the importance of high quality design being ensured by development proposals.
- 7.16 Policy 28 of Sutton's Local Plan states that council will grant planning permission for new development provided that it is attractive, designed to the highest standard and uses high quality materials. In addition, new development should respect the local context and respond to local character, make a positive contribution to the streetscene, and respond to any natural and landscape features of the site.
- 7.17 This proposal includes the following external changes to the property; the replacement of the garage door with a door and window following conversion of the garage into habitable space, the replacement of a ground floor front and rear window with an egress window to allow safe access from a room in the event of an emergency. A new window will be added to the southern elevation at ground floor level and a single storey rear extension.
- 7.18 The proposed fenestration changes are all considered to be acceptable in design terms and would not detract from the appearance of the application property.
- 7.19 The single storey rear extension would be modest in size and constructed from brickwork and glazing. The extension would be 4.25m deep, with an eaves height of 2.6m high and a maximum height of 3.1m. This extension would be in scale with the property and would not dominate the rear of the property.
- 7.20 The proposed refuse store and cycle store will be situated within the front garden area which is a suitable location for the storage and collection of waste and the safe storage of bikes; the external finish and size of these stores will be secured by the recommended condition.
- 7.21 As such, the proposal is considered to respect the context of the development in this area meeting the aims and 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.
- 7.22 C) Impact on Residential Amenity:**
- 7.23 Policy 29 of the Sutton Local Plan states that the Council will grant permission for development unless it adversely affects the amenities of future occupiers or those

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currently occupying adjoining or nearby properties, or has an unacceptable impact on the residents of the surrounding area.

- 7.24 The application property shares a boundary with nos. 67 and 71 Cornwall Road and no.70 York Road to the rear.
- 7.25 No.67 Cornwall Road is located to the north, and is a large detached dwelling, this property also has an outbuilding located on part of the shared boundary with the application site. There is timber fencing and mature planting along the shared boundary.
- 7.26 No.71 Cornwall Road is located to the south, this property is a large detached house, which has a single storey rear extension and out buildings within the rear garden. A timber fence and planting runs along the boundary between these two properties.
- 7.27
- 7.28 No.70 York Road lies to the rear (east) of the application property, and there is approximately 48m between the rear of this neighbours property and the rear elevation of the application property.
- 7.29 The proposed external alterations to fenestration and the addition of the single storey rear extension are, due to the proposed size, location and position from the boundaries, is considered to not impact on the amenities currently enjoyed by the occupants of the surrounding properties.
- 7.30 The property is an existing 8 bedroom dwellinghouse and this proposal to convert to a 9 bedroom HMO is considered to not increase the occupancy to an extent that the noise and disturbance created would be significantly out of place within this residential area. It is also noted that this property is detached, which also helps mitigate the transfer of noise between properties.
- 7.31 It is considered that the proposal would not result in an adverse impact on amenities enjoyed by the adjoining occupiers located in Cornwall Road and therefore the proposed change of use and external alterations are considered to meet the aims and objectives as set out in Policy 29 of the Sutton Local Plan.
- 7.32 D) Layout and Standard of Accommodation**
- 7.33 The Council has no specific planning policies or prescriptive standards set out in planning policy or supplementary guidance that specifically deal with minimum room sizes for houses in multiple occupation (HMO). However the government's adopted national minimum space standards for an HMO rooms used as sleeping accommodation are 6.51m<sup>2</sup> for a single and 10.22m<sup>2</sup> for a double room. There are no concerns regarding the size, mix and layout of the HMO units as the internal arrangements are governed by the



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Housing Act as enforced by the council's Environmental Health Section. In addition the communal living, dining and kitchen areas appear sufficiently sized, this has been confirmed by the council's Environmental Health and Licensing team.

- 7.34 It should be noted that the Mayor's space standards do not provide guidance on minimum internal floor area requirements for HMO's but the Mayor's Housing SPD explicitly refers to the Housing Act and National HMO standards. The minimum room size proposed accords with the National HMO standards.
- 7.35 The property will have a large communal kitchen and there will be a communal reception room and dining room and orangery on the ground floor. Three of the bedrooms will have an ensuite, and there would be three shared shower rooms for the other six bedrooms. It is considered that all rooms would have a suitable level of outlook, daylight and natural ventilation. There is a large outdoor private rear garden which will be available to all residents together with secure cycle storage.
- 7.36 Refuse storage and cycle storage will be located at the front of the property for the use of all of the occupants.
- 7.37 Considering the above, it is considered that the proposal would provide appropriate living conditions for future occupiers of the premises, meeting the aims set out in Policy D6 of the London Plan and Policy 9 of the Sutton Local Plan in relation to amenity.
- 7.38 E) Trees, Landscaping and Biodiversity**
- 7.39 Policy 26 of the Sutton Local Plan aims to protect and enhance the boroughs biodiversity. The council will grant permission for developments that create, conserve or enhance biodiversity and improve access to nature, subject to other policies in the plan.
- 7.40 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.
- 7.41 This property has a well landscaped private rear garden with mature planting. The proposal itself does not include the removal of any trees or soft landscaping from the rear garden, however a small soakaway is proposed to be located within the lawn area. Following amendments to the location of the soakaway, the council's Principal Tree and Landscaping Officer is satisfied with the proposal and no objections are raised in relation to the impact on the mature trees within the site.
- 7.42 Biodiversity Net Gain is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must

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deliver a BNG of 10% unless the development is exempt. This scheme is considered to be exempt as less than 25m<sup>2</sup> of biodiverse land would be impacted by the proposal.

- 7.43 As such, it is considered that the proposal would be in accordance with Policy G6 of the London Plan and Policy 26 and 28 of the Sutton Local Plan.

**7.44 F) Sustainable Design and Energy Efficiency**

- 7.45 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. Policy 32 states that proposed developments should avoid or minimise all sources of flood risk to people and property, taking into account climate change, without increasing flood risk elsewhere. Proposed developments should incorporate effective Sustainable drainage measures as part of the design and layout of the development in order to manage surface water run-off as close to its source as possible.
- 7.46 The Sustainability Officer has reviewed the application and has concluded that the proposal is acceptable subject to the recommended conditions. An energy statement is required in order to demonstrate how the proposed development will meet the following planning Policy requirements to minimise CO<sub>2</sub> emissions through application of the Mayor's energy hierarchy (be lean; be clean; and be green); achieve at least a 35% reduction in CO<sub>2</sub> emissions compared to the Part L 2021 baseline based on updated carbon factors in SAP 10.2. It is recommended that emissions reductions after each stage of the hierarchy are presented using the approach in the Mayor's Energy Assessment Guidance 2022 and the Mayor's carbon emissions reporting spreadsheet; demonstrate at least a 10% reduction in total CO<sub>2</sub> emissions (regulated and unregulated) through on-site renewable energy generation.
- 7.47 In relation to flood risk and drainage, a condition is recommended to secure details of a site drainage strategy for the management of surface water run-off.
- 7.48 It is concluded that it is appropriate to secure the above details by the recommended conditions to enable this planning application to be determined against the requirements of Local Plan Policies 31, 32 and 33.

## **7.49 G) Transport and Highways**

- 7.50 Policy T4 of the London Plan and Policy 36 of the Sutton Local Plan require that developments assess their impact on the local highway and public transport capacity. Policies T5, T6 and T6.1 of the London Plan and Policy 37 of the Sutton Local Plan relate to car parking and cycle parking.
- 7.51 This site is located in an area of PTAL of 1a which represents a poor public transport accessibility level and the site is not located within a controlled parking zone.
- 7.52 The application property has a crescent shaped in/out drive at the front of the property. The proposal will retain the existing off street parking located at the front of the property. It is agreed that the existing driveway could accommodate four cars.
- 7.53 Given that the proposed property would be a 9 bedroom HMO, it is possible that the development would generate more than four vehicles. Therefore the applicant was requested to submit a parking stress survey to provide the council's Highways Officers with more information regarding the existing on-street parking situation.
- 7.54 A parking stress survey was carried out in an area of 200m from the application site (about 3 mins walk) at peak periods within the evenings. On both days surveyed, the result showed that there were over 50 on-street parking spaces available within the search area; this is also partly due to the fact that many of the properties within Cornwall Road have access to private off-street parking.
- 7.55 The council's Highways Officers have reviewed the survey information submitted in support of the application and are satisfied that the additional cars generated by the proposal could be accommodated on-street within a suitable distance of the application property.
- 7.56 It is proposed that there would be covered and secure cycle storage located at the front of the dwelling which will help encourage the use of bikes and encourage less reliance of cars, this is considered to be acceptable and details would be secured by condition to ensure that the cycle storage is accessible, weatherproof and secure.
- 7.57 It is concluded that the aims set out in Policies T4, T6 and T6.1 of the London Plan 2021 and Policies 36 and 37 of the Sutton Local Plan are met and the proposal is acceptable in transport and highways terms subject to the recommended conditions.

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#### **7.58 H) Fire Safety**

- 7.59 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 no fire safety information has been submitted as part of the application, therefore currently it does not accord with Policy D12a of the London Plan and as such the applicant will be required to submit these details as part of a pre-commencement condition to ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

#### **7.60 I) Conclusion and recommendation**

- 7.61 Therefore, it is recommended that for the reasons set out above, the application is approved subject to the recommended conditions.

### **8 Legal Commentary**

- 8.1 Any planning decision can be appealed by an applicant if it is refused or fails to be determined within the required period. Any council decision could be challenged by way of Judicial Review.
- 8.2 There are no additional legal implications other than those referenced within the body of the report.

### **9 Reason(s) for recommendation**

- 9.1 The proposal is acceptable in land use terms as it would enable the delivery of residential housing of a certain tenure.
- 9.2 The external alterations proposed are acceptable in design terms. The proposal would respect the local context of the site and would not result in visual harm to the character and appearance of the site and the wider surrounding area.
- 9.3 The proposal would not result in undue harm to the amenity of neighbouring occupiers or the future occupiers of the property and would provide a good level of accommodation.
- 9.4 The proposal would not result in an impact on the safe operation of the public highway nor would it result in significant overspill car parking.
- 9.5 The proposal would not impact on trees, biodiversity or increase the risk of flooding at the site.

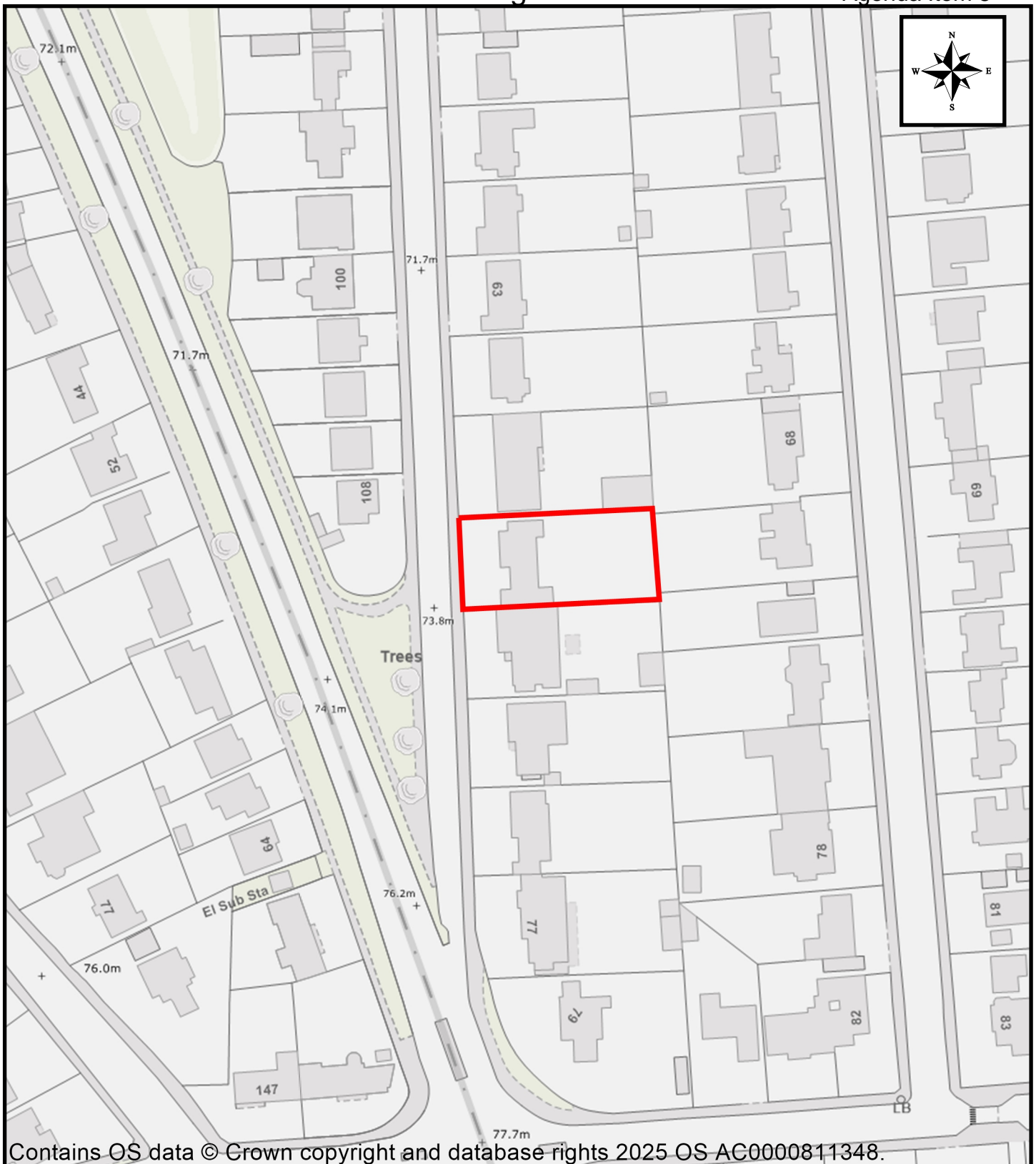
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## 10 Appendices and Background Documents

### 10.1 Appendices

Appendix Letter	Appendix Title
A	Site Plan
B	Conditions of application

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## 69 Cornwall Road

☐ LBS Borough Boundary



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# G

DM2025/00171

Mr Ed Powell  
3d Planning Design  
18 Porter Avenue  
Kings Hill  
Kings Hill, West Malling  
ME19 4QN

# DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

## FIRST SCHEDULE

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## SECOND SCHEDULE

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

EE01, EFP01, RP01, PE01, PFP01, Site location plan, Block Plan, Proposed Block Plan, Bins Store Plan, Cycle Store Plan, Rain Water Storage Plan, Parking Layout, BNG Exemption Statement, Parking Stress Survey Results 290625, Parking Stress Survey V1.0 030725.

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

2) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended

3) All external facing materials, treatments and finishes shall be similar to those of the original building and maintained and retained thereafter. This applies unless differences are shown on the drawings we have approved.

Reason: To ensure that the extension harmonises with the existing building and to ensure compliance with Policy 28 of the Sutton Local Plan 2018.

4) The development hereby approved shall not be commenced prior to the submission and approval of a Fire Safety Strategy pursuant to Policy D12 (A) of the London Plan.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

5) Prior to the occupation of the development, full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, the size and materials of the enclosure and the means of access. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.

Reason: To ensure the development provides an adequate level of cycle parking facilities and to encourage sustainable modes of transport, in accordance with Policies 36 and 37 of the Sutton Local Plan 2018

6) Prior to occupation of the development hereby approved, full details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation of the development and retained thereafter.

Reason: To avoid harm to the character and appearance of the streetscene and local area in accordance with Policy 28 of the Sutton Local Plan 2018 and to ensure adequate provision of refuse and recycling facilities in the interests of amenity for future and neighbouring occupiers in accordance with Policy 29 of the Sutton Local Plan 2018.

7) Prior to building work starting on site, an Energy Statement must be submitted to the Local Planning Authority and approved in writing which demonstrates how the proposed development will apply the Mayor's energy hierarchy (be lean; be clean; be green) to secure at least a 35% reduction in on-site carbon dioxide (CO<sub>2</sub>) emissions below the Part L1 2021 baseline and achieve at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation.

Reason: To comply with Local Plan Policy 31 and London Plan Policy SI 2

8) Prior to first occupation, documentary evidence must be submitted to the Local Planning Authority and approved in writing to demonstrate that the approved energy statement has been implemented in accordance with the approved details. The approved details should thereafter be retained.

Reason: To comply with Local Plan Policy 31 and London Plan Policy SI 2

9) Prior to the commencement of development, a site drainage strategy for the management of surface water run-off must be submitted to the Local Planning Authority and approved in writing which identifies appropriate SuDS measures, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy in London Plan Policy SI13. The submitted scheme must:

(i) include the results of on-site infiltration testing to BRE Digest 365;

(ii) provide details of all proposed SuDS measures to delay and control the rate of surface water discharged from the site, including consideration of the potential of surface level green infrastructure features in providing further surface water attenuation in line with steps one to three of the Mayor's drainage hierarchy;

(iii) include calculations carried out by an appropriately qualified professional to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the greenfield run-off rate for the same event; and

(iv) demonstrate that the 1 in 30 year rainfall event (plus 40% for climate change) can be contained without flooding; any flooding occurring between the 1 in 30 and 1 in 100 year event (plus 40% for climate change) will be safely contained on site; and that rainfall in excess of the 1 in 100 year event is managed to minimise risks.

Reason: To comply with London Plan Policy SI13 and Policy 32 of the Local Plan 2018.

10) Prior to first occupation of the development, written confirmation that the approved SuDS strategy has been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. All of the approved measures must thereafter be retained for as long as the development is in existence.

Reason: To comply with London Plan Policy SI13 and Policy 32 of the Local Plan 2018

**INFORMATIVES**

- 1) 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, you MUST contact Sutton Highways DC Team at London Borough of Sutton, 24 Denmark Road, Sutton, Surrey SM5 2JG OR BY EMAIL at: [highways@london.gov.uk](mailto:highways@london.gov.uk); to arrange a precommencement photographic survey of the public highway conditions around your site; where the Council decides that a survey is necessary. A refundable Deposit is payable at application for the survey; together with an Inspection Fee, payable by cheque 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 contact us 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 us again 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.
- 2) This approval only grants temporary permission under 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.
- 3) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985 via the following link: <https://www.sutton.gov.uk/propertyapplicationsearch>
- 4) The temporary 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.
- 5) Where applicable the developer/applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuant to the application.
- 6) The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (as amended) in London. We would like to remind the applicant that The Order applies throughout the life of the building, including the construction phase. Consequently, the risk of fire needs to be assessed continually to ensure the safety of relevant persons. A preliminary fire risk assessment should be carried out at this stage and the findings used to inform the development of both the design and the build itself.

The matters identified below may require further fire safety control measures for the proposed works to comply with The Order. If the building is occupied, these matters, if not addressed, may be considered to be fire safety deficiencies under The Order, which may result in enforcement action.

Article 14 (2) (b) of The Order states "The following requirements must be complied with in respect of premises where necessary (whether due to the features of the premises, the activity carried out there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons— in the event of danger, it must be possible for persons to evacuate the premises as quickly and as safely as possible". The submitted proposals indicate that certain residential units open directly onto the single staircase which, in our opinion, could potentially lead to smoke entering the staircase, preventing Relevant Persons from safely evacuating the property in the event of a fire.

Further to the above, it is our experience that Houses in Multiple Occupation (HMO) accommodation presents a unique set of hazards and risks to Relevant Persons and require a high level of fire safety management. As such, we would expect to see suitable arrangements in place for the regular inspection, testing and maintenance of the general fire precautions within the property, including those provided within individual units that provide a benefit to the building as a whole. These arrangements should include a facility for residents to report defects to such precautions to the Responsible Person to ensure remedial works are undertaken.

The provision of the fire doors should be installed in accordance with the provision of Table C1 in Approved Document B Volume 1:2019 (ADB), which also includes the requirement of self-closing devices as stated in Appendix C. Any locks on the escape routes are to be simple fastenings that are easy to operate, operable from the side that people are escaping, and without the need to manipulate more than one mechanism to ensure quick and safe egress.

The fire detection and alarm system to meet the recommendations of BS 5839-6:2019. Please note, this recommends an LD1 system.

Means of escape to be adequately protected in line with the recommendations of Approved Document B Volume 1:2019 (ADB) Appendix B. The premises may be subject to periodic inspection under the Regulatory Reform (Fire Safety) Order 2005.

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## Glossary of Common Planning Terms and Abbreviations

**Affordable Housing** – Includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Social rented housing is owned and managed by local authorities, registered social landlords and others. Intermediate affordable housing is housing at prices and rents above those of social rent but below market price or rents. These can include shared equity and other low cost homes for sale, and intermediate rent.

**Amenity Space** – The land that is part of the application site that is not built on. In the case of dwellings, for example, it includes all garden land and not just the rear garden.

**Area of Special Local Character** – Areas designated locally by the Council with the intention of protecting their character and appearance by managing change in a sympathetic way.

**Archaeological Priority Area** – An area specified by local planning authorities to help protect archaeological remains that might be affected by development. Larger sites in these areas will always be assessed for their archaeological potential when application is made for their redevelopment.

**Article 4 Direction** – A power available under the Town and Country Planning (General Permitted Development) Order 1995 allowing the Council, in certain instances, to restrict permitted development rights (see also 'permitted development').

**BREEAM (Building Research Establishment Environmental Assessment Method)** – Environmental assessment method for buildings. It sets the standard for best practice in sustainable design and has become the measure used to describe a building's environmental performance. BREEAM assesses buildings against a set criteria and provides an overall score within a band providing a rating of either, pass, good, very good, excellent or outstanding.

**Conservation Area** – An area designated by the Council under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as possessing special architectural or historical interest. The designation aims to protect an area's character and appearance by enabling the Council to exercise additional planning controls to manage change in a sympathetic way. Trees are also given protection.

**Density** – Density is a measure of the intensity of use of housing land. It is calculated on the basis of the number of habitable rooms per hectare. Density standards are set out in the Unitary Development Plan (see also 'habitable rooms').

**Environmental Impact Assessment (EIA)** – The process by which information about the likely environmental effects of major projects is gathered, evaluated and taken into account by the local authority in considering whether or not planning permission should be granted.

**Green Belt Land** – A statutory regional strategic planning designation to prevent urban sprawl by keeping land permanently open. The use of land within the Green Belt should provide opportunities for access to the open countryside, provide opportunities for outdoor sport and recreation, retain and enhance attractive landscapes, and secure nature conservation.

**Habitable Rooms** – All separate living rooms and bedrooms, plus kitchens with a floor area of 13 square metres or more. Bathrooms, toilets, cupboards, landings, halls, lobbies and recesses are not included.

**LDF (Local Development Framework)** – A group of documents that are the Council's current planning policies and have replaced the UDP.

**Listed Building** – The Secretary of State for Culture, Media and Sport compiles a statutory list of buildings of special architectural or historic interest for the guidance of local planning authorities in the exercise of their planning functions. This statutory listing imposes additional planning controls. The Council has also designated some buildings of local architectural interest (the local list) whose retention is encouraged, but they are not subject to any additional planning controls.

**Listed Building Consent** – Required in addition to planning permission before any work can be undertaken on a statutorily listed building. Consent is granted by a Government regional office on the recommendation of the Council.

**London Plan** – A development strategy prepared by the Mayor of London. Major applications that are of strategic importance to Greater London are determined by the Mayor of London on the recommendation of the Council.

**Metropolitan Open Land** – A designation of land that is clearly distinguishable from the built up area and can include facilities that serve the whole or a significant part of London. It has the same level of protection as 'Green Belt' land and there is a presumption against inappropriate development that does not preserve the open character of the land.

**Permitted Development** – Minor building work or changes in use, defined in the Town and Country Planning (General Permitted Development Procedure) Order 1995, that can be carried out without the need for planning permission.

**Planning Brief** – A statement regarding the Council's views on the opportunities and constraints for the development of a particular site, intended to guide potential developers.

**Planning Obligations** – An agreement under section 106 of the Town and Country Planning Act 1990 entered into regarding the use or development of land. Obligations may be used to enhance development proposals (see also 'section 106 agreement').

**PPG (Planning Policy Guidance)** – Documents prepared by the government after public consultation to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. Local authorities must take their contents into account in preparing their development plan documents. The guidance may also be relevant to decisions on individual planning applications and appeals. New guidance is now referred to as:

**PPS (Planning Policy Statements)**

**Public Open Space** – Urban space, designated by the Council, defined where public access is generally not formally established, but which fulfils or is capable of fulfilling a recreational or non-recreational role.

**Public Transport Accessibility Level (PTAL)** – A measure of the accessibility of a site to the public transport network, taking into account walking time to public transport and service availability. A PTAL calculation assigns a level of between 1a, representing very low public transport accessibility, and 6b, representing very high public transport accessibility, to any given site or point of interest. The higher the PTAL score, the better the accessibility. A score of four would apply to town centre sites indicating that higher density development was possible.



**Section 106 Agreement** – A binding agreement under section 106 of the Town and Country Planning Act 1990 between the Council and a developer. It is completed on the granting of planning permission and deals with matters linked to the proposed development. It will usually involve the payment of a financial contribution, on a pre-determined scale, towards public costs, such as a new road junction or additional school places, arising as a result of a development (see also ‘planning obligations’).

**Site of Importance for Nature Conservation (SINC)** – A designation applied to important nature conservation sites, which can be designated for both their ecology and geological interest. They are of lesser quality than the nationally or internationally important Sites of Special Scientific Interest (SSSI). Sites are designated in accordance with a published list of criteria and supported by Natural England. They do not receive statutory protection but are protected from damaging development by local and national planning policy.

**Site of Special Scientific Interest (SSSI)** – A site of wildlife and natural features safeguarded to protect its high natural heritage importance. Sites are protected under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 from development or other damage. Protection is not necessarily absolute - generally it requires the SSSI interest to be considered properly against other factors.

### **Special Policy Area**

Established residential areas where the Council seeks to retain their predominantly open, landscape dominated layout, and preserve their character and appearance.

**SPD (Supplementary Planning Document)** – A document that supplements the UDP, and which gives guidance on the Council’s policy towards certain types of development or where certain circumstances arise (eg home extensions). Also referred to as:

**SPG (Supplementary Planning Guidance)**

**Sustainable Development/Sustainability** – Defined by the Brundtland Commission (1987) as: “development which meets present needs without compromising the ability of future generations to achieve their own needs and aspirations”. The World Conservation Union (1991) definition is also useful - “improving the quality of life while living within the carrying capacity of supporting ecosystems”.

### **Sustainable Residential Development Area**

Areas designated by the Council in, or in close proximity to, town centres, where higher housing densities can be achieved and amenity space and car parking standards can be applied flexibly if certain design quality and sustainability objectives are met.

**TfL** – Transport for London, part of the Greater London Authority. Its role is to implement the transport strategy and to manage transport services across London.

**Tree Preservation Order (TPO)** – Made under the Town and Country Planning Act 1990 by the local planning authority to protect trees of importance for amenity, landscape and nature conservation.

**UDP (Unitary Development Plan)** – A group of documents adopted in 2003 that set out the Council’s planning policies and which have now been superseded by a new group of documents referred to as the Local Development Framework (see also LDF).

**Use Class** – The Town and Country Planning (Use Classes) Order 2005 classifies the uses of premises into different classes. The use of premises can normally be changed to a different use within the same class without the need for planning permission, but a change to a use in a different class requires planning permission.

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