

Appeal Decision

Site visit made on 4 October 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 October 2016

Appeal Ref: APP/P5870/W/16/3154656

Broadlands Nursing Home, 51 Burdon Lane, Cheam SM2 7PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Smith against the Council of the London Borough of Sutton.
 - The application Ref A2016/74231/FUL is dated 23 April 2016.
 - The development proposed is the reconstruction and enlargement of a rear single storey extension, first floor rear extension, demolition of part of a rear single storey extension, demolition of a single storey side extension and reconstruction and enlargement of a two storey extension and removal of side dormer and provision of 2 rear dormers.
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Decision

1. The appeal is allowed and planning permission is granted for the reconstruction and enlargement of a rear single storey extension, first floor rear extension, demolition of part of a rear single storey extension, demolition of a single storey side extension and reconstruction and enlargement of a two storey extension and removal of side dormer and provision of 2 rear dormers. Conversion of basement to provide additional accommodation, demolition of existing chimney stack and provision of new stack and alteration to elevations at Broadlands Nursing Home, 51 Burdon Lane, Cheam SM2 7PP in accordance with the terms of the application, Ref A2016/74231/FUL, dated 23 April 2016 subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal was made because of the Council's failure to determine the planning application within the prescribed period. The Council have advised that if they had determined the application they would have refused it by virtue of the scale, mass and height of the proposed extensions, which would result in an incongruous form of development which fails to consider and respect the relationship with neighbouring buildings and which fails to respect the local context and distinctive local character of the surrounding area. The proposal would be contrary to Policies BP12 and PMP2 of the Core Planning Strategy, Policies DM1, DM3 and DM4 of the Site Development Policies Development Plan Document and the Councils Supplementary Planning Document 14: Creating Locally Distinctive Places. I have had regard to this in the determination of this appeal.
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3. The description of development I have used in the banner heading is taken from the original planning application form. I note that Question E of the Appeal Form states that the description has not changed but additional wording is added as follows 'Conversion of basement to provide additional accommodation, demolition of existing chimney stack and provision of new stack and alteration to elevations'. As this provides a fuller description which better reflects the development proposed I have used this in my decision.
4. I note that planning permission for a single storey rear extension, a first floor flank extension and use of second floor staff and office accommodation was granted in 1990¹. This permission has been partially implemented so that it remains extent and able to be implemented. The appellant advises that these works do not form part of the original planning application. However they are shown on the submitted drawings so that these works can be seen incorporated into the elevations of the building. The proposed works can then be considered in the context of the consented works. The appellant advises that it is still the intention that the works the subject of the 1990 permission will be implemented in full irrespective of the outcome of this appeal. I note that the description of development stated on the original planning application the subject of this appeal does not refer to the first floor flank extension. I have therefore considered the appeal on this basis.

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property, a former dwelling, is in use as a nursing home. It is sited within a rectangular shaped plot fronting Burdon Lane to the west with Manor Road to the rear. The property is two storey in height and has been extended over time with a large single storey flank extension to the south. The footprint of the building occupies nearly the full width of the plot.
7. The area is residential in character with detached bungalows, two and two and half storey properties set in large plots with mature landscaped front gardens which give the area a verdant feel. The dwellings themselves are of different architectural styles and designs which add to the diverse character of the surrounding area. Some of the properties occupy nearly the full extent of their plots as a result of single storey attached garages and extensions. I am advised by the Council that the site is located within the Burton Estates Area of Special Local Character.
8. The proposed extensions would significantly increase the scale and mass of built development on the site. In relation to No 49 Burdon Lane, the existing single storey extensions would be replaced with part two and part single storey side extensions. The two storey side extension would be set back from the main front elevation so that it appears secondary to the original part of the property. The ridge height would be lower than the main building and would also be hipped reducing the mass of the building on the boundary.
9. In respect of No. 53 Burdon Lane, the side extension on this boundary would

¹ Planning application ref 90/35137/FUL

have a floor level slightly below that of the neighbouring property and would have a hipped roof, reducing the mass on this boundary. The overall height would be less than that of the original Nursing Home building. As the property is sited at an angle to the boundary, the extensions are slightly staggered and off set away from the boundary. This element of the scheme already has planning consent as part of the 1990 planning permission which I have referred to above. I have had regard to the fact that this forms a 'fall-back' position which could be implemented in the event that this appeal was to be dismissed. Accordingly I consider this part of the scheme would be acceptable.

10. The front elevation of the building would take the form of a series of gables of differing heights and position. This would break up the front elevation and add interest to the building. Whilst I acknowledge that the proposed building would occupy almost the full width of the plot, its design complements that of the original building. Bearing in mind the variety of architectural styles and designs in the locality I consider that the appeal proposal would be acceptable in the street scene.
11. When viewed from Manor Road, the enlarged two storey rear extension and single storey lounge extension would be seen behind the existing boundary fence and planting. I consider that in this location, set within the retained garden area and screened from Manor Road by the existing boundary treatment and landscaping, that the development would not cause harm to the character or appearance of the area.
12. The hipped roof elements to each end of the development would maintain a feeling of space and separation between the property and its adjoining neighbours. Furthermore the proposed building would retain a two storey scale, particularly when viewed from the front elevation, so that it would not appear dominant or overwhelm the adjoining properties.
13. My attention has been brought to the previous appeal on the site. However this was for the demolition of the existing building and the redevelopment of a new Nursing Home, rather than alteration and extensions to the existing building. Whilst I do not have full details of this proposal it is clearly not comparable to the appeal case before me, which I have considered on its individual merits.
14. I therefore consider that the proposal would respect the local context of the Area of Special Local Character and would not be incongruous in the street scene. The appeal proposal would not cause harm to the character and appearance of the area and would therefore comply with Policies BP12 and PMP2 of the Core Planning Strategy, Policies DM1, DM3 and DM4 of the Site Development Policies DPD and the Councils Supplementary Planning Document 14: Creating Locally Distinctive Places. These policies aim to achieve a high quality of design, maintain and enhance the street scene and the public realm and respect the key elements that contribute to the character of areas of special local character.

Other matters

15. I note the concerns raised by the adjoining neighbour at No 53 Burdon Lane with regard overshadowing to the garden and kitchen. As I have already

referred to in my decision the first floor extension over the southern wing of the building already has planning consent. The rear two storey extension would be in a central position on the site approximately 19 metres away from the neighbouring property. I consider that at this separation distance the development would not be overbearing to the neighbouring property.

16. The occupier also makes reference to a condition on the 1990 permission for the provision of a 16 space car park before the occupation of the extension. The current proposal includes 8 parking spaces as existing. It is a matter for the Council to consider appropriate action if there is any breach of an existing planning condition. I note that no highway objections have been made to the appeal proposal by the Highway Authority.

Conditions

17. I have had regard to the conditions suggested by the Council in light of the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard timeframe condition I consider it necessary to require the development to be implemented in accordance with the submitted plans for the avoidance of doubt and the proper planning of the area. Conditions regarding materials are also necessary to safeguard the character and appearance of the area. In order to protect the living conditions of the occupiers of neighbouring properties, conditions requiring a construction method statement, control over the hours of working and the requirement for obscure glazing in windows on the flank elevations and side facing roof slopes in the upper floors of the building are necessary. In the interests of highway safety conditions regarding the provision of on-site car parking and cycle parking are also necessary. In addition a condition regarding refuse storage facilities is required to ensure appropriate provision is made. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the guidance in the Framework and the PPG.

Conclusion

18. In conclusion I consider that the appeal proposal would not cause harm to the character and appearance of the area.
19. For the reasons given above and having regard to all other matters raised I consider that the appeal should succeed.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 2016.01- Ground Floor Plan Proposed, Drawing No. 2016.02-First Floor Plan Proposed, Drawing No. 2016.03- Second Floor Plan Proposed, Drawing No. 2016.04- Elevations Proposed, Drawing No. 2016.05- Roof Plans as Proposed, Drawing No.2016.06-Site Plan Overview and Landscaping.
- 3) All external facing materials, treatments and finishes shall be similar to those of the original building. Where this is not possible the type and treatment of the materials to be used shall be agreed in writing by the local planning authority prior to the development being carried out.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works (including measures for traffic management)
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) means to prevent deposition of mud on the highway;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) measures to control noise
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) All building operations in connection with the construction of external walls, roof, and foundations; demolition or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00 am and 1.00pm on Saturdays and not at all on Sundays, Public and Bank Holidays.
- 6) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plans for secure cycle parking. The cycle parking area shall be used and permanently retained exclusively for its designated purpose.

- 7) The development hereby permitted shall not be occupied until refuse storage facilities have been provided within the site in accordance with the approved plans. The storage provision shall thereafter be kept for the use of the occupants of the development hereby approved.
- 8) Prior to the first occupation, the car park shall be provided in accordance with the approved details and retained as such thereafter.
- 9) Notwithstanding the details hereby approved, the upper floor windows on the flank elevations and side facing roof slopes of the building shall be fixed shut, non-opening and obscure glazed to a height of 1.7 metres above the finished floor level and shall be maintained as such permanently.