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Application no: DM2018/01772

PLANNING PERMISSION REFUSED

Town and Country Planning Act 1990

To: Mr Paul Lewis
Altham Lewis Architects
11 Avenue Road
Sutton
SM2 6JE
United Kingdom

Applicant: Mr Wingrove

Wrythe Lane

The Council of the London Borough of Sutton as Local Planning Authority under their powers provided by the above legislation, **DO HEREBY REFUSE** permission for the development specified in the First Schedule hereto, subject to the reasons (if any) specified in the Second Schedule.

FIRST SCHEDULE

In accordance with your application, valid on 2nd October 2018.

R/O 91 Rose Hill Park West Sutton SM1 3LA

Erection of a detached part one and part two storey dwellinghouse with car parking and new access from Grennell Road.

SECOND SCHEDULE

Reason(s):

(1) The proposal is considered unacceptable in principle as it would result in a development that would appear severely cramped in its setting, representing an overdevelopment of this restricted site and would fail to respect the existing form and pattern of development in the area. As a result the proposal would result in a form of development that would appear visually incongruous in its setting and within the streetscene. The proposed development would therefore have a detrimental impact on the character and appearance of the area contrary to the principles of the National Planning Policy Framework, Policy 7.3 of the London Plan 2016, Policies 1 and 28 of the Sutton Local Plan and the Council's adopted Supplementary Planning Document 14: Creating Locally Distinctive Places.

(2) The proposed design of the part one and part two storey dwelling would fail to respect or improve the character of the area as the proposed dwelling would appear incongruous in its immediate context which would be exacerbated by the limited separation to the boundaries and adjoining two storey dwelling. The proposal would therefore be contrary to policy 7.4 of the London Plan and Policy 28 of the Sutton Local Plan.

(3) The proposed dwelling due to its limited size and close proximity to the protected Oak tree in the rear garden of boundary 93 Rose Hill Park West would fail to provide adequate external amenity for future

occupiers, failing to provide sufficient useable amenity space. As such the proposal is contrary to Policy 9 of the Sutton Local Plan.

(4) Due to the location of the proposed building and the proximity to the protected Oak tree in the rear garden of the adjoining property, it is considered that the proposed development would result in a substantial degree of harm to the significance of the existing trees as public assets, contrary to Policy 28 of the Sutton Local Plan.

Informative(s):

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

PL_102 Rev 06
PL_100 Rev 06
PL_101 Rev 06
PL_200 Rev 06
PL_201 Rev 06
PL_400 Plot Area Comparison Rev 03
PL_402 Dwelling Gap Comparison Rev 03

(2) 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 emailing developmentmanagement@sutton.gov.uk or by phoning our Contact Centre on 020 8770 5000.

(3) 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.



21st January 2019

David Moore, Interim Strategic Director
Environment, Housing and Regeneration

<p style="text-align: center;">LONDON BOROUGH OF SUTTON APPENDIX TO PLANNING DECISION NOTICES NOTES TO APPLICANTS</p>
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Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

Before you decide to appeal you may wish to consider amending your proposal to meet the Council's reasons for refusing permission. The Council's planning staff are always prepared to discuss with you ways to avoid an appeal by submitting an alternative application. This may involve a charge in line with our pre-application service (https://www.sutton.gov.uk/info/200155/planning/1113/pre-application_planning_advice)

If you want to appeal, then you must do so within 6 months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website <https://www.gov.uk/appeal-planning-decision>.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal at <https://www.gov.uk/appeal-planning-decision>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

The Party Wall etc. Act 1996

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions.

The Act covers:- (i) work to be carried out directly to an existing party wall or structure

(ii) new building at or astride the boundary line between properties

(iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail odpm@twoten.press.net