Merton Council Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair) John Bowcott (Vice-Chair) David Dean Abigail Jones Philip Jones Andrew Judge Najeeb Latif Peter Southgate Geraldine Stanford Imran Uddin

Substitute Members:

Stephen Crowe Joan Henry Daniel Holden John Sargeant Laxmi Attawar

A meeting of the Planning Applications Committee will be held on:

Date: 13 October 2016

Time: 7.15 pm

Venue: Council chamber - Merton Civic Centre, London Road, Morden SM4 5DX

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3356

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Planning Applications Committee 13 October 2016

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 Officer Recommendation:
 That Members note the contents of the report.

Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

NOTES

- Order of items: Please note that items may well be not considered in the order in which they are shown on the agenda since the items for which there are many observers or speakers are likely to be prioritised and their consideration brought forward.
- 2) Speakers: Councillors and members of the public may request to speak at the Committee. Requests should be made by telephone to the Development Control Admin. Section on 020-8545-3445/3448 (or e-mail: planning@merton.gov.uk) no later than 12 Noon on the last (working) day preceding the meeting. For further details see the following procedure note.
- 3) **Procedure at Meetings**: Attached after this page is a brief note of the procedure at Planning Application Committee meetings in relation to
 - a. requests to speak at meetings; and
 - b. the submission of additional written evidence at meetings. Please note that the distribution of documentation (including photographs/ drawings etc) by the public during the course of the meeting will not be permitted.
- 4) Copies of agenda: The agenda for this meeting can be seen on the Council's web-site (which can be accessed at all Merton Libraries). A printed hard copy of the agenda will also be available for inspection at the meeting.

Procedure at meetings of the Planning Applications Committee

- 1 Public speaking at the Planning Applications Committee
- 2 Submission of additional written evidence at meetings

1 Public speaking at the Planning Applications Committee

- 1.1 The Council permits persons who wish to make representations on planning applications to speak at the Committee and present their views. The number of speakers for each item will be at the discretion of the Committee Chair, but subject to time constraints there will normally be a maximum of 3 objectors (or third party) speakers, each being allowed to speak for a maximum of 3 minutes.
- 1.2 Following the issue of the agenda, even if a person has previously indicated their wish to address the Committee, they should contact either
- the Planning Officer dealing with the application (or e-mail: planning@merton.gov.uk) or
- the Development Control Admin. Section on 020-8545-3445/3448 (9am – 5pm); or
- the Development Control hotline 020-8545-3777 (open 1pm 4pm only).
- 1.3 Requests to speak must be received by 12 noon on the day before the meeting, and should include the person's name, address, and daytime contact phone number (or e-mail address) and if appropriate, the organisation they represent; and also clearly indicate the application, on which it is wished to make representations.
- 1.4 More speakers may be permitted in the case of exceptional circumstances/major applications, but representatives of political parties will not be permitted to speak. (See also note 1.10 below on Ward Councillors/Other Merton Councillors.)
- 1.5 If a person is aware of other people who wish to speak and make the same points, then that person may wish to appoint a representative to present their collective views or arrange that different speakers raise different issues. Permission to speak is at the absolute discretion of the Chair, who may limit the number of speakers in order to take account the size of the agenda and to progress the business of the Committee.
- 1.6 Applicants (& agents/technical consultants): Applicants or their representatives may be allowed to speak for the same amount of time as the sum of all objectors for each application. (For example, if objectors are allowed to speak for three minutes each, then if there was only one objector, the applicant may be allowed to speak for a maximum of 3 minutes; but if there were 2 objectors, the applicant may be allowed to speak for a maximum of 6 minutes and so on.)
- 1.7 Unless applicants or their representatives notify the Council to the contrary prior to the Committee meeting, it will be assumed that they will be attending the meeting and if there are objectors speaking against their application, will take the opportunity to address the Committee in response to the objections.

- 1.8 When there are no objectors wishing to speak, but the application is recommended for refusal, then the Applicants or their representatives will also be allowed to speak up to a maximum of 3 minutes.
- 1.9 Applicants will not be allowed to speak if their application is recommended for approval and there are no objectors speaking. An exception will be made if an applicant (or their representative) wishes to object to the proposed conditions; and in this case they will be allowed to speak only in relation to the relevant conditions causing concern.
- 1.10 Speaking time for Ward Councillors/Other Merton Councillors: Councillors, who are not on the Committee, may speak for up to a maximum of 3 minutes on an application, subject to the Chair's consent, but may take no part in the subsequent debate or vote. Such Councillors, however, subject to the Chair's consent, may ask questions of fact of officers.
- 1.11 Such Councillors, who are not on the Committee, should submit their request to speak by 12 noon on the day before the meeting (so that their name can be added to the list of speaker requests provided to the Chair). Such requests may be made to the Development Control Section direct (see 1.2 above for contact details) or via the Councillor's Group office.
- 1.12 Points of clarification from applicants/objectors: If needed, the Chair is also able to ask applicants/objectors for points of clarification during the discussion of an application.

2 Submission of additional written evidence at meetings

- 2.1 The distribution of documentation (including photographs/drawings etc) during the course of the Committee meeting will not be permitted.
- 2.2 Additional evidence that objectors/applicants want to provide Committee Members (i.e. Councillors) to support their presentation (when speaking) must be submitted to Merton Council's Development Control Section before 12 Noon on the day before the relevant Committee meeting.
- 2.3 If an applicant or objector wishes to circulate additional information in hard copy form to Committee Members, they are required to provide 16 hard copies to the Planning Officer dealing with the application before 12 Noon on the day before the meeting.
- 2.4 Any queries on the above should be directed to:
- planning@merton.gov.uk or;
- the Development Control hotline 020-8545-3777 (open 1pm 4pm only).
- Contact details for Committee Members and all other Councillors can be found on the Council's web-site: http://www.merton.gov.uk

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All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at <u>www.merton.gov.uk/committee</u>.

PLANNING APPLICATIONS COMMITTEE 15 SEPTEMBER 2016

(7.15 pm - 11.01 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair), Councillor John Bowcott, Councillor David Dean, Councillor Philip Jones, Councillor Andrew Judge, Councillor Najeeb Latif, Councillor Peter Southgate, Councillor Geraldine Stanford and Councillor Imran Uddin Councillor Joan Henry

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Abigail Jones

Apologies for leaving early were received from Councillor David Dean who left the meeting at 10.40pm and so did not participate in the debate or voting for Items 11, 9, 7, and 18.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

Councillor John Bowcott made a statement to inform the Committee that he had Chaired the Design Review Panel meeting that considered three of the applications on the agenda (Items 10,13 and 14) but he did not take part in the debate or vote on the proposal

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 11 August 2016 are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published Agenda and Supplementary Agenda tabled at the meeting form part of the Minutes:

a) Supplementary Agenda: A list of modifications for agenda items 5,6,8,10,11,12,13,14,15,and 16 and the late report; Item 18 Summary of Current Enforcement Cases were published as a supplementary agenda.

b) Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.

c) Order of the Agenda – The Chair amended to order of items to the following: 17,5,8,10,12,13,14,15,16,11,9,7 and 18

5 101 ARTHUR ROAD, WIMBLEDON, SW19 7DR (Agenda Item 5)

Proposal: Demolition of existing dwelling house and erection of a new five bedroom dwelling house with accommodation at basement level, together with associated landscaping and parking

The Committee noted the Officers Report and additional information in the Supplementary Agenda, the Officers verbal presentation, verbal representations from an objector to the application, and a verbal representation by the applicant's agent.

The Objector raised concerns relating to the demolition of a 120 year old house and that the structural survey for the existing house states that it is in reasonable condition. The applicant's agent stated that even in 'reasonable condition' the existing house still required a large amount of work to bring it up to modern standards

Members asked officers about the condition of the existing house and whether this was a planning consideration. Officers replied that whilst this could be taken into account, the most important factor was that this application proposed to replace a house that makes a neutral contribution to the conservation area with an acceptable replacement which preserves the subordinate relationship to its locally listed neighbouring properties and which sits comfortably within the streetscene.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

The Committee asked that the Chair and Vice Chair be involved by officers in considering the materials used, in particular the windows and external brickwork.

6 247 THE BROADWAY, WIMBLEDON, SW19 1SD (Agenda Item 6)

Item was withdrawn prior to the meeting date

7 GARAGES REAR OF 4 CAVENDISH ROAD, COLLIERS WOOD, SW19 2EY (Agenda Item 7)

Proposal: Demolition of existing garage block and erection on site of a two storey 2 bed dwellinghouse with basement level and cycle parking

The Committee noted the officers report and presentation and asked officers about the details of the basement construction and noted that pumping systems will be in place to ensure that flooding does not occur.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

8 443-447 COMMONSIDE EAST, MITCHAM, CR4 (Agenda Item 8)

Proposal: Demolition of existing block of flats and the erection of 6 x 2 bedroom terraced residential dwellings with associated parking, amenity space, cycle storage and refuse storage provision.

The Committee noted the Officers Report and additional information and amended conditions in the Supplementary Agenda, the Officers verbal presentation. The Committee received a verbal representation by Ward Councillor Martin Whelton who spoke about the improvements the application would bring in relation to quality of housing, affordable housing and access to the area.

RESOLVED

The Committee voted to GRANT Planning Permission subject to s106 legal agreement and conditions, as amended in the Supplementary Agenda

9 17 ELM GROVE, WIMBLEDON, SW19 4HE (Agenda Item 9)

Proposal: Change of Use of existing building from Class B1 Office Use on ground floor and Class D1 Educational Use on the first and second floors to Class D1 Nursery Use with capacity for 65 children on the Ground and First Floors and 2 Self-contained flats at second floor level (1 x 1 bed & 1 x 2 bed). Alterations to building elevations and erection of a new single storey rear extension

The Committee noted the officers report and presentation.

The Committee noted that officers had reduced the maximum number of children from 80 to 65. The Transport planning officer asked members to note the travel plan requested by condition

Members commented on the restrictions placed on the number of children allowed into the outside play area at a time and the limited time allowed outside

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

10 HAIG HOUSING ESTATE, HILL TOP & RHODES MOORHOUSE COURT, GREEN LANE, MORDEN SM4 5NS (Agenda Item 10)

Proposal: Demolition of garages and erection of 68 residential units with associated parking and landscaping.

The Committee noted the Officers Report and additional information in the Supplementary Agenda, the Officers verbal presentation, verbal representations from 3 objectors to the application, a verbal representation by the applicant.

The Objector raised residents' concerns including:

- Development should be better quality
- The use of the land could be better
- Parking will be an issue
- The proposed screening planting will take many years to mature
- The loss of an Oak tree is sad and unnecessary
- New blocks are overpowering and oppressive and will overlook existing properties.
- Developers have not listened to residents
- There is a difference in level between new development and Rougemont Avenue so that the new development will look directly into existing first floor windows.
- Family lives, health and wellbeing and Human Rights will all be negatively affected by the proposed development

The Applicant's agent spoke and raised the following points including:

- MOD have provided finance for 68 new homes for servicemen
- There has been an 18 month consultation with all residents
- The open land that will be lost is currently a site of anti social behaviour
- TfL have supported the parking provision
- Extensive new planting has been proposed
- The officers report contains a detailed assessment of the issue of overlooking and overbearing

Members asked officers about the loss of open land. Officers explained that the development would result in an overall loss of open land, but that this had to be balanced against improvement to the landscaping and quality of the remaining land. Members noted that the only SINC (site of importance for nature conservation) would remain. Members asked about parking and noted that condition 14 requested a parking management strategy.

One Member spoke against the loss of the open land and that this land should be protected. Another member commented that the quality of open land would be improved by the development and this had to be balanced against the overall loss of land. Another Member expressed sympathy for the residents of Rougemont Avenue

but reminded the committee that officers had ensured the correct separations between buildings and that views cannot be protected

RESOLVED

The Committee voted to GRANT Planning Permission subject to a s106 agreement and conditions

11 150-152 HARTFIELD ROAD, WIMBLEDON, SW19 8EW (Agenda Item 11)

Proposal: Erection of 2 x single storey rear extensions, rear mansard roof extension with 2 x roof terraces in connection with conversion of 150-152 Hartfield Road from 5 x self-contained flats (1 x 1 bed, 3 x 2 bed & 1 x 3 bed) to 7 x self-contained flats (2 x 1 bed & 5 x 2 bed)

The Committee noted the officers report and presentation and amendments contained in the Supplementary Agenda

RESOLVED

The Committee voted to GRANT Planning Permission subject to a s106 agreement and conditions

12 32 MOUNT ROAD, WIMBLEDON, SW19 8EW (Agenda Item 12)

Proposal: Demolition of existing garage and erection of 1 x 2 bedroom dwelling house.

The Committee noted the Officers Report and additional information in the Supplementary Agenda, the Officers verbal presentation, verbal representations from 2 objectors to the application, and a verbal representation by the applicant's agent.

The Objectors raised concerns including:

- Proposal not in keeping with area
- The front door will open directly onto the pavement of Lucian Road
- There has been recent flooding in the area
- Potential damage to tree roots
- Proposal on a busy junction

The Applicant's agent raised points including:

- The area has a mix of developments
- The proposal exceeds national space standards and provides amenity and parking spaces

Officers commented that they could add a tree protection condition, but that flooding issues were already covered by the SuDS (Sustainable drainage systems) condition.

Members commented that they had a concern with the design of the windows, officers suggested that they could add a condition regarding the details of the windows.

RESOLVED

- 1. The Committee voted unanimously to GRANT Planning Permission subject to published conditions and two additional conditions covering tree protection and design of windows.
- 2. That the Director of Environment and Regeneration be given delegated authority to agree the detailed wording of the additional conditions

13 POLLARDS HILL ESTATE, MITCHAM (Agenda Item 13)

Proposal: Erection of 90 x residential units (class c3), involving the demolition of 24 existing residential units, alterations to the elevations of retained properties and the construction of new estate access road with associated parking courts and car/cycle spaces (car parking to be increased from 310 spaces to 499 spaces). New landscaping and the provision of waste storage facilities.

The Committee noted the Officers Report and additional information and amended conditions in the Supplementary Agenda, the Officers verbal presentation, and a verbal representation by Ward Councillor Martin Whelton.

Councillor Whelton expressed the view that on balance this was the right proposal for the estate; although open land would be lost there would be improvements to the estate and the development supplied 60% of homes for social rent and 40% shared ownership.

One member expressed the view that the open land should not be lost and that this was contrary to the Council's Sites and Policies plan 2014.

Other Members stressed the benefits of the development and agreed that the open land to be lost was not of a high quality.

Councillor Joan Henry took no part in the discussion or voting on this item as she had already expressed her view in the Officers report

RESOLVED

The Committee voted to GRANT Planning Permission subject to a s106 Legal Agreement and conditions

14 64 - 70 RAVENSBURY GROVE, MITCHAM CR4 4DU (Agenda Item 14)

Proposal: Demolition of garages on Ravensbury Grove and existing flats at 64-70 Ravensbury Grove and the redevelopment of site to provide 21 residential units (c3 use) - comprising 14 x flats and 7 x dwellinghouses with the 14 flats split between 2 x part three, part four storey buildings. Provision of associated vehicular access, parking, cycle and refuse storage and landscaping of the site.

The Committee noted the Officers Report and additional information in the Supplementary Agenda, the Officers verbal presentation, a verbal representations from an objector to the application and a verbal representation by the applicant.

The Objector raised residents' concerns including:

- The development would ruin the character of the Ravensbury estate and the relationship between the Estate and the views of the park
- Over 50 residents had written objections
- The officers report did not represent the views of the residents

The Agent made the following points:

- Many homes on the estate are defective and many require modernisation
- The proposal delivers affordable housing

Officers asked the committee to note the late changes made to paragraph 7.5 of the Officers report regarding affordable housing such that the paragraph be truncated after 'should the wider regeneration of the Ravensbury Estate not go ahead' and that in its place be inserted;

'The approach to the delivery of affordable housing is based on the advice set out at paragraph 5.1.16 of the Housing SPG 2016 on the subject of Estate Renewal which states that "To achieve no net loss, development at significantly increased density may be necessary to generate sufficient value from market development to support replacement affordable housing provision, or to achieve a more mixed and balanced community. In such a case, the net gain in total provision need not achieve the usual proportion of affordable housing provision expected from a new build development" '

Officers asked the Committee to note that the application was well received by the DRP(Design Review Panel) and that the site to be developed is existing derelict garages.

Members commented that the development would enhance the views into the park and that the impact on wildlife had been mitigated. Members were impressed with the positive view of the DRP.

RESOLVED

The Committee voted to GRANT Planning Permission subject to a s106 agreement and conditions.

15 LAND AT RAVENSBURY GROVE, MITCHAM, CR4 4DU (Agenda Item 15)

Proposal: Provision of 36 temporary parking spaces on grass verges and land within the curtilage of numbers 2-18 and 36-50 and either side of Ravensbury Grove and on the corner of Ravensbury Grove and Hengelo Gardens, with dropped curbs, vehicular access and associated landscaping.

The Committee noted the Officers Report and amendments in the Supplementary Agenda, the Officers verbal presentation, verbal representations from 3 objectors to the application and a verbal representation by the applicant

The Objectors raised residents' concerns including:

- Parking outside flats will be a nightmare for residents especially at night with slamming doors and car lights
- It will bring strangers into flat gardens
- Circle housing have not helped this situation
- Insufficient parking space will be provided
- Speeding on Ravensbury Grove will be an issue
- Concerns regarding tree and root protection were received
- The Council's Tree Officer was not consulted

The applicant raised points including:

- This application is needed as there is no other access to the estate
- At the moment there is no control of parking, this application will put control in
- This will make more parking available
- The permeable surface system will protect trees and their roots
- Hedges will be planted to protect residents from noise and light of parking

Members discussed objectors concerns and asked for proposed conditions to be amended and additions made to cover the following:

- 1. To install suitable tree protection measures for the duration of the allowed parking:
 - i. The surface of the new car parking area shall be made of porous/permeable material only, to protect trees and their roots
 - ii. Fencing to be installed to protect trees near to the parking area
 - iii. Tree protection measures to be approved by the Council's Tree Officer

- 2. Landscaping to ensure that hedges are planted before the start of any parking, to protect residents from noise and light
- Condition 5 be amended to read: 'This will be undertaken in a timeframe not exceeding 24 months of the date of this permission or within 6 months of completion of any approved development/regeneration works (whichever is the shorter) unless otherwise agreed in writing by the Local Planning Authority.

RESOLVED

- 1. The Committee voted to GRANT Planning Permission subject to conditions
- 2. The Committee agreed the amendments and additions to Conditions as detailed in the minute
- 3. The Director of Environment and Regeneration be given delegated authority to agree the detailed wording of the amended and additional conditions
- 16 VOLANTE SITE, 46-76 SUMMERSTOWN, TOOTING, SW17 0BH (Agenda Item 16)

Proposal: Demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, including accommodation at basement level, comprising 93 flats with 18 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works.

The Committee noted the officers report and presentation, and amendments contained in the Supplementary Agenda

Members asked officers about the loss of the Health Centre and noted that a cash contribution had now been agreed instead of the Health Centre

Members commented on the condition regarding the Affordable housing viability review, and noted that Officers would ensure that this was robust.

RESOLVED

The Committee voted to GRANT Planning Permission subject to an s106 agreement and conditions

17 INFORMATION ITEM - WIMBLEDON STADIUM (Agenda Item 17)

The Planning Committee noted the information in the Officers report

Report received

18 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 18)

Councillor Peter Southgate repeated his previous request that officers investigate the height of the fence between 20 and 21 Church Lane.

Report received.

Agenda Item 4

Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 13th October 2016 Wards: ALL

Subject: TOWN PLANNING APPLICATIONS - Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF PLANNING APPLICATIONS COMMITTEE

Contact officer: For each individual application, see the relevant section of the report.

Recommendations:

A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.

1.1. These planning application reports detail site and surroundings, planning history, describe the planning proposal, cover relevant planning policies, outline third party representations and then assess the relevant material planning considerations.

2. DETAILS

- 2.1 This report considers various applications for Planning Permission and may also include applications for Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.
- 2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.3 In Merton the Development Plan comprises: The London Plan (March 2015) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework ("NPPF") which came into effect in March 2012 and the National Planning Policy Guidance, published in March 2014 are also of particular relevance in the determination of planning applications.
- 2.4 Members' attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 2.5 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance" of the conservation area when determining applications in those areas.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 All letters, petitions etc. making representations on the planning applications which are included in this report will be available, on request, for Members at the meeting.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council's Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking, provided that it would not contain any heads of terms or contributions that are not a standard requirement of the Local Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Local Plan; and applications for advertisement consent.

3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

3.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on sustainability and environmental impact assessment requirements.

- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF states that "the purpose of the planning system is to contribute to the achievement of sustainable development" and that "there are three dimensions to sustainable development: economic, social and environmental".
- 3.3 The NPPF states that "pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life", and that "at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking".
- 3.4 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) Regulations 2011 (As amended). Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

4 ALTERNATIVE OPTIONS

4.1. None for the purposes of this report, which is of a general nature outlining considerations relevant to the reports for specific land development proposals.

5. CONSULTATION UNDERTAKEN OR PROPOSED

5.1 Not required for the purposes of this report.

6 TIMETABLE

6.1. As set out in the body of the report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report unless indicated in the report for a particular application.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. As set out in the body of the report.
- 8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS
- 8.1. These applications have been considered in the light of the Human Rights Act ("The Act") and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family

Life) which came into force on 2 October 2000.

- 8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.
- 8.3. Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

9 CRIME AND DISORDER IMPLICATIONS

9.1. As set out in the body of the report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. As set out in the body of the report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1 None for the purposes of this report.

12. BACKGROUND PAPERS

- Background papers Local Government (Access to Information) Act 1985
- Planning application files for the individual applications.
- London Plan (2015)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)
- Appropriate Government Circulars and Guidance Notes and in particular the NPPF and NPPG.
- Town Planning Legislation.
- The Mayor of London's Supplementary Planning Guidance.
- Merton's Supplementary Planning Guidance.
- Merton's Standard Planning Conditions and Reasons.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended).

Agenda Item 5

PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

APPLICATION NO. DATE VALID 16/P2218 13/05/2016 Address/Site Wimbledon Rugby Football Club, Beverley Meads, Barham Road, Wimbledon SW20 (Ward) Village Application for variation of Condition 2 (Approved Plans) **Proposal:** attached to LBM Planning Permission Ref.14/P1995 (Dated 24/7/2016) relating to the variation of approved plans in respect of an increase in height of the single storey side extension. HH562-X01, APL-01, APL-02, APL-03, APL-04 and Design and **Drawing Nos** Access Statement Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT variation of conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted -
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. **INTRODUCTION**

1.1 Planning permission was granted under delegated powers on 24 July 2014 for the erection of a single storey and first floor side extension to the existing club house building to provide additional changing, training and seminar rooms (LBM Ref.14/P1995). This permission followed an earlier application to provide additional changing rooms (LBM Ref.12/P1013). Following completion of the works it has come to light that the single storey side extension has not been built in accordance with the approved plans in so far as the parapet wall on the single storey extension has resulted in an increase in height of 400mm of the extension. The set back at the rear has also been positioned 1.5m as opposed to 2m from the side boundary. This application seeks planning permission for that increase in height.

2. SITE AND SURROUNDINGS

2.1 The Wimbledon Rugby Football Club Sports ground has a site are of approximately 9.8 hectares. The clubhouse is situated on the west side of Barham Road. Barham Road is a residential road of Copse Hill. The sports ground has 12 rugby pitches, tennis courts, two pavilions (including the clubhouse subject to the current application) one surfaced car park and two overflow car parks accessed from Preston Road. The application site is designated as Metropolitan Open Land.

3. CURRENT PROPOSAL

- 3.1 The single storey and first floor side extensions to the clubhouse building were approved by planning permission LBM Ref.14/P1995 on 24 July 2014. However, as constructed, the single side extension is 400mm higher than the single storey extension approved by planning permission LBM Ref.14/P1995. The increase in height has occurred due to the need for a parapet wall to be constructed to enable drainage from the flat roof. The current application therefore seeks to vary condition 2 (Approved Plans) of planning permission LBM Ref.14/P1995. For information full details of the extensions as constructed are set out below.
- 3.2 The single storey side extension is 9.15 metres in width to the Barham Road frontage and has an overall length of 24.1 metres. The extension wraps around the front of the original clubhouse and is 14.8 metres in width facing the playing fields. The height of the single storey side extension varies between 3.050 metres to the Barham road frontage increasing to 4.285 metres to fronting the playing fields due to the sloping nature of the site. The rear 5.165 metre section of the extension is set back from the boundary with 54 Barham Road by 1.525 metres. The first floor section of the extension has been constructed in accordance with the previously approved plans.

4. PLANNING HISTORY

4.1 In March 1989 planning permission was granted by the Planning Applications Committee for the erection of four x 16 metre high floodlight columns (LBM Ref.88/P1641).

- 4.2 In August 1990 planning permission was granted under delegated powers for the three x 10 metre high floodlight columns at the edge of the training pitch in Barham Road (LBM Ref.90/P0720).
- 4.3 In May 1996 planning permission was granted for the installation of a water storage tank for pitch irrigation in north west corner of the car park (LBM Ref.95/P0250).
- 4.4 In July 1996 planning permission was granted by the Planning Applications Committee for alterations and extensions to the changing rooms and club room (LBM Ref.96/P0414).
- 4.5 In January 2003 planning permission was refused under delegated powers for the installation of telecommunications equipment mounted on a 22.5 metre high monopole (LBM Ref.02/P1512).
- 4.6 In February 2003 planning permission was refused under delegated powers installation of telecommunications equipment mounted on a 22 metre high column together with equipment cabin (LB Ref.02/P2151).
- 4.7 In December 2006 planning permission was granted under delegated powers for the installation of six x 15 metre high floodlight columns to the football pitch (LBM Ref.06/P2331).
- 4.8 In April 2009 planning permission was granted under delegated powers for the erection of extensions to the existing clubhouse and formation of an external terrace area (LBM Ref.09/P0421).
- 4.9 In November 2011 planning permission was granted under delegated powers for the resurfacing of existing grass parking area with loose granular material (LBM Ref.11/P2249).
- 4.10 In January 2012 planning permission was granted for the resurfacing of the tennis courts and the installation of 6 x 6 metre high floodlight columns and floodlights (LBM Ref.11/P3322).
- 4.11 In February 2012 planning permission was refused for the erection of a side extension to existing club house to provide changing rooms (LBM Ref.12/P0087). Planning permission was refused on the grounds that:-

'The proposed extension would by virtue of its design and siting constitute a visually intrusive form of development that would be detrimental to the amenities of the occupiers of 54 Barham Road and the visual amenities of the MOL, contrary to policies CS13 and CS14 of the Adopted Merton Core strategy (July 20110 and retained policies NE.1, BE.15 and BE.23 of the Merton UDP (October 2003)'.

4.12 In June 2012 planning permission was granted for the erection of a single storey side extension to provide additional changing rooms (LBM Ref.12/P1013).

- 4.13 In August 2012 a pre-application meeting discussed a revised scheme for extensions to the existing clubhouse (LBM Ref.12/P2143/NEW).
- 4.14 In October 2012 a planning application was submitted for the resurfacing of the tennis courts and provision of six x 10 metre floodlights (LBM Ref.12/P2858). However, the application was withdrawn on 31/1/2013.
- 4.15 In July 2014 planning permission was granted for the erection of a single storey and first floor side extension to the existing club to provide additional changing, training and seminar rooms (LBM Ref.14/P1995).

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 12 representations have been received. The comments are set out below:-
 - The approved plans (LBM Ref.14/P1995) achieved an acceptable balance between the needs of the club and existing streetscape. The east elevation fronting onto Barham Road and west elevation in 14/P1995 match the gutter line of the club house roof in height and are spaced from the boundary of the adjacent property.
 - In the current application (LBM Ref.16/P2218) the east elevation extended right up to the boundary giving a terraced effect. The increase in height of the brick façade is not a sympathetic match to the roof line of the club house and spoils the streetscape, giving an industrial appearance to the extension when viewed from Barham road. The west elevation in 16/P2218 shows the extension well above the first floor height of the adjacent property and is not as balanced an attractive when viewed from the playing fields as the west elevation as proposed by application 14/P1995.
 - The south elevation in application 16/P2218 increases the mass of the extension to the proportions of an industrial unit rather than the better proportioned south elevation in application 14/P1995 more suited to a residential road.
 - The revised plans are unacceptable and the extension should be built in accordance with planning permission 14/P1995 and no larger.
 - The building is higher than approved and 25% closer at one point than previously approved.
 - The extension has a substantial impact upon the amenities of 54 Barham Road and is nearly 1 metres higher than the approved plans.
 - The proposed retrospective changes would set a dangerous trend, and disregard to the planning system should not be tolerated.
 - If the original application was submitted in this form it might have been deemed unacceptable.
 - As built the extension fails to enhance the quality and appearance of the area. Barham Road is at risk of becoming overdeveloped.
 - The WRFC appears to be poorly managed and complaints are ignored. The side extension looks like a warehouse and is totally out of keeping with the area.

- the proposed extension has altered from a range of approved heights (2.5 and 4.2 metres due to the sloping nature of the site) to a range of heights from 3.3 to nearly 5 metres. The set back has also been reduced from 2 metres to 1.5 metres. This results in the loss of amenity to residents of 54 Barham Road.
- The proposal would have a negative impact upon MOL.
- The use of the clubhouse has intensified and parking at events causes congestion in Barham Road and damage to grassland.

6. **POLICY CONTEXT**

- 6.1 <u>Adopted Merton Core Strategy (July 2011)</u> CS13 (Open Space, Nature Conservation, Leisure and Culture), (CS14 (Design) and CS20 (Parking).
- 6.2 <u>Sites and Polices Plan and Policies Map (July 2014).</u> DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM O1 (Open Space), DM O2 (Nature Conservation), DM T2 (Transport Impacts of Developments) and DM D3 (Car Parking and Servicing Standards).

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations concern the design and neighbour amenity issues.
- 7.2 Design Issues

The design of the extensions to the clubhouse building has previously been accepted as acceptable by planning permissions LBM Refs.12/P1013 and 14/P1995. The design of the extensions as constructed is considered to be acceptable in terms of polices CS14 and DM D2 and DM D3.

7.3 Neighbour Amenity

The concerns of the objectors regarding the proposal are noted particularly with regard to the increase in height of the flank wall of the single storey extension resulting from the provision of a parapet wall in order to provide drainage for the flat roof. This has resulted in the height of the wall adjacent to the boundary with the residential property at 54 Barham Road being increased by 400mm. The set back to the rear section of the extension has also been reduced from 2 metres to 1.5 metres. It should however, be noted that the parapet wall formed part of planning permission 12/P1013 and that as constructed the height of the flank wall is the same as the earlier approval. The height of the flank wall has therefore been previously considered to be acceptable. It is however, regrettable that the 2 set back of the rear part of the extension has been reduced from 2 metres to 1.5 metres albeit that the 'set back' still reduces the mass of the extension when viewed from 54 Barham Road. It is therefore considered that the extension as constructed would not be of such detriment to neighbour amenity as to warrant refusal of the application. Other matters raised by the objectors concern parking issues and nuisance caused to residents due to the increased number of people

attending event which are management matters for the club and are not directly related to the current application.

8. <u>SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT</u> <u>REQUIREMENTS</u>

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. CONCLUSION

9.1 The design of the extensions as constructed are considered to be acceptable and although there has been an increase in height of the flank wall compared to that approved by planning permission 14/P1995, the height of the flank wall is the same as previously approved by planning permission 12/P1013. Therefore it is not considered that the changes to the previously approved scheme would of such detriment as to warrant refusal of the application. Accordingly it is recommended that condition 2 (Approved Plans) be varied.

RECOMMENDATION

GRANT VARIATION OF CONDITION

The development hereby permitted shall be carried out in accordance with the following approved plans APL-01, APL-02, APL-03 and APL-04 and Design and Access Statement.

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

<u>Click here</u> for full plans and documents related to this application.

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Agenda Item 6

PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

DATE VALID
DATE

16/P1318

30/03/2018

- Address/Site 20 Belvedere Grove, Wimbledon Village SW19 7RL
- (Ward) Village
- **Proposal:** Erection of rear extensions at ground, first and second floor levels and construction of basement beneath rear extensions.
- Drawing Nos BG 01F, BG 02F, BG 03 F, BG 04F, BG 05F, BG 06F, BG 08F, BG 10F, BG 11F, BG 12F, Deign and Access Statement, Daylight, Sunlight and Overshadowing Report, Construction Method Statement, Hydrology Report, Arboricultural Implications Assessment Report and Method Statement and Site Investigation Report

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted 6
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. **INTRODUCTION**

1.1 This application has been brought to the Planning Applications Committee due to the number of objections.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a two storey detached dwelling house with rooms within the roof space and an integral garage on the south side of Belvedere Grove. In common with most other properties in Belvedere Grove, it was built around the late 19th/early 20th Century. The road is an eclectic mix of styles from this period, some with individually and some similarly designed properties.
- 2.2 The neighbouring houses at 20 and 22 Belvedere Grove are in a grand Queen Anne influenced style whilst the application site house is much more modest in scale and design approach, owing more to the Arts and Crafts movement. The application site falls within Sub Area 4 of the Merton (Wimbledon North) Conservation Area and the character assessment recognizes that the property makes a positive contribution to the character of the conservation area. The building has a strong horizontal emphasis reinforced by broad casement windows at each level and by the wide dormer windows on the front and rear roof slope. The property is built in red brick at the ground level rendered and pebble dashed above, with a steeply angled hipped clay tiled roof coming up to a narrow decoratively tiled ridge. There are wide flat roofed dormers on the front and rear roof slope and tall chimney stacks. The building has not been extended and has a large south facing garden.
- 2.3 The topography of the site is relatively flat with a gentle fall towards the rear boundary. There is also a Tree Preservation Order TPO (MER (69)) on a Copper Beech tree within the rear garden.

3. CURRENT PROPOSAL

- 3.1 The current application involves the erection of rear extensions at ground, first and second floor levels, with a basement level beneath. The ground floor rear extension would be 5m deep, extending across the full width of the existing building and would be 3m in height. The first floor element would be 4m deep and inset from the side elevations of the ground floor extension by 1.2 metres on each side. It would have the same 6m eaves height as the original house.
- 3.2 At roof level a new hipped gable would be formed over the first floor extension, extending out from the existing main ridge. It would contain a rear dormer window and a high level roof light on each of the side roof slopes. Within the main roof, new dormers are proposed on each of the side roof slopes and a new roof light above the existing reroofed front dormer.

- 3.3 Two new first floor windows would be formed in the flank of the existing south west facing side wall with 2 additional ground floor windows on the north east side.
- 3.4 A new lead clad porch is proposed on the front elevation and alterations to the first floor window configuration. A sloping roofed extension would replace the existing side staircase structure.
- 3.5 The basement would provide a gym, media room, storage and plant rooms. There would be enlarged main living space at ground floor, the first floor would be reconfigured to provide four bedrooms with bathrooms, together with a further two bedrooms within the roof space.

4. PLANNING HISTORY

4.1 14/P2958

In October 2014 planning permission was refused under delegated powers for the erection of rear extensions above a basement at ground floor, first floor and roof levels with side and rear dormer windows. Planning permission was refused on the grounds that:-

1) The proposed extensions would adversely impact on the proportions and form of the original building, in particular the main roof and flank elevations, increasing the bulk of the side elevations, creating a less delicate roof form and diminishing the sense of space around the building, consequently failing to preserve or enhance the character of Sub Area 4 of the Wimbledon North Conservation Area, contrary to policy CS14 Design in the adopted Merton Core Planning Strategy (2011) and policies DM D2 and DM D4 of the adopted Merton Sites and Policies Plan (2014)

2) The proposed rear extension would be overbearing and oppressive when viewed from the adjacent windows and gardens of 22 and 18 Belvedere Grove contrary to policy DM D2 of the adopted Merton Sites and Polices Plan (2014)'.

- 4.2 The applicant subsequently appealed against the Councils refusal of planning permission on 28 July 2014 (Appeal Ref. APP/T5720/W/15/3014412) with the Planning Inspector dismissing the Appeal on 11 January 2016. In the Appeal decision letter the Planning inspector concluded that 'the proposal would not give rise to an unacceptable overbearing effect on the living conditions of the occupiers of either of the adjoining residential properties, the proposal would significantly and detrimentally effect the spaciousness around the property, this spaciousness is part of the defining characteristics and significance of the conservation area which would therefore be harmed. This harm should be given substantial weight and sufficient on its own to justify dismissing the appeal'.
- 4.3 A copy of the appeal decision letter is appended.

5. **CONSULTATION**

- 5.1 The application has been advertised by conservation area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 14 objections were received. The comments are set out below:-
 - The Planning Inspector found that the earlier proposals (LBM Ref.14/P2958) would significantly and detrimentally affect the spaciousness around the property and that the proposals would not preserve or enhance the character or appearance of the Conservation Area and would therefore be contrary to the Council's adopted policies. The reduction in width of the rear extension by 0.7 m on each side does not meet these objections.
 - The rearward projection of the extensions would be overbearing and oppressive when viewed from adjacent windows and gardens of 18 and 22 Belvedere Grove.
 - The drawings show roof lights facing 22 Belvedere Grove that are not obscure glazed.
 - The proposed extensions would result in a reduction of space and loss of light to adjoining houses.
 - The extension extends the house considerably and there are concerns regarding the excavation for the basement.
 - The substantial size of the extension is entirely out of context with houses nearby.
 - The current application adds two new windows on each side of the property making a total of four windows facing number 18 Belvedere Grove, where there are now none and 7 windows facing onto number 22 together with a balcony at third floor level overlooking gardens. Whilst this will affect the immediate neighbours to 20 at 18 and 22, all the nearby houses (including 16) will be materially affected from a privacy point of view.

5.2 <u>Amended Plans</u>

Following discussions with officers the design of the extension was amended so that the first floor section of the extension was 'inset' from the ground floor by 1.2 metres and the flat roofed section of the roof originally proposed replaced by a conventional pitched roof that would align with the existing ridge height. A reconsultation has been undertaken and a further letter of objection has been received. The grounds of objection are set out below:-

- The proposed changes are of a minor nature and do little to address the objections to this and the earlier application.
- The extension is too large.
- The proposed extension is still the same depth that was turned down on appeal. It is visually intrusive and overbearing to 18 Belvedere Grove.
- The scale and mass of the extension would negatively affect 18 Belvedere Grove. All previous extensions in the area have been set off the boundary by 1 metre and the roof lie sloped or even lowered on ground floor extensions to cause minimal disruption to neighbours.

- There are still dormer windows to the side elevations which are out of character with other windows and the dormer windows would result in loss of privacy.
- Despite the amendments the extra bulk of the building would be visible from the street and would significantly affect the spaciousness of the property. This was the primary reason that the Planning Inspector refused the Appeal in 2014.
- The proposed extension does not protect the historic environment and would set a precedent for large unattractive extensions that reduce the spaciousness of the area.

6. **POLICY CONTEXT**

- 6.1 <u>Adopted Merton Core Strategy (July 2011)</u> CS14 (Design).
- 6.2 <u>Sites and Policies Plan (July 2014)</u> DM D2 (Design Considerations in all Developments). DM D3 (Alterations and Extensions to Existing Buildings), DM D4 (Managing Heritage Assets). Standards) and DM O2 (Nature conservation; Trees, Hedges and Landscape Features).
- 6.3 <u>The London Plan (March 2015)</u> The relevant policies within the London Plan are 7.4 (Local Character) and 7.6 (Architecture).
- 6.4 Supplementary Planning Guidance Note-Residential Extensions, alterations and Conversions (November 2011) and Wimbledon North Character Assessment Sub Area 'Belvedere' (2007).

7. PLANNING CONSIDERATIONS

- 7.1 The current application has been submitted following the refusal of planning application LBM Ref.14/P2958 in July 2014 and the subsequent dismissal on Appeal (Appeal Ref.APP/T5720/W/15/3014412). The main planning consideration is whether the changes to the design of the extensions have addressed the Planning Inspector's reasons for dismissing the Appeal, together with design/conservation issues, neighbour amenity, basement construction and parking issues.
- 7.2 <u>Relationship to Previous Appeal Application/Design and Conservation Area</u> <u>Issues</u>

The previously refused application for extensions at ground first and second floor level which went to appeal was of a greater mass and bulk than the current application. The Planning Inspector considered that the proposed extension would not give rise to an unacceptable overbearing effect on the living conditions of the occupiers of either of the adjoining properties. However, they considered that the depth and bulk of the extensions, which would be readily seen within the streetscene, would significantly reduce the sense of spaciousness, failing to preserve or enhance the character of the Conservation Area.

- 7.3 All of the houses on the south side of Belvedere Grove are either locally listed or noted as making a positive contribution to the appearance to Sub Area 4 of the Wimbledon North Conservation Area and the existing roof form of number 20 is clearly visible in the street. The previously refused proposal extended the existing roof planes directly out from the existing ridge line, employing an element of flat roof in order to achieve this. The traditional ridged roof form would have disappeared and the building's proportions would have been significantly changed, clearly visible on the skyline.
- 7.4 In the current proposal, in order to address Merton's and the Planning Inspector's concerns, the first floor of the proposed rear extension has been inset away from each side wall by 1.2m and the proposed flat section of roof removed. It is no longer intended to extend out from each side of the existing ridge, but to form a new gable extending out from the mid-point of the ridge of the main roof. This maintains the delicate main roof form and extends at the rear in a manner that is much more in keeping with the original house design, with more subservience and a much reduced impact on the skyline. As the roof is also inset from the side this reduces the proportion of the extended building that would be visible from the street.
- 7.5 The extensions and dormer windows have also been designed to reflect the character and appearance of the original dwelling house. The proposed new fencing and replacement planting within the front curtilage would also have a positive impact upon the character and appearance of the Merton (Wimbledon North) Conservation Area and would comply with the aims of policies CS14 (Design), DM D2 (Design Considerations in all Developments) and DM D4 (Managing Heritage Assets).

7.6 Neighbour Amenity

The proposed extension has been inset at first floor level by 1.2 metres on either side and the volume of the roof form reduced compared to the previous proposal, which the Inspector considered to be acceptable in terms of direct impact on neighbour amenity. The ground floor extension is no greater in depth to that proposed by the previously refused scheme (LBM Ref.14/P2958). On the side elevation adjacent to no 22, the new side windows at ground and first floor level would be obscure glazed, the side dormer at roof level would be obscure glazed, and the rooflight is positioned with a cill height 1.75m above finished floor level. On the side elevation adjacent to no 18, the new first floor windows and roof level side dormer are obscure glazed and the roof light has a cill height 1.75m above finished floor level. A daylight, sunlight and overshadowing report has been submitted which demonstrates that the proposed impact is acceptable in relation to the BRE guidelines. The current application proposes less development than that previously refused, which the Inspector considered would not give rise to unacceptable living conditions for neighbours. The proposed extensions are

therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.7 Basement Construction

The proposed basement is relatively small and is located under the footprint of the proposed rear extension. A Construction Method Statement has been submitted, together with site investigation and hydrology report. The provision of basement accommodation is therefore considered to be acceptable in terms of policy DM D2 subject to appropriate conditions being imposed on any grant of planning permission.

7.8 Parking

The existing vehicular access would be retained and off street parking provided by a garage with space for a further two vehicles within the front curtilage. The proposal is therefore considered to be acceptable in terms of policy CS20 (Parking).

7.9 <u>Developer Contributions</u> The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

8.0 **CONCLUSION**

8.1 The current proposals have addressed the Planning Inspectors reasons for dismissing the Appeal in relation to the previous application LBM Ref.14/P2958 and the design of the extensions is considered to be acceptable and the proposal would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area. The design, size and siting of the extensions would also not affect neighbour amenity. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

And subject to the following conditions:-

- 1. A.1 <u>Commencement of Development</u>
- 2. A.7 <u>Approved Drawings</u>
- 3. B.1 (Approval of Facing Materials)
- 4. B.4 (Site Surface Treatment)
- 5. B.5 (Boundary Treatment)

- 6. C.2 (No Permitted Development Doors/Windows)
- 7. D.11 (Construction Times)
- 8. H.9 (Construction Vehicles)
- 9. No development shall commence until a detailed Basement Construction Method Statement has been submitted to and agreed in writing with the Local Planning Authority. The basement shall be constructed in accordance with the approved details.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the Adopted Merton Sites and Policies Plan (July 2014).

- 10. Obscure glazing flank elevation windows
- 11. 1.75m above FFL flank rooflights
- 12. INF.1 (Party Wall Act)

<u>Click here</u> for full plans and documents related to this application.

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Appeal Decision

Site visit made on 15 December 2015

by Robert J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 11 January 2016

Appeal Ref: APP/T5720/W/15/3014412 20 Belvedere Grove, Wimbledon Village, London SW19 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Home Park 2012 LLP against the decision of the Council of the London Borough of Merton.
- The application Ref 14/P2958, dated 28 July 2014, was refused by notice dated 18 February 2015.
- The development proposed is refurbishment of existing dwelling with rear extension at ground, first & second floor and associated basement.

Decision

1. The appeal is dismissed.

Procedural Issue

- 2. The Council amended the description of the proposal when it registered the application. However, while any internal alterations to the building do not need planning permission, I have kept the description on the application form for the purposes of this decision.
- 3. Amended plans were submitted during the consideration of the application by the Council reducing the size of the upper floors. This amended scheme was determined by the Council and I have used the amended proposals for my determination.

Main Issues

- 4. The main issues in this appeal are:
 - whether the proposal would preserve or enhance the character or appearance of the Wimbledon North Conservation Area; and
 - the effect on the living conditions of the occupiers of 18 and 22 Belvedere Grove in respect of outlook and privacy.

Reasons

Conservation Area

5. Belvedere Grove lies in the Wimbledon North Conservation Area. It is made up of detached properties facing the highway, set a short way back to allow parking in front of the dwellings. The two properties to the east, Nos 22 and

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24, are locally listed and are thus non-designated heritage assets. The appeal property and the properties to the west, including the adjoining property No 18, are identified as positive buildings in the Wimbledon North Conservation Area Sub Area 4 'Belvedere' Character Assessment. I have been provided with the Post Consultation Draft 2007. The appellant has indicated that this was not taken further by the Council. Having said that, it provides an appraisal of the area as background to this appeal of some weight and the appellants have not disputed its relevance or its contents.

- 6. The Character Assessment identifies¹ the part of the Conservation Area including Belvedere Grove as being of detached houses of individual design set on rectangular plots, with a modest and fairly uniform set back from the highway edge and with varied gaps between. The gaps frequently allow glimpses of greenery and sky and rear gardens are often substantial. These factors are seen to contribute to a strong sense of rhythm and spaciousness in the residential layout.
- 7. The buildings in Belvedere Grove are noted² as dating from the turn of the nineteenth to twentieth centuries and mostly being of two storey detached or semi-detached with roof accommodation, with an Arts and Crafts style, although Nos 22 and 24 have Queen Anne influences. Predominant features are the hipped and ridged roofs, projecting gables and bays and the tall chimneys.
- 8. The character analysis in Figure 41.3 of the Character Assessment summarises the local area as of "mainly large, detached houses of individual designs, erected in the early 20th Century by Belvedere Estate Company. Wide frontages and gaps between buildings contribute to spaciousness".
- 9. The proposed alterations to the dwelling are predominantly at the rear, although there would be an alteration on the eastern side at ground and first floor replacing an existing element. The alterations would extend across the whole of the width of the property on the three existing storeys and add a basement. There would be a stepped approach to the rear elevation in that the basement would extend furthest from the existing dwelling, then the ground floor and finally the first floor, with the second floor within the extended roof.
- 10. Currently, the sky can be seen through the gaps between No 20 and its neighbours on either side and this adds to the overall sense of spaciousness. This is very much part of the significance of the area which has been identified in the Character Appraisal.
- 11. Because No 22 is a more imposing building than No 20, and has a gable close to the boundary, this limits the space between these properties. The depth and bulk of the proposal would significantly reduce the gap between these two properties when viewed from the street and the amount of sky which could be seen. No 18 is set further from the boundary with an intervening single storey garage building and rear extension and the roof has a half-hip. This means that the increased depth and bulk of the proposed building, which would have the same effects as on the other side, would be readily seen in the street scene. The increase of the depth and bulk of the properties on both sides

¹ Paragraph 14.11.23.

² Paragraphs 14.12.22ff

would individually and cumulatively significantly reduce the existing sense of spaciousness within the street scene.

- 12. This loss of spaciousness would detract from the character and appearance, and thus the significance, of the Conservation Area although this would result in less than substantial harm to the Conservation Area in the terms set out in the National Planning Policy Framework (the Framework).
- 13. Given the special attention that has to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in legislation³, this harm weighs substantially against the proposal. Paragraph 134 of the Framework indicates that where a development proposal will lead to less than substantial harm this harm should be weighed against the public benefits; there are no such public benefits in this case.
- 14. Accordingly the proposal would not preserve or enhance the character or appearance of the Conservation Area and therefore it would be contrary to policy CS 14 of the Merton Core Planning Strategy (2011) (the MCS) as it would not reinforce and enhance the local character of the area or conserve and enhance the Conservation Area as a heritage asset. It would also be contrary to policies DM D2 and DM D4 of the Merton Sites and Policies Plan (2014) (the MSPP) in that it would not relate positively to the historic context of the surrounding area or respect the space around buildings where it contributes to the character of the area.

Living conditions

- 15. No 22 extends further into its plot than No 20 and has an extension at the rear close to the boundary. On the ground floor this is glazed and at first floor the extension provides a balcony to the secondary siting room. No 18 has a single storey extension at the rear of the existing garage. The rear gardens of the properties on this side of Belvedere Grove all slope down to the rear. This has the effect of increasing the effective height of any extension when compared to existing ground level.
- 16. The Council does not object to the proposal in relation to any loss of light, and I have been provided with a sunlighting and daylighting analysis which indicates the proposal would not result in an unacceptable loss of light into the rooms within either Nos 18 or 22. The concern is whether the side walls at the rear of the property would give rise to an unacceptable loss of outlook to those properties.
- 17. The boundary with No 22 is made up of an approximately 1.8m high close boarded fence with a short trellis above. There is also some vegetation within the garden of No 22. The boundary fence with No 18 is slightly lower and again there is vegetation within that garden.
- 18. While the proposal would extend beyond both Nos 18 and 22 to the rear, this would only be at ground floor level. Above this the proposal would be approximately in line with the existing extensions on either side. At ground floor level the proposal would not extend materially above the existing boundary treatments and not to lead to an overbearing effect.

³ Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

- 19. Having stood on the balcony on No 22 and in the rear garden of No 18 during the site visit above ground floor the proposal would not extend to the rear to such an extent that it would be unacceptable. Overall I conclude that the proposal would not give rise to an significant loss of outlook adversely affecting the living conditions of either Nos 18 or 22.
- 20. Concern was raised by the occupiers of the neighbouring properties that the windows in the roof plane in the side elevations could give rise to overlooking and loss of privacy. The two dormer windows would be to en-suites and the rooflights would be secondary windows to bedrooms. All these windows could have been conditioned to have obscure glazing to prevent overlooking had the scheme been otherwise acceptable.
- 21. Consequently, in respect of the effect on the living conditions of the occupiers of Nos 18 and 22 the proposal would not result in an significant adverse impact on outlook or privacy and would therefore comply with policy DM D2 of the MSPP in as it would ensure appropriate levels of privacy and protect existing development from visual intrusion so that the living conditions of the occupiers are not unduly diminished. It would therefore also comply with paragraph 17 of the Framework which seeks a good standard of amenity for occupants of land and buildings.

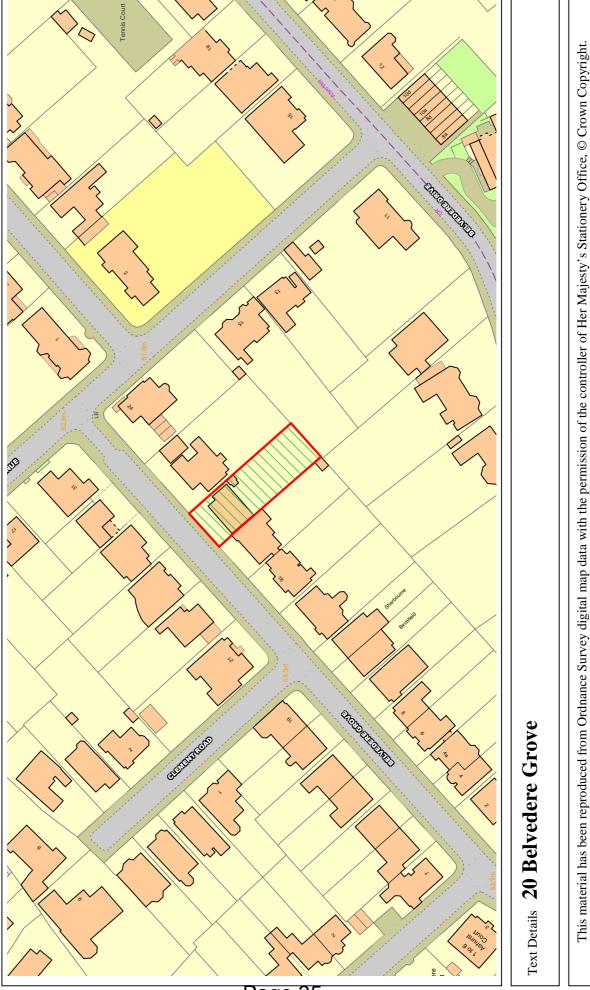
Conclusions

- 22. While I have concluded that the proposal would not give rise to an unacceptable overbearing effect on the living conditions of the occupiers of either of the adjoining properties, the proposal would significantly and detrimentally affect the spaciousness around the property. This spaciousness is part of the defining characteristics and significance of the Conservation Area which would therefore be harmed. This harm should be given substantial weight and is sufficient on its own to justify dismissing the appeal. Consequently, overall, the proposal does not comply with the policies of the MCS and MSPP.
- 23. For the reasons given above, and taking into account all other representations, I conclude that the appeal should be dismissed.

Robert J Jackson

INSPECTOR





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Agenda Item 7

PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

APPLICATION NO. DATE VALID

16/P1623

24/04/2016

- Address/Site 247 The Broadway, Wimbledon SW19 1SD
- (Ward) Abbey
- **Proposal:** Demolition of existing office building and construction of a new five storey office building (Class B1 use) together with associated car/cycle parking and landscaping.
- Drawing Nos A GA (10_001 Rev 02, 002 Rev 01, 003 Rev 01, 004 Rev 01, 005 Rev 01, 006 Rev 02, 007 Rev 02, 008 Rev 02, GA (11) 001 Rev 02, 002 Rev 02, 003 Rev 02, 004 Rev 01, GA (12) 001 Rev 01, 002 Rev 01, Planning Statement, Flood Risk Assessment, Geotechnical and Geo-Environmental Desk Study, Transport Statement, Travel Plan, Daylight/Sunlight Report, BREEAM Report and Energy Statement

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to completion of a S.106 Agreement and conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes Contribution to Public Transport Initiatives.
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Press Notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 36
- External consultants: None
- Density: N/a
- Archaeology: N/a

1. **INTRODUCTION**

1.1 This application is being brought before the Planning Applications Committee due to the number of representations received and the requirement for a S.106 Agreement.

2. SITE AND SURROUNDINGS

2.1 The application site is located on the south side of The Broadway and is currently occupied by a three storey office development constructed in the 1980's. Opposite the site are the Holy Trinity Church and the Polka Theatre. To the south of the site are two storey houses in Griffiths Road. The site is flanked by a three storey Victorian villa converted into offices to the west and to the east by the Antoinette Hotel dating from the 1970's. The application site is not within a conservation area. A Controlled Parking Zone (CPZ W3) operates in The Broadway and in adjoining streets.

3. CURRENT PROPOSAL

- 3.1 The existing building provides approximately 1,007m2 of office accommodation (class B1) set within a landscaped hard standing with 28 car parking spaces. Access to the building is not up to current standards and there are no lifts. Planning permission was granted subject to a S.106 Agreement on 21 March 2014 for the redevelopment of the site by the erection of a five story building for B1/D1 uses and a three storey building comprising 9 x 2 bedroom flats, together with associated parking and landscaping works (LB Ref.13/P0952). The current application seeks planning permission for a wholly (B1) office development.
- 3.2 The current proposal involves the demolition of the existing office buildings and the redevelopment of the site by the construction of a new five storey office building (B1 use) with 3,565m2 floor space, together with associated car/cycle parking and landscaping.
- 3.3 The proposed development would be 29m in width extending across The Broadway frontage of the site, with the proposed building having an 'L' shaped foot print. The rear section of the building would be 14 metres in width and the overall length of the building at ground floor level would be 36 metres. The proposed building would have an overall height of 24 metres (to the top of the plant room) with The Broadway frontage ranging between 16 20 metres in height. The height of the building would reduce to 12.5 metres at the rear of the site, with the rear section being sited 4.5 metres away from the boundary with gardens of residential properties in Griffiths Road.
- 3.4 Internally, at ground floor level a reception area, office suite, plant and storage areas would be provided, whilst on the first to fourth floors open plan office space would be provided with a plant room above.

- 3.4 Access to the proposed building would be from The Broadway frontage and six parking spaces would be provided together with a loading bay and secure cycle parking for 26 cycles.
- 3.6 A contemporary design has been adopted for the proposed building with The Broadway frontage being of glass with coloured panels.

4. **PLANNING HISTORY**

- 4.1 In July 1984 planning permission was granted for the redevelopment of the site by the erection of a three storey office building (Ref.MER536/84).
- 4.2 In December 2010 a pre- application submission was made in respect of the redevelopment of the site involving the erection of a five storey building (LBM Ref.11/P0128/NEW).

4.3 Design Review Panel

The plans submitted for pre-application discussions were considered by the Design Review Panel at their meeting on 24 July 2012. The Panel were impressed by the amount of development that was being proposed on the site, but felt that there were a few areas of concern that might suggest that a little too much was being proposed, or that some issues were being given too much weight at the expense of others, this being evident in the architectural approach taken for the rear of the building in particular. This led the Panel to question whether the site layout and massing approach taken was the best one, but felt that it was up to the applicant to justify their approach in this respect. From an architectural point of view the Panel were very supportive particularly with respect to the offices and their environmental credentials. Regarding the flats, there were concerns regarding the design, where on one side the flats were overlooked by the offices in a small light well; and on the other there were full room height solid balcony walls, giving the flats an exceptionally constrained and hemmed in feel, with little in the way of views or prospect.

On this south elevation, it was felt quite strongly by the Panel that the 4.4 applicant was being over cautious about the perceived (rather than actual) overlooking of houses and gardens of properties in Griffiths Road. Given the relatively generous building to building distances, it was felt that there was considerable scope to improve the quality of light and views from the flats without unduly prejudicing the amenities and rights of adjacent gardens. The Panel also noted there was no external amenity space for the flats other than the balconies, which made it all more important these were of a high quality environment. It was felt that the rear landscaping strip was effective a privacy tool for the rear gardens and this role should be maximised. The Panel felt that there was no particular design precedent for a courtyard on the street but that it could be made to work well. The Panel advised that it's design should bleed out onto the footway to feel inclusive, and that the groundscape should be kept free from clutter, such that it feels like a pedestrian place, even though vehicles need to cross it to access the parking.

- 4.5 It was felt that the parking area was too cramped, that some spaces were unworkable and that this needed to be reduced to make it work efficiently. This would help in achieving a better layout for the route across the courtyard and the planting of trees and having a dedicated pedestrian space. It would also help in improving the quality of the access to the residential entrance. These improvements would give the courtyard more identity and meaning. Overall the Panel appreciated the complexities of the site in achieving an intensified development, but felt enough further work was required to make the proposal successful, such that it did not yet warrant a Green verdict. It was felt that the overall balance of various aspects of the proposal had not yet been got right and this was probably achievable and had the potential to get a Green verdict. Verdict: <u>Amber</u>
- 4.5 In March 2014 planning permission was granted subject to a S.106 Agreement in respect of the demolition of the existing office building and erection of a five storey mixed use building for office/healthcare B1/D1 uses and 9 x 2 bedroom flats within a separate three storey block (LBM Ref.13/P0952).
- 4.6 In November 2015 a pre-application submission was made in respect of the redevelopment of the site involving the demolition of the existing building and erection of a new five storey office building (B1 use) together with associated parking and landscaping (LBM Ref.15/P4368/NEW).
- 4.7 Design Review Panel

The Design Review Panel were again consulted on the revised scheme for the site and considered the current proposals at the meeting on 26 January 2016. The Panel were of the opinion that the proposed building contrasted a little too strongly with its neighbours and did not relate to its location within Wimbledon Town Centre. Concern was also voiced about the 'chequer board' appearance of the side elevations and the Design Review panel suggested that this appearance should be avoided. The design Review panel advised the building has to relate to buildings at the rear of the site, however this aspect should not dictate the design of the building. The Panel also felt that the scheme would benefit from a reduction of one storey and a different approach to the plant room enclosure. Further work was needed on parking arrangements as well as clarity on servicing and waste collection. The Design Review Panel considered that the scheme would be acceptable with modifications.

Verdict: <u>Amber</u>

- 4.8 Following the Design Review panel verdict various revisions have been made to the scheme:-
 - The front elevation of the original scheme had an angled projection to the top north eastern corner. Following the first pre-application meeting this was revised so that the front elevation is now flat.
 - The roof top plant room is now incorporated within the design of the building. This element has also been pushed back from the front elevation of the building.

- The shape of the building was revised at the rear to a series of recessive planes that descend and narrow to the south elevation. This revision has reduced the impact of the building on properties in Griffiths Road.
- Following the comments received at the public exhibition held by the developer the colour scheme has been revised, deleting the 'chequer board' effect on the flank elevations.

5. **CONSULTATION**

- 5.1 Major site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 23 letters of objection have been received. The grounds of objection are set out below:-
 - The height and design of the building is out of context with the surrounding part of Wimbledon Broadway. This section of the road is the gateway to Wimbledon and still has many original Victorian buildings and many original shopfronts, the Polka theatre, Holy Trinity and St Winifred's Churches and William Morris House. The developer should be taking inspiration from those buildings.
 - Lego-style boxes that tower over the Antoinette Hotel and cast shadows on the pavement are not what Wimbledon want.
 - Residents of Griffiths Road will be faced with a loss of sky as the roof line is much greater than the current building.
 - Parking is a major problem in this part of Wimbledon.
 - The design is out of keeping with the area.
 - The building should be set back to provide greenery on the frontage.
 - The proposal will turn Wimbledon into a high rise town.
 - The character of the area is Victorian not concrete and glass.
 - Local heritage is being overlooked by planning proposals and more sympathetic structures will not be proposed.
 - The proposal is overdevelopment of the site and has a lack of car parking.
 - The proposal will increase traffic generation and make congestion even worse.
 - There should be a reduction in floor space and an increase in on-site parking.
 - A lower less dense scheme would be more appropriate.
 - Any replacement building should be no higher than the adjacent hotel.
 - The application should be rejected until a more sympathetic design can be achieved.
 - rather than enhancing visual amenity the proposal will seriously prejudice and detract from the current character of the surrounding area. The increased height compounds the overbearing nature of the already poor architectural design that the existing building suffers.
 - The side elevation of the proposed building is uninteresting whist the front façade is slightly more interesting.
 - Although the site falls within the Wimbledon Town Centre for planning purposes, the site is on the edge of the town centre and is basically

residential in character. The building would be much more appropriate near the station. It is not a building for this end of The Broadway.

- The proposed building is too close to the pavement. The building should align with the frontage of the Antoinette Hotel.
- A more traditional design approach and a brick built building would be more appropriate in this location.
- The building is larger and closer to the rear boundary with properties in Griffiths Road than the existing building.
- The proposed building would affect light to gardens of properties in Griffiths Road.
- The adjacent hotel requests that conditions on hours of construction be imposed on any grant of planning permission.

5.2 <u>Wimbledon East Hillside Residents Association</u>

The WEHRA state that overall it is good to see this site come up for regeneration. The existing buildings do not make the best use of the available space and look dated and appear to be of low environmental standards. The proposal has some interesting ideas but there are flaws that outweigh benefits to the community. The proposed building is too tall and takes up far too much of the site and would tower above everything in the vicinity. The front elevation should be no higher than the adjacent hotel and the rear elevation should be further back from the rear boundary. The building should also be set back from the frontage to allow space for tree planting. The proposal would result in the tripling in size of the offices but half the number of parking spaces. Therefore the development should be made 'permit free'. This condition has proved successful in controlling parking in other developments in Wimbledon.

5.3 <u>Councillor Neep</u>

Councillor Neep has raised an objection to the proposed redevelopment of the site and the grounds of objection are set out below:-

- Height-whist the application stated five storeys, the building is closer to 6 storeys in height with the plant room included and the building would be significantly higher than other buildings at this end of The Broadway.
- The height of the building would affect light to residential properties on Griffith's road. It would also dwarf the Holy Trinity Church which is directly opposite.
- The bulk and massing is out of keeping with this end of The Broadway which is much lower both in height and density reflecting its proximity to residential areas and historic buildings such as William Morris House and Holy Trinity Church.
- The previous application was only five storeys across the frontage and was 15% shorter so the current scheme is completely out of keeping compared to the previous proposal. It was also noted at the pre-application stage that the bulk and massing would be a consideration at the back of the development adjoining Griffiths Road.
- The proposed materials are completely unsympathetic to the surrounding buildings and the Design Review Panel noted that the use of metal cladding and glass 'contrasted too strongly' with those

buildings it surrounds; notably the Holy Trinity Church, William Morris House and the office's next door.

• Parking is also a concern for residents who fear that the already pressured places on the nearest residential roads will be further increased. The proposal will increase the number of cars in the area but reduce the number of spaces provided.

5.4 <u>Sustainability</u>

The Council's Climate change officer has confirmed that at 3,565m2 of GIA floor space the proposed development is considered to be a major non-domestic application and thus should be designated in accordance with Policy CS15 of Merton's Core Planning Strategy (2011) and the development should therefore:-

- achieve a high standard of sustainability and make efficient use of resources and material and minimise water use and CO2 emissions.
- demonstrate that it has been designed in accordance with the Mayor's energy hierarchy (be lean, be clean, be green0 outlined in Policy 5.2 of the London plan 2015 and Policy CS15 part b of the Merton's Core Planning Strategy 2011. This advocates a 'fabric first' approach and maximising energy efficiency before seeking renewable technologies.
- be sited and designed to withstand long term climate change.
- be built to BREEAM Building Research Establishment Assessment Method) 'Very Good' standard and meet CO2 reduction targets in line with policy 5.2 of the London plan 2015. This equates to a 40% improvement on the building Regulations Part L 2010.

5.5 Transport Planning

The submitted Transport Statement acknowledged that the expected number of tram and bus trips is probably on the low side. Similarly only 6 parking spaces are provided for the development and vehicle trips appear to be overstated. This should be better reflected in travel plan targets. The high PTAL 6a and the Controlled Parking Zone in neighbouring streets means that there is little opportunity for on-street parking other than for short stay purposes. The business occupiers would not therefore be legible for parking permits. It is clear from the trip analysis that there will be a significant increase in the net pedestrian movements to/from the main entrance. Therefore it is important to enhance the public realm to support the additional demand, in particular behind the bus shelter fronting the site. Similarly, the modified crossing should be constructed as a continuous footway with pedestrians being given clear priority over vehicles entering the parking/servicing area. These requirements could be achieved by setting the back of the foot way across the site to better align with neighbouring frontages. This needs to be secured through a S278 Agreement funding the construction of the footway in the vicinity of the site. The proposed cycle parking is acceptable and a planning condition would be required to ensure the cycle parking facilities are provided before occupation of the building.

5.6 Overall there are no fundamental objections to the proposal from a highway or transport perspective. However, it is recommended that the public realm

improvements outlined above are incorporated into the design and the Council would seek a S278 Agreement to undertake these works in addition to planning conditions in respect of a Travel Plan, Delivery and Servicing Plan, Cycle Parking Implementation and Construction Traffic Management Plan.

5.7 Amended Plans

Following discussions with the Design Officer the design of the roof top plant room has been revised and the hard and soft landscaping plan amended and the study of relative building heights (shown on plan) has been revised. A reconsultation has been undertaken and seven further letters of objection have been received and the points raised are set out below:-

- The proposed revisions are of minor nature

-The building still too high

-Adverse impact on properties in Griffiths Road and upon Holy Trinity Church -Any new building on the site should be no higher than Antoinette Hotel -Facing materials out of character with the area

-The proposed building too far forward on the site

-Whilst residents were happy with the CIPD building there are now too many high buildings in the Town centre, the CIPD building is however a good example of modern design unlike the proposed development

-The scale of the development inappropriate for this part of The Broadway

6. POLICY CONTEXT

- 6.1 The relevant policies within the Adopted Merton Core Strategy (July 2011) are CS6 (Wimbledon Town Centre), CS7 (Centres), CS12 (Economic Development), CS14 (Design), CS15 (Climate Change) and CS20 (Parking, Servicing and Delivery).
- 6.2 The retained policies within the Adopted Merton Sites and Policies Plan (July 2014) are DM E2 (Offices in Town Centres), DM E4 (Local Employment Opportunities), DM D1 (Urban Design and the Public Realm), DM D2 (Design Considerations in all Developments), DM T2 (Transport Impacts of Developments), DM T3 (Car Parking and Servicing Standards).
- The Policies contained within the London Plan (March 2015) 6.3 2.15 (Town Centres), 4.1 (Developing London's Economy), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 7.5 (Public Realm) and 7.6 (Architecture).

7. PLANNING CONSIDERATIONS

- 7.2 The principal planning considerations concern employment issues, together with design, neighbour amenity, transport/parking and sustainability issues and planning obligations.
- 7.3 **Employment Issues**

The existing office building dates from the 1980's and has no lifts and does not make the best use of the site. The existing building accommodates 1,005m2 of (B1) office floorspace on a site of approximately 0.13ha. The proposed scheme would provide 3,565m2 of floor space for B1 office use within a modern building. In terms of employment, the existing building provides 69 full time jobs whilst the proposed building could potentially accommodate 213 people. Policy CS12 supports the intensification of and creation of additional floor space on an existing employment site and the proposal will enhance employment opportunities within Wimbledon Town Centre.

7.5 Design Issues

Adopted Core Strategy policy CS14 relates to design matters and paragraph 22.20 of the Core Strategy specifically refers to high buildings and states that tall buildings of exceptional architectural quality may be appropriate for town centres. It is noted that a number of objections have been received from local residents concerned about the height of the proposed buildings. The proposed office building would comprise a five storey block 24 metres in height (to top of the plant room). Although the area is predominately made up of three and four storey building is a 7 storey building. A five storey building (plus plant room) is therefore considered to be acceptable in this location and is in keeping with the current and emerging street scene. The front elevation has been designed to fill the width of the site and repair the gap in the street scene created by the existing building on the site. The proposal is therefore considered to be acceptable in this location has been designed to fill the metater of the site. The proposal is therefore considered to be acceptable in the street scene created by the existing building on the site. The proposal is therefore considered to be acceptable in the street scene created by the existing building on the site. The proposal is therefore considered to be acceptable in the street scene created by the existing building on the site. The proposal is therefore considered to be

7.6 The proposed design is well considered utilising modern materials to form a contemporary appearance in this part of the Broadway. It is not considered to visually detract from the setting of adjoining buildings and although higher, it provides a visual contrast to other nearby architecture without being out of keeping in the overall town centre context. The proposal is therefore considered to be acceptable in terms of policy CS14.

7.7 <u>Neighbour Amenity Issues</u>

A number of objections have been received from occupiers of properties in Griffiths Road concerned about the impact of the proposed development upon their properties. The previous permission granted at the site is still relevant and established a relationship to the properties to the rear. Whilst there are marginal changes in that relationship proposed in the current scheme, overall those changes are considered to be acceptable The closet part of the development would be 23 metres from the rear elevations of properties in Griffiths road and the ground, first and second floors of the building would be set back from the rear boundary by 4.5 metres, with the third floor being set 10.5 metres back from the rear boundary. It is also proposed to plant a row of eight semi-mature trees along the rear boundary that would screen the development from residential properties in Griffiths Road. Although a roof terrace is proposed at third and fourth floor levels, balcony screening would prevent overlooking and/or loss of privacy to residential properties at the rear

of the site. The proposal is therefore considered to be acceptable in terms of policy DM D2.

7.8 Transport/Parking Issues

The existing development has 24 off street parking spaces and the previously approved scheme had 14 spaces. The current scheme would provide 6 spaces (including two disabled spaces) a loading bay and 26 secure cycle parking spaces. The reduction in car parking provision from the previously approved scheme reflects the fact that the development is purely office floor space rather than an office and residential development as per the approved scheme. Given that the application site has a PTAL score of 6a and that there is limited on street parking available in surrounding streets, the office accommodation should be designated 'permit free' secured through a section 106 Agreement. The cycle parking provision is acceptable and the provision of secure cycle parking should be secured by planning condition. The proposal is therefore considered to be acceptable in terms of policy CS20.

7.9 <u>Sustainability</u>

The Climate Change officer has confirmed that the BREEAM design stage assessment provided by the applicant indicates that the development should achieve an overall score of 58.58% which surpasses the minimum requirements of BREEAM 'Very Good' in accordance with Merton's Core Planning Strategy Policy CS15. Furthermore the applicant has indicated in the submitted Energy Statement that the development will also achieve a 41% improvement in the Building Emissions Rate, exceeding the 40% improvement over Part L 2010 required under policy 5.2 of the London plan 2015. This is to be achieved by using passive and low energy technologies with the use of low/zero carbon technologies to be specified as appropriate. This approach is in accordance with the Mayor's energy hierarchy approach outlined in Policy CS15 of Merton's Core Planning Strategy and Policy 5.2 of the London Plan 2015. It is also noted that the development is located in 'The Broadway' decentralised heat opportunity area, as identified on the GLA London Heat map. It is noted that the applicant has explored the potential of CHP but has ruled this out on the basis of insufficient hot water and heating demand. Taking into acccount the soley commercial (office) based use of the development, and its close adherence to the mayor's energy hierarchy in seeking to maximise fabric efficacy and minimising onsite energy consumption. The Climate change officer is therefore satisfied that the development is policy compliant subject to the standard non-domestic BREEAM pre-commencement condition being imposed on any grant of planning permission.

7.10 Planning Obligations

The proposed office accommodation will be required to be designated 'permit free'

7.11 Local Financial Considerations

The proposed development is liable for the Merton Community Infrastructure Levy and the Mayoral Community Infrastructure Levy, the funds of which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay the CIL.

8. <u>SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT</u> <u>REQUIREMENTS</u>

8.1 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9. CONCLUSION

9.1 The design of the proposed office building is considered to be acceptable and the proposed development would not affect neighbour amenity. The proposal would provide new high quality office space in a town centre location with good public transport accessibility. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT Planning Permission

Subject to completion of a S.106 Agreement covering the following heads of terms:-

1. The development being designated 'Permit Free',

2. The developer paying the Council's legal and professional costs in drafting, completing and monitoring the agreement (\pounds 500).

and subject to the following conditions:-

- 1. A.1 <u>Commencement of Development (5 Years)</u>
- 2. A.7 <u>Approved Plans</u>
- 3. B.1 (Approval of Facing Materials)
- 4. B.4 (Details of Site Surface Treatment)
- 5. C.6 (Refuse and Recycling Details to be Submitted)
- 6. C.7 (Refuse and Recycling Implementation)
- 7. D.1 (Hours of Construction)
- 8. D.5 (Soundproofing of Plant and Machinery)
- 9. D.9 (No External Lighting)
- 10. H.4 (Provision of Parking)

- 11. H.6 (Cycle Parking)
- 12 H.8 (Travel Plan)
- 13. H.9 (Construction Vehicles Major Sites)
- 14. H.12 (Delivery and Servicing Plan to be Submitted)
- 15. L.7 (BREEAM Pre-Occupation New Build Non-Residential)
- 16. INF12 (Works Affecting the Public Highway)

<u>Click here</u> for full plans and documents related to this application. Please note these web pages may be slow to load





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Agenda Item 8

PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

	APPLICATION NO.	DATE VALID
	16/P2291	07/06/2016
Address/Site:	144 Central Road, Morden SM4 5RL	
Ward	St Helier	
Proposal	Change of Use from Class A4 (Public House) to Class A5 (Hot Food Takeaway) together with shopfront alterations and installation of air condensers and extraction flue	
Drawing No's	'Site Location Plan 7338L Plan 7338L-PP-03 Rev D & Elevations7338L-PP-04 Block Plan 7338L-PP-05 Conditioning and Ventilat 327/M/001 Rev P1', 'Plan Report 19 May 2016', 'No Assessment Report' & 'D Management Plan'.	i', 'Proposed Floor Plans A Rev F', 'Proposed Rev A', 'Proposed Air ion Proposed Sections Noise Assessment bise Break-Out
Contact Officer	Felicity Cox (020 8545 31	19)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 49
- Press notice: Yes
- Site notice: Yes
- External consultations: No
- Density N/A

1. INTRODUCTION

1.1 The application is being brought before the Planning Applications Committee due to the level of public interest in the proposal.

2. <u>SITE AND SURROUNDINGS</u>

- 2.1 The subject property is located south of Morden town centre on the corner of Central Road and Abbotsbury Road. The unit is located at ground floor level partly within the original Morden Tavern Building, which is locally listed, but predominantly within a single storey, flat roofed side extension which is not part of the original Morden Tavern Building. The Mordern Tavern Building was designed by Sir Harry Redfern as a 'New Model Inn' under the Home Office State Management Scheme with a strong Arts and Crafts influence in its design.
- 2.2 The lawful use of the unit is Class A4 (Public House) with outdoor seating in the adjacent terrace and approved hours of operation for 7am-11pm, although the unit has been vacant since the redevelopment of the tavern. The unit has a floorspace of 114.83 sqm, and is adjacent to a Sainsbury's local supermarket which occupies the remainder of the ground floor of the former Morden Tavern.
- 2.3 There are five flats above which are separately accessed, as well as further residential dwellings to the rear.
- 2.4 There are 11 car parking spaces to the front, of which 2 spaces are dedicated to the subject unit. There is also a loading bay, approximately 15m long, to the front of the premises that is shared with the adjoining Sainsbury's use. A refuse store servicing the ground level commercial units is located adjacent to the eastern end of the building. A bus stop is located outside the entrance to the site on Central Road.
- 2.5 To the north, south, east and west are residential properties. Approximately 100m to the east along Central Road is a small parade of five commercial units. Here, there is a double fronted veterinary surgery, a laundrette, a dry cleaner and a newsagent/convenience shop.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the change of use from Public House to Hot Food Takeaway together with shopfront alterations and installation of air condensers and an extraction flue.
- 3.2 No extension or increase in floor area is proposed. The proposal involves alterations to the external façade of the existing extension (not the original Tavern building). The alterations include the removal of windows/doors on the south-west elevation and replacement door with

new brickwork to match the existing to infill the area of the removed windows.

- 3.3 A new extract flue is proposed on top of the flat roof of the existing extension. The low-level extract flue is to be covered in an acoustic enclosure. The extraction flue has been designed to direct the exhaust outlet away from the windows of the upper storey flats. The height of the parapet is also to be raised 400mm to conceal the new extract flue. Three acoustically enclosed air condenser units are proposed to be located on the north-western elevation of the building.
- 3.4 The unit is intended to be occupied by Firezza Pizza, a subsidiary of Pizza Express. The Firezza product offer will be handmade pizza, including healthy options such as vegetarian, gluten free and vegan pizzas, Sides, Desserts and Drinks. There will be no greasy products on the menu and extraction will consist of dough baking steam. The Firezza outlet will use ovens for all cooking operations, which would be limited to baking of pizzas and pre-prepared side dishes such as garlic bread.
- 3.5 The proposed hours of operation are from 11:00am to midnight (00:00am). The use will employ up to 25 full time and part time staff.
- 3.6 It is expected, through company experience that the majority of trade will be via delivery. Delivery will be undertaken via the use of 8 zeroemission electric bikes. Four of these bikes will be stored internally, whilst another four will be securely locked overnight to the side terrace of the premises with a security gate restricting access by the general public. The bikes will be powered by batteries which can be lifted out of the bike, carried internally by hand into the store and securely charged overnight.

4. PLANNING HISTORY

4.1 The site has an extensive site history. The following is the relevant planning history applicable to this application:

14/P4117 – Application to vary Condition 11 (Noise levels) attached to the planning permission granted on appeal under the reference 11/P0815.

11/P0815 - The change of use, extension and conversion of the locally listed public house building [use class A4] to provide 2/3 ground floor units for retail [class A1]; office [class A2]; restaurant [class A3] or public house/bar use [class A4]; the demolition of outbuildings and single storey extensions and a new single storey extension facing Abbotsbury road together with the conversion of the existing residential use on the upper floors to provide 5 flats [3 one bedroom flats and 2 two bedroom]; a new detached building adjacent to 142 central road providing 9 flats [6 one bedroom and 3 two bedroom]; a new building at

the corner of Abbotsbury Road and Blanchland road providing 8 maisonettes [2 one bedroom, 3 two bedroom and 3 three bedroom]; a new terrace of 4 houses [2, three and 2 four bedroom] adjacent to 83 Blanchland Road – Grant Permission (Allowed on Appeal). There is also a unilateral undertaking under S106 that links to the development and which provides for the provision of affordable housing and restricting on-street parking permits for future residents.

5. <u>CONSULTATION</u>

- 5.1 The application was advertised by means of neighbour notification letters and site notice and notice in the Wimbledon/Mitcham/Morden Guardian.
- 5.2 There were 9 objections from local residents raising concerns relating to:
 - Parking area on site already heavily congested insufficient parking available for customer collections which will impact residents and lead to detrimental impacts on highway safety.
 - Delivery drivers will likely ride over the pavement and grassed entrance – condition should be applied stating correct entrance must be used.
 - Delivery of products to shop will result in additional congestion.
 - Customers should be restricted from eating close to the outlet concerns customers will congregate outside shop in adjacent terrace area.
 - Hot foot take-away would draw a level of anti-social behavior to the area, including drawing people that are intoxicated.
 - Management will need to ensure littering of front garden from customers does not result. There are insufficient waste bins in the area.
 - Use would have undue noise and odour impacts on adjacent residents, particularly first and second floor flats, late at night.
 - Type of flue proposed would not deal with odour generated and would be incongruous and harmful to visual amenities.
 - Condenser type, size and location has not been detailed and will affect the existing listed building status.
 - Insufficient information on positioning and dimensions of flue and/or condensers. Needs to be reviewed by LBM Environmental Health officers.
 - Odour mitigation treatment has not been specified. If not appropriately addressed will have harmful impact on residents.
 - Acoustic protection system should ensure that nearby residents are not unduly affected by noise from extractors and condensers.
 - Light pollution will result from the shop and its signs.
 - Hot food takeaway should not be allowed within proximity to schools.

- Already over-supply of hot foot takeaways within walking distance of the site.
- Hot food take-away is not in keeping with the renewal and transformation of Morden and counter-productive to the regeneration of the Tavern.
- Opening hours unacceptable due to noise impacts should be restricted to 10pm at the latest
- Proposed alterations to building would have unacceptable visual impact on listed building and hot food take-away use not in keeping with character of the listed building.
- Insufficient residents consulted.

<u>Environmental Health</u> In response to comments from EH officers and submitted concerns, the applicant supplied additional noise reporting (Plant Noise Assessment Report & Noise Break-Out Assessment Report prepared by Auricl Acoustic Consulting). The applicants propose to use the Kitchavent 2000 Odour Abatement System for odour management and details of acoustic enclosures for both the kitchen extract and three condenser units were provided to LBM Environmental Health. Upon review of this information, Environmental Health has not objected to the proposal and has recommended conditions securing the implementation of the odour management system, and conditions requiring compliance with noise levels and the Acoustic reporting, and Delivery and Servicing Management Plan.

5.3 <u>Transport planning</u> – officers have no objections to the proposed change of use. Officers have advised that the level of parking is appropriate given the established use of the site and anticipated traffic movements. Transport officers have recommended a condition requiring compliance with the Delivery and Servicing Management Plan.

6. POLICY CONTEXT

6.1 <u>London Plan (2015)</u> The relevant policies in the London Plan (2015) are:

> 2.8 [Outer London - Economy]; 4.1 [Developing London's economy]; 4.7 [Retail and Town Centre Development], 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tacking congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.8 [Heritage Assets & Archaeology], 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes];

6.2 <u>Merton LDF Core Planning Strategy (2011)</u> The relevant policies in the Merton LDF Core Strategy (2011) are: CS 3 [Morden Sub-Area], CS 7 [Centres]; CS11 [Infrastructure]; CS 12 [Economic Development]; CS.14 [Design]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

6.3 <u>Merton Sites and Policies Plan (2014)</u> The relevant policies in the Merton Sites and Policies Plan (2014) are: DM R1 Location and scale of development in Merton's town centres and neighbourhood parades DM R5 Food and drink/leisure and entertainment uses DM D2 Design considerations in all developments DM D4 Managing Heritage Assets DM EP 2 Reducing and mitigating noise DM E1 Employment areas in Merton DM E4 Local employment opportunities DM T2 Transport impacts of Development

7. PLANNING CONSIDERATIONS

- 7.1 The key issues arising from the application is the suitability of the application site for a hot-food take-away and loss of a public house; design and impact upon the character and appearance of the locally listed building, the impact of the proposal in terms of traffic, parking, and access, the impact of the proposal on the amenity of surrounding residents.
- 7.2 <u>Principle of Development</u>

Core strategy policy CS 7 Centres and Sites and Policies Plan Policy DM R2 Development of town centre type uses outside town centres states that town centre type uses will only be permitted outside of a town centre where it does not compromise the vitality and viability of Merton's town centres. The site is not located within a designated town centre, neighbourhood parade or shopping frontage, however town centre type uses have been established on the site under permission ref: 11/P0815, with the unit specifically approved for A4 uses. It is acknowledged the unit would have Permitted Development rights to change use to A1, A2 & A3 uses.

- 7.3 Policy DM R5 Food and drink / leisure and entertainment uses states that proposals for hot food takeaways would need to demonstrate they would not have an unacceptable impact on local amenity and the general environment, car parking, traffic congestion and road safety. Proposals which results in an over-concentration of hot food takeaways (A5 uses) will not be permitted as this would detract from the ability to adopt healthy lifestyles. This is particularly relevant given Abbotsbury Primary School is within close proximity to the site.
- 7.4 From an assessment of current hot food take-away uses in the area, officers consider that the proposal would not result in an overconcentration of hot food take-away stores (nearest hot food take-away approximately 350 metres away, with only two A5 uses within a 400m radius of the site). Therefore, the use is not considered to detract from

the ability for residents to adopt healthy lifestyles in accordance with Policy DM R5 (f) of the Sites and Policies Plan.

- 7.5 Although surrounded by residential development, it is considered that through the appropriate installation of acoustic enclosures to condenser units and flue extracts, along with installation of appropriate odour control mechanisms in accordance with Environmental Health recommendations, the proposed use would not result in an unacceptable impact on local amenity in accordance with the relevant London Plan and Merton policies.
- 7.6 Loss of Public House

Policy DM R5 states that proposals that will result in the loss of a public house will only be permitted where the applicant can demonstrate to the council's satisfaction that the public house is no longer economically viable and there are alternative public houses located within 800m of the site.

- 7.7 Historically a Public House was located at the site until a conversion and new-build, mixed-use scheme was constructed. Prior to the redevelopment, the pub had been closed since 2010 and had been occupied by squatters. Enterprise Inns who originally owned the premises commenced marketing in July 2009 to sell the public house.
- 7.8 The new unit has subsequently been vacant since it was constructed under the redevelopment scheme and has been fully marketed locally and nationally since October 2014. The applicants supplied detailed marketing evidence which showed a continued and active marketing campaign since October 2014 which has included marketing the site for alternative use classes (including A1 A2 A3 uses) through a variety of marketing platforms. Other users were also considered, subject to change of use.
- 7.9 The marketing report details that during this campaign, the site has failed to gain any interest from any A4 Class occupier. In terms of alternative A Class users, there have been sporadic viewings by mostly A1 occupiers. However, these viewings have not led to occupation and feedback from these parties have highlighted concerns over costs to fit-out the premises (as it is offered in shell form) in addition to lack of footfall in the area restricting potential for retail occupiers.
- 7.10 The site or parts of it has therefore been on the market since summer 2009 and has not attracted any serious viable interest from Class A4 occupiers or, in the case of the application part of the former Morden Tavern, alternative A class users. It is considered that the site is currently unlikely to be occupied by an A4 use in the forseeable future. In light of the potential of the use to generate employment opportunities and secure the long term viable use of the unit, it is considered the employment generating benefits from the use would be of greater

community and economic benefit than the unit being left vacant and therefore the loss of the public house is considered to be acceptable in this instance.

7.11 Design & Appearance

Core strategy policy CS14 and SPP Policy DMD3 require well designed proposals that will respect the appearance, materials, scale bulk, proportions and character of the original building and its surroundings. SPP Policy DMD4 require proposals to conserve and where appropriate enhances Merton's heritage assets and distinctive character.

- 7.12 The alterations to the façade only relate to the side extension and no alterations to the original listed building are proposed. The alterations on the fenestration/doors of the unit would be replaced with fenestration and materials that complement those of the listed building. The raising of the parapet has been designed to conceal the majority of the new flue and is still considered to be of an appropriate scale and height to complement the overall design and character of Morden Tavern.
- 7.13 A suitably worded condition is proposed requiring the details of the colour and finish of the external condenser units and acoustic cover to the flue to be submitted for Council approval to ensure these additions blend in with the external façade of the building.
- 7.14 Based on the above, it is considered that the proposal will conserve the character and appearance of the Morden Tavern in accordance with SPP Policy DMD4.
- 7.15 Management of Noise Impacts
 - SPP Policy DM E1 stipulates that new uses should not unacceptably affect local amenity. SPP Policy DM EP 2 requires that noise generating developments should be appropriately located so as to minimise impacts on noise sensitive land uses. Given the proximity of the site to the residential areas, objections have related largely to concerns about noise from the extraction flue, condenser units and customers/staff.
- 7.16 A Noise Impact Assessment and additional Noise Break-Out Assessment Report was supplied by the applicant that has demonstrated acceptable noise levels can be achieved from internal sources as well as from the proposed external plant through appropriate sound insulation and acoustic enclosures, in accordance with Merton policy requirements. Environmental Health has recommended conditions securing the implementation of the proposed acoustic attenuation measures to ensure the amenities of residents are preserved and undue noise impacts do not result.

- 7.17 The applicants have reported that based on company experience it is anticipated that the majority of trade will be via delivery (only 10% via pick-up collection). The proposed electric bikes emit little noise and are emission free. Each scooter will take approximately two minutes to load and depart for a delivery. Environmental Health have recommended a suitably worded condition be applied only allowing for the use of electric bikes for food deliveries to ensure delivery movements do not result in undue noise pollution.
- 7.18 The applicants have supplied a Delivery and Servicing Management Plan detailing how the delivery service will be carefully managed and operated to prevent amenity impacts on residents. This includes provision of an indoor team area for staff, strict policies restricting staff from being outside the store when not loading goods, no activity being permitted outside the store after 21:00, and no loitering, smoking or communication allowed outside the store at any time.
- 7.19 Taking into consideration the Firezza site management proposals, it is considered that the noise impacts from visitors and staff arriving and leaving the site may be less intrusive than that which would otherwise be generated from an A4 use operating on the site. It is therefore considered that with appropriate conditions, the use can be operated without harming the amenity of neighbours.
- 7.20 Odour Issues

SPP Policy DM EP4 seeks to minimize pollutants and to reduce concentrations to levels that have a minimal adverse effect on people and the local area.

- 7.21 Defra's Guidance on the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (Defra, 2005) contains an assessment procedure for identifying the potential risk of odour impacts from commercial kitchen operations. The risk rating for cooking type and grease loading relates to the type of cooking methods employed in the kitchen and the type of food prepared. The Firezza outlet will use ovens for all cooking operations, which would be limited to baking of pizzas and pre-prepared side dishes such as garlic bread. The grease loading and odour emissions from the preparation and cooking of pizzas are rated low.
- 7.22 To manage odour, the applicant has proposed the Airclean Kitchavent 4000 or similar system which has been considered by Environmental Health to be an acceptable measure to filter out and reduce fumes and odours from the proposed pizza take-away use. Environmental Health officers have also recommended a suitably worded condition restricting the A5 use to the sale of pizza as the main food category.
- 7.23 In view of the above it is considered that with suitable conditions requiring the implementation and management of the odour

management systems, there will be no adverse odour or health issues arising from the proposal.

- 7.24 <u>Parking and Servicing</u> SPP Policy DM T2 and Core Strategy policy CS 20 stipulate that new uses should have parking and access appropriate to the site and its surroundings and not unacceptably affect the operation of neighbouring businesses, traffic movement and road safety.
- 7.25 There are 11 car parking spaces to the front of the site, of which 2 spaces are dedicated to the subject unit. There is also a loading bay, approximately 15m long, to the front of the premises that is shared with the adjoining Sainsbury's use. All servicing activity is expected to occur during the normal working day. Firezza generates a relatively low demand for deliveries as items are grouped together / consolidated. The number of deliveries at the development will be up to 8 per week. This is in line with the number of deliveries that would be expected at the site given its lawful permitted use as a public house with permitted development rights for A1, A2 and A3 use.
- 7.26 A Delivery and Servicing Management Plan was provided by the applicant. LBM Transport Officers have reviewed the proposal and supporting reporting, and have advised they have no objections to the proposed change of use. The proposal has appropriate car and bicycle parking provision based on the established use of the site, and access and anticipated vehicular movements will not unacceptably impact the operation of neighbouring businesses, traffic movement and road safety.
- 7.27 In accordance with the recommendations of Transport Officers and concerns from residents, all delivery drivers will be required to use the main vehicular access point to enter and exit the site. The applicant has stated that delivery drivers will not be allowed to use pedestrian footways or access ramps in the vicinity of the site. Drivers will be required to dismount from the edge of the car park in front of the store. These requirements are detailed in the Delivery and Servicing Management Plan, which the business management will be required to through a suitably worded condition.

8. <u>SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT</u> <u>REQUIREMENTS</u>

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. <u>CONCLUSION</u>

9.1 Based on an analysis of A5 uses in the area, the proposal for a hot food take-away is not considered to result in an over-concentration of

take-aways in the area. Although the proposal would result in the loss of an A4 use, the proposed hot food take-away would generate employment opportunities and enable the occupation of unit that has been vacant since its construction. Through the imposition of suitable conditions relating to the site management, odour control and noise levels, it is considered that the proposed hot food take-away use can operate without harming the amenity of neighbouring residents or having a negative impact on neighbour businesses. Consequently it is considered that the proposal accords with relevant planning policy and that subject to suitable conditions the proposal is recommended for approval.

<u>**RECOMMENDATION</u>** Grant planning permission subject to conditions.</u>

Conditions

- 1) A1 Commencement of works
- A7 Built according to plans; 'Site Location Plan 7338L-PP-01', 'Proposed Site Plan 7338L-PP-03 Rev D', 'Proposed Floor Plans & Elevations7338L-PP-04 Rev F', 'Proposed Block Plan 7338L-PP-05 Rev A', 'Proposed Air Conditioning and Ventilation Proposed Sections 327/M/001 Rev P1'
- 3) B1 External Materials to be Approved
- 4) D02 Hours of Opening/Use The use hereby permitted shall not be open to customers except between the hours of 11:00 and 24:00 on any day and no staff shall be present at the premises one hour after the closing time.
- 5) D08 Deliveries

No deliveries, loading, unloading or other servicing activities associated with the commercial units hereby permitted shall take place before 07.00 hours and after 19.00 hours Monday to Saturday or before 09.00 hours and after 17.00 hours on Sundays or Public Holidays.

6) Non-standard condition

Use as a hot food take-away (Use within Class A5) is subject to the premises being restricted to the sale of pizza and/or other oven baked food and the sale of other hot would require variation of the condition.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

7) Non-standard condition

The odour abatement for the extract system shall be the Airclean Kitchavent 4000 or similar that will provide equal of greater filtration for grease, odour and smoke and the system shall be maintained and operated in accordance with the manufacturer's instruction manual/guidance such as to restrict cooking odours.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM EP4 of Merton's Sites and Policies Plan 2014.

8) Non-standard condition

Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from the new plant/machinery associated with the new external odour control/mechanical/extraction plant shall not exceed LA90-10dB at the boundary with the closest residential property and shall be switched off by midnight on any day.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2 and DM EP2 of Merton's Sites and Policies Plan 2014.

9) Non-standard condition

All plant and mechanical equipment shall be maintained and operated in accordance with the manufacturer's instruction manual/guidance.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, and DM EP2 of Merton's Sites and Policies Plan 2014.

10)The recommendations contained within the report by Auricl Acoustic Consulting, dated 16 August 2016, Project No.13129 and document reference R/NBA/1/160816, which related to noise breakout at the premises, shall be implemented before the use commences and shall be permanently retained. Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2 and DM EP2 of Merton's Sites and Policies Plan 2014.

11)The use shall operate in accordance with the provisions of the service and delivery plan submitted with the application and only electric bikes shall be used for food deliveries.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM EP2, DM T2 & DM T3 of Merton's Sites and Policies Plan 2014.

12)NPPF Informative

<u>Click here</u> for full plans and documents related to this application. Please note these web pages may be slow to load This page is intentionally left blank





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Agenda Item 9

PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

<u>Item No:</u>

	APPLICATION NO. 16/P0298 2	<u>DATE VALID</u> 20/01/2016
Address/Site	Belvedere Court, 1A Courthope Ro	
(Ward)	Village	
Proposal:	Demolition of existing four storey building and erection of new four storey building with accommodation arranged over five levels including semi-basement and accommodation within the roof space comprising 9 x two bedroom self-contained flats together with associated car parking and landscaping.	
Drawing Nos	Site location plan, 525 3D, 4E, 5A, and Access Statement, Transport Arbouricultural Impact Assessmen Statement and Tree Protection Pla Method Statement. Preliminary Gr and Flood Risk Assessment	Report, Tree Survey, at and Arobicultural Method an, Basement Construction
Contact Officer:	Richard Allen (8545 3621)	

RECOMMENDATION

GRANT Planning Permission subject to completion of a S.106 Agreement and conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice-Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted 29
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

1. INTRODUCTION

1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

2.1 The application site comprises a detached building containing eight flats situated on the south west side of Courthope Road. The building is set well back from the site frontage and has rear access and off street car parking accessed from High Street Mews. Courthope Road is residential in character with mixed commercial, with some residential above commercial premises in the High Street, which back onto High Street Mews at the rear of the site. The application site is within the Merton (Wimbledon Village) Conservation Area. The Wimbledon North Conservation Area Character Assessment - (Sub Area 4 Belvedere) states that the building is an uncharacteristic block of flats set well back from the road. The application site is also within a Controlled Parking Zone (CPZ Von).

3. CURRENT PROPOSAL

- 3.1 The proposed building would be 14.5 metres in length, 13.5 metres in width and the proposed building would be set back from the Courthope Road frontage by between 20 and 22 metres. The rear elevation of the building would be set back 2.5 metres from the High Street Mews frontage. The building would be set off the boundary with 3 Courthope Road by 2.5 metres and by between 1.5 and 3 metres from the boundary with 1 Courthope Road. The building would have an eaves height of 10 metres and have a hipped roof with an overall height of 13 metres.
- 3.2 Internally, at lower ground floor level 2 x two bedroom flats would be formed, each flat having a combined kitchen/living room. Light would be provided by light wells to front and side elevations of the building. Each flat would have a gross internal floor area of 70m2 and 71.4m2 respectively. Each flat would have a rear garden of 26m2 and 32.7m2. At upper ground floor level 2 x two bedroom flats would be formed with a gross internal floor area of 70.m2 at first and second floor levels 2 x two bedroom flats would be formed (with an identical foot print), the flats on each floor having a gross internal floor area of 64.8m2 and 70.6m2 respectively. The flats on the upper ground, first and second floor levels would each have a rear balcony. At third floor level a two bedroom flat would be formed within the roof space. (Gross internal floor area of 92m2). The third floor flat would have a rear roof terrace of 10m2.
- 3.3 Off street car parking for five cars would be provided within the front curtilage, A traditional design approach has been adopted for the proposed building which would be constructed in handmade re Flemish brick, cast stone detailing, painted stucco bay windows, painted timber sash windows and a clay tiled roof.

4. PLANNING HISTORY

- 4.1 In April 1973 planning permission was granted for the erection of an extension at fourth floor level (Ref.WIM213/73).
- 4.2 In November 1963 planning permission was granted for the erection of an additional floor over part of the roof the existing building to form four tenants store rooms, laundry drying room and wc and tank room (Ref.WIM7173).
- 4.3 In July 1962 planning permission was granted for the formation of two selfcontained flats on the ground floor in addition to an extension forming two further flats at third floor level to create a total of eight flats within the building and eight off street parking spaces (Ref.WIM6311).
- 4.4 In November 1962 planning permission was granted for alterations to the internal layout of the two additional flats at ground floor level and erection of mansard roof (Ref.WIM6526).

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response, letters of 7 objections have been received. The grounds of objection are set out below:-
 - The proposed basement a lower ground floor level may cause structural damage to 1 Courthope Road.
 - Existing car parking is for four cars at the rear of the property, whilst it is proposed to provide 6 spaces with a car turntable on the front forecourt. The Frontage parking would increase noise and disturbance.
 - Six parking spaces for 9 flats would lead to additional on-street parking and will make parking in the area worse.
 - The extra bulk of the building would affect light to 1 Courthope Road.
 - Balconies would affect privacy.
 - The proposed building is more substantial than the current structure. The current building is essentially four storeys with a small structure added on top which covers only a small proportion of the floor area.
 - The proposed foot print of the building is larger than the existing building.
 - The existing Controlled Parking Zone is at capacity and existing residents cannot get parking spaces despite having residents' permits.
 - Balconies in the north-west elevation would overlook the garden of 1 Courthope Road.
 - High Street Mews is already heavily used. What arrangements would be made for construction traffic?
- 5.2 <u>Belvedere Estates Residents Association</u>
 - High Street Mews is a narrow road and not suitable for construction traffic and a carefully thought out construction management plan would be required.

- Whilst the proposed building is more attractive than the existing building, car parking spaces within the frontage would result in the loss of greenery.
- Balconies would cause problems of overlooking in particular to 1 Courthope Road and 3 High Street Mews.
- Owners of neighbouring properties would need to be assured as to the structural integrity of their properties during basement excavation.
- the proposal would have an impact on on-street parking.
- Whilst acknowledging that the proposal is a vast improvement of the current building, the positioning of the building, rights of light, loss of greenery. Basement construction, balcony design and parking need to be addressed.

5.3 <u>Tree Officer</u>

The Council's tree officer notes that the site lower ground floor plan has been amended to remove one of the front light wells and form a light well to the side elevation and that the parking space immediately adjacent to the Beech tree has been removed and soft landscaping retained. The proposal is therefore considered to be acceptable subject to tree protection conditions.

5.4 Future Merton

The Future Merton team consider the development to be appropriate for a site in Flood Zone 1 and there are no objections to the proposed development subject to a Sustainable Drainage condition being imposed on ay grant of planning permission.

5.5 <u>Highways</u>

It is noted that the applicant undertook a night-time survey which demonstrated spare (parking) capacity, given the village centre location this has a tendency to understate the reality of finding a parking space during the daytime and evening when spaces are unavailable or residents are forced to compete for limited spaces against visitors to the nearby shops and restaurants. The applicant also suggests that a net loss of 1 parking space overall compared to the existing situation mitigates the permit free requirement. As all the new dwellings would be two bedroom units it is reasonable to assume a slightly high uptake of car ownership might arise. further reinforcing the need for permit free development in order to protect the local amenity of residents. Based on the revised access arrangements on Courthope Road as shown, it should be possible to retain one of the three onstreet parking spaces. However, a separate crossover application would be required. Subject to the developer entering into a S.106 agreement making the development permit free and amending the traffic order to modify the onstreet parking, there are no objections in principal to the proposal from a transport planning perspective.

5.6 Amended Plans

The design of the rear corner of the proposed building was amended to incorporate a 'step back' to the elevation facing the rear garden of 1 Courthope Road and the parking layout has been amended to provide 5 spaces with the car turntable removed and a larger area of soft landscaping

retained adjacent to the retained tree. In response one further letter of objection has been received from the occupier of 7 Courthope Road. The grounds of objection are set out below:-

- The amended plans have done nothing to address the loss of resident's parking spaces.
- Six spaces proposed for the forecourt have been reduced to five.
- The new dropped curb will result in the loss of three on street parking spaces.
- It would be hazardous to retain one on street space so close the dropped curb between Belvedere Court and 1 Courthope Road.
- At present there are 25 spaces for residents of five streets who are permitted to park there.
- The forecourt would look unattractive with five parking spaces.
- The building is significantly more substantial than the current structure and will have great impact visually. The building should be four storeys and remain within the foot print of the existing building.
- Windows in the side elevation should be opaque.

6. **POLICY CONTEXT**

- 6.1 The relevant planning policy contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS.14 (Design) and CS15 (Climate Change).
- 6.2 The Relevant Policies contained within the Merton Site and Policies Plan (July 2014) DM O1 (Nature Conservation, Trees, Hedges and Landscape Features), DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM D3 (Alterations to Existing Buildings) and DM D4 (Managing Heritage Assets).
- 6.3 The relevant policies contained within the London Plan March 2015 (as amended by Housing Standards Minor Alterations March 2016) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 6.13 (Parking), 7.4 (Local Character) and 7.6 (Architecture).
- 6.4 Mayor of London's London Plan Housing Supplementary Planning Guidance (March 2016)

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations concern design and conservation issues, standard of residential accommodation, neighbour amenity, basement construction, trees, parking, sustainability and developer contribution issues.

7.2 Design and Conservation Issues

The existing building is an unattractive building that does not make a positive contribution towards the character of the conservation area. Although the proposed building has accommodation arranged over five levels as opposed

to the existing four levels of accommodation, the proposed replacement building would be slightly lower than the existing building albeit that the proposed building would have a larger roof form due to the provision of a pitched roof, rather than the flat roofs of the existing building. The proposed replacement building is of traditional design and would be constructed of high quality facing materials. Parking for five cars would be provided within the front curtilage rather than at the rear of the site, and the existing Beech tree would be retained and additional planting undertaken to enhance the setting of the building. The proposed building is considered to be acceptable in design terms and would be a positive improvement to both the Courthopre Road and High Street Mews street scene and the proposal accords with policies CS14 and DM D4.

7.3 Standard of Residential Accommodation

The proposed development would comprise 9 x two bedroom flats. The gross internal floor area of each flat is set out below together with the minimum standard requirement as set out in the London Plan.

	Layout	GFI	London Plan Standard
Flat 1	2 bed/three person	71.4m2	61m2
Flat 2	2 bed/three person	70m2	61m2
Flat 3	2 bed/three person	71.5m2	61m2
Flat 4	2 bed/three person	70m2	61m2
Flat 5	2 bed/three person	70.6m2	61m2
Flat 6	2 bed/three person	64.8m2	61m2
Flat 7	2 bed/three person	70.6m2	61m2
Flat 8	2 bed/three person	64.8m2	61m2
Flat 9	2 bed/three person	92.2m2	61m2

The proposed amenity space for each flat is set out below.

	Amenity Space Provision	London Plan Standard
Flat 1	26m2 garden	5m2 = 1m2
Flat 2	32.7m2 garden	5m2 + 1m2
Flat 3	6m2 balcony	5m2 + 1m2
Flat 4	6m2 balcony	5m2 + 1m2
Flat 5	6m2 balcony	5m2 + 1m2
Flat 6	6m2 balcony	5m2 + 1m2
Flat 7	6m2 balcony	5m2 + 1m2
Flat 8	6m2 balcony	5m2 +1 m2
Flat 9	10m2 roof terrace	5m2 + 1m2

The London Plan requires that 2 bedroom flat developments proved a minimum of 5m2 amenity space for each flat with an additional 1m2 for a three person unit. Flats 3 to 8 have 6m2 amenity space which is the minimum required a three person unit, it should be noted that the existing flats have no private amenity space albeit that they benefit from a communal front garden. The existing flats are also single bedroom units despite having a floor are of 60m2 with an alcove that could accommodate an additional bed. The existing building and does not have a lift. The proposed flats are all two bedroom units and the internal layout and gross internal floor area of each flat is considered to be acceptable. In terms of amenity space, each flat would have access to a balcony or in the case of flats 1 and 2 a garden. The amenity space provision is therefore considered to be acceptable in terms of policies CS8 and DM D2.

7.4 <u>Neighbour Amenity</u>

The concerns of the objectors regarding the proposed redevelopment of 1A Courthope Road are noted. However, the proposed replacement building would not be sited any further forward than the existing building. The front elevation would be constructed in the same position as the existing building. The proposed building would however have a larger foot print due to the rear elevation of the proposed building projecting 3.5 metres rearward than the existing building (occupying the space occupied by the existing external staircase). The proposed building would also be no higher than the existing building. Indeed the proposed building would be slightly lower than the upper section of the existing building albeit with a larger roof form due to the proposed pitched roof. The lower ground floor flats would each have a garden accessed via patio doors, whilst the upper ground, first, second and third floor flats would each have a balcony or terrace. Objections have been received regarding potential overlooking and loss of privacy from the balconies/terrace. However, the balconies and terrace would be on the rear elevation facing the rear elevations of commercial properties in High Street Mews. Balcony screening to a height of 1.7 metres would mitigate any potential problems of overlooking. A planning condition regarding balcony screening would therefore be appropriate in this instance. To the south of the site is an electricity board sub-station building and the side elevation of 3 High Street Mews whilst to the north is the rear part of the garden to 1 Courthope Road. Given the separation distance between properties the position of the balconies and terrace is acceptable with adequate balcony/terrace screening secured through a planning condition. The proposal is therefore considered to be acceptable in terms of policy DM D2.

7.5 Basement Construction

A number of representations have been received concerning the provision of a basement. However, the applicant has submitted a basement construction method statement and undertaken a ground investigation survey. The submitted information has been examined by the Council's Structural Engineer and there are no objections to the proposed development subject to a condition being imposed on any grant of planning permission in respect of Sustainable Urban Drainage in accordance with the requirements of policy DM D2.

7.6 <u>Trees</u>

As originally submitted, the application proposed a car parking space under the canopy of the mature Beech tree. The parking layout has however, been amended to retain soft landscaping beneath the tree canopy. The Council's tree officer has confirmed that excavations for the basement and foundations would be in close proximity to the mature Beech tree within the frontage of the property. Therefore tree protection conditions would be required to be imposed on any grant of planning permission in accordance with policy DM O1.

7.7 Parking

A number of representations have also been received concerning parking provision for the development and problems of parking in the area. The proposal would provide five off-street parking spaces and involve the formation of a new vehicular access onto Courthope Road resulting in the loss of two on-street parking spaces. Although the proposed parking provision is in accordance with London Plan Standards, it should be noted that the Wimbledon Village Controlled Parking Zone is over-subscribed. Transport planning have no objections to the proposal however, given the pressures on on-street parking, particularly in the evenings and the loss of two on-street parking bays, it is recommended that the development be designated 'permit free' secured through a S.106 Agreement and the Traffic Order amended to reflect the revised on-street parking layout.

7.8 <u>Developer Contributions</u>

The development would be subject to the Merton Community Infrastructure Levy and the Mayor of London's CILL would also apply.

9. ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

9.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

10. CONCLUSION

The proposal would replace an unattractive building that is in a poor state of repair with a new building providing 9 residential units in an established residential road. The design of the replacement building is considered to be acceptable and the proposed building would not affect neighbour amenity. The proposal would also preserve the character and appearance of the Merton (Wimbledon West) Conservation Area. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to a S.106 Agreement covering the following heads of terms:-

1. That the development be designated 'permit free'

2. The Traffic Order be amended (to revise the on-street parking bay layout).

3. That the developer pays the Councils legal and professional costs in drafting and completing the legal agreement.

And subject to the following conditions:-

- 1. A.1 <u>Commencement of Development</u>
- 2. A.7 <u>Approved Plans</u>
- 3. B.1 External Materials to be Approved
- 4. C.2 <u>No Additional or Enlarged Window or Door Openings</u>
- 5. C.4 <u>Obscure Glazing (Bottom Sashes to Bathroom and Kitchen Windows</u> <u>As shown on Drawing Numbers 525 06C and 525 07C)</u>
- 6. C.6 <u>Refuse and Recycling (Details to be Submitted)</u>
- 7. C.9 <u>Balcony Screening</u>
- 8. D.10 External Lighting
- 9. D.11 Hours of Construction
- 10. F.1 Landscaping Scheme
- 11. F.2 Landscaping
- 12. F.5 <u>Tree Protection</u>
- 13. F.8 <u>Site Supervision (Trees)</u>
- 14. F.6 Design of Foundations (6 Metres radius of existing Beech tree)
- 15. F.9 <u>Hardstanding</u>
- 16. H.1 <u>New Vehicle Access</u>
- 17. H6P Details of Cycle Parking
- 18. H9P <u>Construction Vehicles</u>
- 19. Prior to commencement of development a Basement Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority. The basement shall be constructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason for condition: In the interest of neighbour amenity and to comply with policy DMN D2.

20. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuation provision of no less than 15m3 of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation;

iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

INFORMATIVES:

- 21. It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
- 22. INF1 Party Wall Act
- 23. INE7 Hardstandings
- 24. INF8 Construction of Vehicle Access

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PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

APPLICATION NO. 16/P3039 DATE VALID

- Address/Site: 91 Oakleigh Way, CR4 1AW
- Ward: Longthornton
- **Proposal:** Erection of a single storey rear extension, rear roof extension and hip to gable roof extension, 2 x rooflights to the front roof slope. New roof over existing front porch and bay window, and erection of ancillary outbuilding in the rear garden.
- Drawing No.'s: 15 Rev 01; 16 Rev 01; 11 Rev 01; 10 Rev 01; 08 Rev 01; 14 Rev 01; 09 Rev 01; 12 Rev 01; 13 Rev 01.
- Contact Officer: Luke Place (020 8545 4370)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Conservation area: No
- Number of neighbours consulted: 5
- External consultations: 0
- Controlled Parking Zone: No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination as it has been called in by Cllr Marsie Skeete and Cllr Linda Kirby.

2. <u>SITE AND SURROUNDINGS</u>

- 2.1 The application site, a two storey end of terrace dwelling, is located on the southern side of Oakleigh Way at its junction with Limetree Place.
- 2.2 The area is predominately characterised by two storey terraced dwellings.
- 2.3 The site is not located within a conservation area and does not contain any listed buildings. There are no other specific planning restrictions associated with this site.

3. CURRENT PROPOSAL

- 3.1 The application seeks planning permission for the following:
 - Single storey rear extension 3.5 metres long, 6.6 metres wide and 3.7 metres high with an eaves height of 2.6 metres.
 - Rear roof extension measuring 6.7 metres wide, 3.5 metres deep and 2.4 metres high. This dormer would have two rear facing windows.
 - Hip to gable roof extension.
 - Two rooflights to the front roof slope.
 - New roof over existing front porch and bay window.
 - Ancillary outbuilding in the rear garden 7 metres wide and 5 metres long. It would have a dual pitched roof with a ridge height of 2.9 metres and an eaves height of 2.3 metres. This outbuilding is indicated as containing a bathroom and two other rooms.

4. PLANNING HISTORY

4.1 None.

5. <u>CONSULTATION</u>

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 One objection has been received in regard to this application. This objection has been summarised below:
 - The final use of the dwelling is not clear in the description.
 - The resulting arrangement of the dwelling is not suitable for a family home.
 - The property may be turned into flats without permission.
 - The plans do not describe the use of each room.
 - A top floor flat would not have access to the amenity area.
 - The resulting spaces do not meet the necessary space requirements.
 - The proposed outbuilding mat be used as a separate dwelling.
 - A new house in the back garden is unacceptable.

6. POLICY CONTEXT

- 6.1 <u>NPPF National Planning Policy Framework (2012)</u>: Part 7 Requiring Good Design
- 6.2 <u>London Plan (2015)</u> The relevant policies in the London Plan (2015) are: 7.4 Local character 7.6 Architecture
- 6.3 Merton Sites and Policies Plan (2014) The relevant policies in the Merton Sites and Policies Plan (2014) are: DM D2 Design considerations in all developments DM D3 Alterations and extensions to existing buildings
- 6.4 <u>Merton Core Strategy (2011)</u> The relevant policies in the Merton LDF Core Strategy (2011) are: CS 14 Design
- 6.5 <u>Supplementary Planning Guidance:</u> Merton Council Supplementary Planning Guidance – Residential Extensions, Alterations and Conversions (2001).

7. PLANNING CONSIDERATIONS

7.1 The main issues for consideration in this case are: whether harm would be caused to the character and appearance of the host building the street scene or the wider area; and whether harm would be caused to neighbour amenity.

Outbuilding

- 7.2 The applicant could construct an outbuilding on the site under Class E of the GPDO. However, the outbuilding requires planning permission as it would breech (e)(ii) of Class E exceeding the 2.5m height restriction for outbuildings within 2m of a site boundary being 2.95m to the ridge of its roof.
- 7.3 The proposed outbuilding would rise to a height of 2.95m at the boundary with 1 Limetree Place and be approximately 2.9m from the nearest principle elevation window. The height of the building at the boundary with 89 Oakleigh Way to the east would be 2.3m and approximately 14m from this neighbouring dwelling. The height, overall bulk, and siting of the outbuilding would not result in a loss of light and, being only slightly higher than could otherwise be erected as permitted development, officers consider that the proposal would not detract from the outlook of neighbouring occupiers.
- 7.4 This application does not seek permission for the creation of any additional self-contained accommodation units. Officers have recommended a condition which would restrict the use of the outbuilding to activities incidental to the main dwelling. Change of use to provide a separate dwelling would require planning permission.

Roof extensions

- 7.7 Class B of the GPDO would allow the applicant to undertake very similar roof extensions to those sought under this application without the need to apply for planning permission. However, the subject extensions require planning permission in this instance as they breach the 40 m3 addition limit under (d)(i) of Class B by 6.4 m3.
- 7.8 In regard to this matter it is noted that the dwelling to the west at 93 Oakleigh Way received a lawful development certificate (reference 15/P4644) for a hip to gable and rear roof extensions of a similar scale and appearance, albeit slightly smaller, to those proposed in the current application. A number of other large rear roof extensions are also present in the wider area and therefore, the development would not result in the introduction of an alien type of built form and would appear unreasonable to withhold permission on the grounds of visual impact.
- 7.9 The proposed dormer would have two rear facing windows which would have a similar outlook to the existing windows at first floor level. No terrace or balcony features are proposed that would cause overlooking or a loss of privacy.

Single storey rear extension

- 7.12 Class A of the GPDO would allow the applicant to construct a single storey rear extension. However, the extension requires planning permission as it would breach the 3 metre maximum length under (f)(i) of Class A by 0.5 metres. The size of the extension would not harm the character of the host dwelling or wider area. The extension would have a roof form which compliments the host dwelling.
- 7.13 It should be noted that the host dwelling and neighbouring dwelling at 89 Oakleigh Way currently have single storey projections located on their respective side boundaries which extend approximately 6.6 metres beyond their rear elevations. Therefore it is not considered that the rear extension would harm neighbouring amenity.

<u>Rooflights</u>

7.14 The proposed front rooflights could be constructed as permitted development under the GPDO.

Porch

7.15 It is not considered that the proposed roof above the existing front porch and bay window would harm the character or appearance of the host dwelling or the street scene. This feature is modest in scale and integrates well with the subject dwelling.

Other matters

7.16 Notwithstanding concerns that have been raised regarding the future use of the property, the application does not seek permission for the creation of an

HMO or any additional units within the host dwelling or via the construction of the outbuilding. While a change to a small HMO (Use Class C4 - a shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom) could take place under permitted development, planning permission would be required for use as an HMO for a greater number of persons. In the event that the Council were to receive a complaint regarding the use of the house once extended then the matter may be formally investigated to determine whether there had been a breach of planning control and to determine an appropriate course of action.

8. <u>CONCLUSION</u>

8.1 Having taken all material matters into account it is considered that, subject to compliance with the attached conditions, the proposed works would not have a harmful impact on the character and appearance of the application site, the street scene and the wider locality. The development is also not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval subject to conditions.

RECOMMENDATION Grant planning permission subject to conditions.

Conditions:

- 1) A1 Commencement of works
- 2) A7 Built according to plans
- 3) B3 External Materials to match
- 4) E06 Incidental Residential Accommodation
- 5) NPPF Informative

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Agenda Item 11

PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

	APPLICATION NO.	DATE VALID
	16/P2254	31/05/2016
Address/Site:	42 Parkside Gardens, Wimbledon, London, SW19 5ET	
(Ward)	Village	
Proposal:	Installation of eight (retrospective)	photovoltaic solar panels
Drawing No's:	Site location plan, P500, 1403 Revision C2A, 1205 Revision C4A.	
Contact Officer:	Lucas Zoricak (0208 545 3112)	

RECOMMENDATION

GRANT Permission subject to Conditions

CHECKLIST INFORMATION

- Heads of Agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 13
- External consultations: No
- Controlled Parking Zone: Yes

1. INTRODUCTION

This application is being brought to the Planning Applications Committee for determination due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a three storey (including basement level) detached property located along a well-established residential road of other detached properties.
- 2.2 The surrounding area comprises large detached properties, with the majority of the houses alongside Parkside, featuring rear gardens that extend back to Parkside Gardens. The west side of Parkside Gardens is therefore mostly lined with the prominent boundary walls and gateways to the well-planted rear gardens of the large Parkside houses.
- 2.2 The application site is located in the Wimbledon North Conservation Area, sub area 6: Wimbledon House.
- 2.3 The site is located within a Controlled Parking Zone.

3. CURRENT PROPOSAL

- 3.1 This application comprises the installation of 8 roof mounted photovoltaic panels to the existing main flat roof of the dwelling house which is nearing completion of construction.
- 3.3 The proposed solar panels would be 265mm in height and would be located behind an existing brick parapet which is 210mm high. The projection of the panels above the parapet wall would be 55mm.

4. **PLANNING HISTORY**

12/P0323 - DEMOLITION OF EXISTING TWO-STOREY DETACHED DWELLINGHOUSE WITH BASEMENT PLUS OUTBUILDING AND SHED AND ERECTION OF NEW TWO STOREY DWELLINGHOUSE WITH BASEMENT AND ALTERATIONS TO BOUNDARY WALLS – Granted – 14/02/2012.

12/P3154 - APPLICATION FOR VARIATION OF CONDITION 22 ATTACHED TO LBM PLANNING APPLICATION 12/P0323 DATED 16/07/2012 RELATING TO CHANGES IN LAYOUT AND MINOR CHANGES TO MASSING, DESIGN, AND CAR/PEDESTRIAN ACCESS ARRANGEMENT – Granted – 06/12/2012.

13/P4158 - APPLICATION FOR APPROVAL OF DETAILS RESERVED BY CONDITIONS 2, 3, 4, 5, 6, 12, 13, 14, 15, 17 & 19 OF PLANNING PERMISSION 12/P0323, CONDITION 2 OF CONSERVATION AREA CONSENT 12/P0413 & CONDITION 3 OF CONSERVATION AREA CONSENT 12/P3130 RELATING TO THE DEMOLITION OF EXISTING TWO-STOREY DETACHED DWELLINGHOUSE WITH BASEMENT PLUS OUTBUILDING AND SHED AND ERECTION OF NEW TWO STOREY DWELLINGHOUSE WITH BASEMENT AND ALTERATIONS TO BOUNDARY WALLS – Granted – 20/01/2014.

5. CONSULTATION

5.1 The application has been advertised by press notice and letters of notification to the occupiers of neighbouring properties. Eight representations have been received. Seven representations have been received from individual properties. 5 of these are from the flats to the rear of the site at 31 Parkside and 2 from residents of Parkside Gardens.

The concerns of the objectors are noted and are set out below:

- Original planning application called for flat green roofs, think footprint of house leaves no room for ground source heat pumps so they have installed solar panels instead, objected to the original application, house not in keeping
- Solar panels are higher than parapet of roof they are on
- Adverse impact on the Conservation Area;
- The size of solar panels is inappropriate;
- The aerial is visually intrusive;
- The slope of the panels should be reduced;
- The solar panels should be replaced with a green roof.
- 5.2 Parkside Residents' Association have also raised objections on the following grounds:
 - The proposal does not accord with the originally approved plans. The extensive planting on the roofs was an important feature of the design. The footprint was extensive but the planted roofs were to provide a larger area of green space;
 - The roof's appearance was an important feature of the original scheme. Objections would have been raised if the installations on the main roof had been proposed as part of the original application for the new house.
 - The report accompanying the original application considered that the use of photovoltaic cells and solar panels would not be appropriate because of shading from trees. Given the negative impact, alternatives should be offered after due consultation with neighbours.

6. **POLICY CONTEXT**

6.1 London Borough of Merton's Local Plan - Sites and policies plan and policies maps (9th July 2014):

DM D1 (Urban design and the public realm) D M D2 (Design considerations in all development) DM D3 (Alterations and extensions to existing buildings) DM D4 (Managing Heritage Assets).

6.2 The relevant policy in the Adopted Core Strategy (July 2011) is:

Policy CS.14 Design Policy CS.15 Climate change

6.3 Supplementary planning guidance:

Residential Extensions, Alterations, and Conversions (2001)

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations are visual amenity, impact on nearby residential amenity, impact on the Wimbledon North Conservation Area, and whether it meets the objectives of climate change in accordance with policies DM D2 and CS.15.
- 7.2 The original planning application, 12/P0323, for the demolition of the house that formerly sat on the plot and the erection of the new house which is now nearing completion, was approved with green roofs to the lower roof elements only and not the higher main roof. The main two storey high flat roof was not shown as having a green roof but it was indicated that it would be surfaced in a plain red tile. Although a subsequent application to vary the approved plans, 12/P3154, included a proposal to make the main roof a green roof as well, the roofs have been constructed in accordance with the original planning permission, 12/P0323, with green roofs on the single storey elements. Eight photovoltaic solar panels have been installed on the main roof.
- 7.3 The Town and Country Planning (General Permitted Development) Order 2015 (as amended) includes permitted development rights for renewable energy including solar PV or solar thermal equipment on a dwellinghouse. However, the installed photovoltaic panels are 26.5cm in height and would be located behind an existing brick parapet which is 21cm high. The projection of the panels above the parapet wall would be 5.5cm. They would only be permitted development if they were 20cm or less higher than the flat roof and less than the height of the parapet wall, i.e. they would need to be 6.5cm lower.

7.4 Visual Amenity

- 7.5 The photovoltaic panels on the main roof of the existing dwelling house have been positioned such that they are not visible from the street. By virtue of the siting of the solar panels (265mm in height) behind and set away from a parapet wall (210mm in height), it is considered that the photovoltaic panels do not appear overly prominent and do not have a detrimental impact on the character and appearance of the original property, the street scene as a whole and the conservation area.
- 7.5 In light of the above, the photovoltaic panels are considered to preserve the character and appearance of the Wimbledon North Conservation Area, in line with policies DM D2 (Design considerations in all development), DM D4 (Managing Heritage Assets) and policy CS.14 Design.

7.6 Impact on Residential Amenity

- 7.7 The provisions of policy DM D3 and the relevant Supplementary Planning Guidance's (SPGs) require there would not be a detrimental impact on the residential amenities of the occupiers of the adjoining properties as a result of a proposed development.
- 7.8 The subject property is a detached dwelling house and the proposed solar panels would be distanced away (4.4m to the boundary at rear and 8.1m to the boundary at front) from the boundaries with neighboring properties and as such it is considered that they would not cause any unreasonable impacts on the adjoining properties. Any views of the roof of the building from properties in Parkside Gardens would be from upper floors only and from across the other side of the street and from the flats to the rear at 31 Parkside from upper floors and separated by their rear curtilage. The panels are neatly arranged and are in any event only 6.5cm higher than panels that could be installed as permitted development.
- 7.9 In light of the above, officers do not consider there to be grounds for refusal based on impact on outlook from neighbouring properties and the proposal accords with policy DM D3 (Alterations and extensions to existing buildings).

7.10 Climate Change

7.11 The installation of solar panels would not result in an adverse impact on visual amenity, whilst the electricity generated from renewable resources will assist in the reduction of energy consumption and carbon dioxide production.

7.12 The use of renewable energy sources such as solar powers will help to improve air quality, reduce greenhouse gas emissions and improve energy security. The solar panels would serve to reduce the energy consumption of the property and as such meet the objectives of policies DM D2 and CS.15.

8. <u>CONCLUSION</u>

8.1 It is considered that the photovoltaic solar panels to the main flat roof of the dwelling house do not have an adverse impact on the character and appearance of the conservation area. It is also considered that the proposed development would not result in an unacceptable impact on the outlook of the occupiers of the adjoining properties. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION: GRANT PERMISSION

Subject to the following conditions:

1. A7 Plans

<u>Click here</u> for full plans and documents related to this application.

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Agenda Item 12

PLANNING APPLICATIONS COMMITTEE 13 OCTOBER 2016

Item No:

	APPLICATION NO.	DATE VALID	
	16/P1897	01/07/2016	
Address/Site	19 Willmore End, South Wimbledon, London SW19 3DE		
(Ward)	Abbey		
Proposal:	Erection of a two storey side extension, extending beyond front wall of dwellinghouse.		
Drawing Nos	Site location map, 170316/2, 16088.03 rev B, MWA TPP 001		
Contact Officer:	Arome Agamah (8545 3116)		

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: no
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted 3
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. **INTRODUCTION**

1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a two storey, two bedroom semi-detached property, located in Willmore End in South Wimbledon. The street is a cul-de-sac linked to Morden Road by Nursery Road and Parkleigh Road. The side/rear boundary directly adjoins the Nursery Road Playing Fields.
- 2.2 Willmore Road is made up of mainly terraced properties grouped around garage courts. There are a few design variations but the houses are all of a similar architectural design and were constructed at the same time in the mid twentieth century.
- 2.3 A lime tree adjoins the side boundary, sited within the playing fields. The application site is not within a conservation area and is not affected by a Tree preservation order.

3. CURRENT PROPOSAL

- 3.1 The current application is for the erection of a two storey side extension, comprising a sitting room and utility room at ground floor and a bedroom with ensuite bathroom at first floor level.
- 3.2 The plan has a chamfered rear corner with an angled wall following the shape of the plot and the boundary with the neighbouring playing fields. The extension would be 4.35m wide at the front, narrowing to 1.94m at the rear. It would have a maximum depth of 7.2m and projects 1.6m beyond the front main wall. There would be a 1m gap between the extension and the property boundary.
- 3.3 The materials and window openings are designed to match the original building.

4. PLANNING HISTORY

4.1 No relevant previous planning history.

5. **CONSULTATION**

5.1 The proposal has been publicised by means of standard site notice procedure and individual letters of notification to adjoining properties.

Six objections were received on the following grounds:

- Forward projection will be imposing on gardens at 21 and 23
- Not in keeping, bad precedent
- Concern about impact from construction works and how access will be obtained
- Adjoining tree may be affected giving rise to subsidence issues if its equilibrium is affected, impact on tree's health
- Concern about impact of construction of extension on adjoining property
- Concern about overlooking
- Inappropriate scale for the terrace

- More people will exacerbate existing parking, congestion, sewage and refuse collection issues
- Increased pressure on services e.g. garbage collection and infrastructure
- 5.2 <u>Tree & Landscape Officer:</u>

Following a consultation with the Greenspaces Team, they are satisfied that the impact is acceptable provided that the Lime tree is protected in accordance with the arboricultural impact assessment and method statement provided by the applicant.

6. **POLICY CONTEXT**

- 6.1 <u>Adopted Merton Core Strategy (July 2011)</u> CS14 (Design)
- 6.2 <u>Sites and Policies Plan (July 2014)</u>

DM D2 (Design Considerations in all developments), DM D3 (Alterations and extensions to existing buildings) and DM O2 (Nature conservation, trees, hedges and landscape features).

7. PLANNING CONSIDERATIONS

- 7.1 The principal planning considerations related to this application are design, impact on neighbouring amenity and the impact on the nearby mature tree.
- 7.2 Design

The proposed extension has been designed to reflect the architectural style and materials of the existing house and surrounding properties. Although one of a pair and projecting forward of the front wall, this reflects the stepping forward of a number of properties in the vicinity, albeit within terraced forms. Within the context of the modern architectural style and the surrounding house layout, the siting is considered to be in keeping with the character of the existing property and buildings in the surrounding area. The splay along the boundary will be at the rear. It is not considered to set a precedent due to the unique configuration of the plot. The design is considered to be acceptable and is does not overly impose within the streetscene.

7.2 Impact on Neighbour Amenity

The bulk of the extension sits between the existing wall of the main house and the boundary with the playing fields and does not therefore directly impact on neighbours. It faces towards the blank flank wall of 21 Willmore End at the front. There is therefore considered to be no direct impact on any nearby property in terms of bulk, massing and outlook.

The rear first floor window is to a bathroom, only overlooks the playing fields, and would be obscure glazed. The front bedroom window would look principally towards the blank flank wall of no.21 with only very oblique views

towards rear gardens. There is not considered to be any unacceptable overlooking or impact on privacy.

7.3 <u>Parking/Highways</u>

With respect to concerns about increased pressure on parking provision, the proposal increase the house from 2 to 3-bedroom, does not remove any existing parking and is considered to have an insignificant impact on parking demand, insufficient to warrant refusal. The site location has an PTAL rating of 3.

7.4 The house is connected to the road by a pedestrian pathway. Although this may mean that deliveries and arrival of machinery in relation to construction may require more thought, it would not be a ground to refuse permission. A parking and delivery management plan would be sought.

7.5 <u>Tree Protection Issues</u>

The mature Lime tree on the playing fields sits very close to the boundary. The extension would fall partly within the Root protection Area. The Council's Trees and Parks officers have reviewed and are happy with the Arboricultural Method Statement and structural engineering drawings depicting a foundation design and piling methodology. These were sought prior to approval in order to impose safeguards for the wellbeing of the tree due to its age and its value as a community asset.

8 <u>SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT</u> <u>REQUIREMENTS</u>

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9 CONCLUSION

9.1 It is considered that the proposed extension is of an acceptable design and would not have a negative impact on the appearance of the surrounding area or upon neighbour amenity. The impact on the adjoining tree has been carefully considered and suitable conditions will be imposed to protect its health.

RECOMMENDATION

GRANT PLANNING PERMISSION

and subject to the following conditions:-

- 1. A.1 <u>Commencement of Development</u>
- 2. A.7 <u>Approved Plans</u>

- 3. B.3 (External Materials as Specified)
- 4. F5. (Tree Protection)
- 5. F6. <u>Design of Foundations (insert)</u>

<u>Click here</u> for full plans and documents related to this application.

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Committee: Planning Applications

Date: 13th October 2016

:

Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

THE PLANNING APPEAL DECISIONS WERE OMITTED FROM THE AUGUST AND SEPTEMBER COMMITTEE REPORTS. THIS REPORT HAS INCORPORATED THOSE DECISIONS.

DETAILS

Application Numbers: Site: Development: Recommendation: Appeal Decision: Date of Appeal Decision:

15/P1276

The Wimbledon Club, Church Road, Wimbledon SW19 5AG Demolition of cottage and erection of two-storey block of 3 x flats Refuse Permission (Delegated Decision) **DISMISSED** 31st August 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088555/15P1276_Appeal%20Decision.pdf

Application Number: Site: Development: Recommendation: Appeal Decision: Date of Appeal Decision: 15/P2082

258 Coombe Lane, Rayners Park SW20 0RW demolition of bungalow and erection of 6 x houses Refused (Delegated) **ALLOWED** 5^h September 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089326/15P2082_Appeal%20Decision.pdf

Application Number: Site:

15/P2530 Wyke Road, Raynes Park SW20 8RT Development:Erection of 6 x 2 bed housesRecommendation:Refused (Delegated)Appeal Decision:DISMISSEDDate of Appeal Decision:15th August 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089747/15P2530_Appeal%20Decision.pdf

Link to COSTS

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089747/15P2530_Appeal%20Costs%20Decision.pdf

Application Number:	15/P2558
Site:	5 Dunstall Road, London, SW20 0HS
Development:	Retention of rear dormer roof extension
Recommendation:	Refused (Delegated)
Appeal Decision:	ALLOWED
Date of Appeal Decision:	13 th July 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089774/15P2558_Appeal%20Decision%20Notice.pdf

Application Number: Site: Development:	15/P2567 222 Somerset Road, Wimbledon Park SW19 5JE Demolition of house and erection of new dwellinghouse with basement
Recommendation:	Refused (Committee Decision)
Appeal Decision:	ALLOWED
Date of Appeal Decision:	22 nd July 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089783/15P2567_Appeal%20Decision.pdf

Application Number: 15/P2614 Site:

74 Arthur Road, Wimbledon SW19 7DS Development:Erection of additional floorRecommendation:Refused (Committee Decision)Appeal Decision:DISMISSEDDate of Appeal Decision:19th September 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089828/15P2614_Appeal%20Decision.pdf

Application Number:	15/P2830
Site:	7 Lambourne Avenue SW19 7DW
Development:	Demolition of dwellinghouse and erection of 2 x semi-detached
	houses
Recommendation:	Refused (Committee Decision)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	28 th September 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090031/15P2830_Appeal%20Decision.pdf

Application Number: Site: Development: Recommendation: Appeal Decision: Date of Appeal Decision: 15/P3618

80 Lambton Road, Raynes Park SW20 OLP Replacement of front boundary fence Refused (Delegated Decision) **ALLOWED** 30th August 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090778/15P3618_Appeal%20Decision.pdf

Application Number: Site:

15/P3973 16 Mill Road, Wimbledon SW19 2NE Development:Erection of garage with workshRecommendation:Refused (Delegated Decision)Appeal Decision:DISMISSEDDate of Appeal Decision:19th July 2016 Erection of garage with workshop space above

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091118/15P3973_Appeal%20Decision.pdf

Application Number: Site:

15/P4049

205 Manor Road, Mitcham CR4 1JH Site:205 Mailor Road, Mitchain CR4 1Development:Formation of vehicular crossoverRecommendation:Refused (Delegated Decision)Appeal Decision:DISMISSEDDate of Appeal Decision:15th July 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091192/15P4049_Appeal%20Decision.pdf

Application Number: Site: Development:	15/P4156 356 Garth Road, Morden SM4 4NW Erection of two-storey side extension with hip to gable and rear roof extension
Recommendation:	Refused (Delegated Decision)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	15 th August 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091296/15P4156_Appeal%20Decision.pdf

Application Number:	15/P4303
Site:	17 High Street, Wimbledon SW19 5DX
Development:	Demolition of existing building and erection of ground floor retail unit with 5 x flats above
Recommendation: Appeal Decision: Date of Appeal Decision:	Refused (Delegated Decision) DISMISSED 5 th September 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091441/15P4303_Appeal%20Decision.pdf

Application Number:	15/P4359
Site:	3 High Street, Wimbledon SW19 5DX
Development:	Erection of new storey within parapet involving removal of roof
Recommendation:	Refused (Delegated Decision)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	30 th August 2016

Link to Appeal Decision

 $http://planning.merton.gov.uk/MVM.DMS/Planning\%20Application/1000091000/1000091493/15P4359_Appeal\%20Decision.pdf$

Application Number: Site: Development:

Recommendation: Appeal Decision: Date of Appeal Decision:

15/P4427

16 Camelot Close, Wimbledon SW19 7EA Conversion of garage into habitable room, erection of new double garage and new front boundary wall Refused (Delegated Decision) DISMISSED 29th July 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091556/15P4427_Appeal%20Decision.pdf

Application Number: Site: Date of Appeal Decision: 15th August 2016

15/P4433 84 Kingston Road, London SW19 1LA Development:Prior Approval for change of use from retail to residentialRecommendation:Refused (Delegated Decision)Appeal Decision:DISMISSED

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091562/15P4433 Appeal%20Decision.pdf

Application Number: Site: Development:

16/P0085 and 16/P0089 137 Seaforth Avenue, New Maldon KT3 6JW Erection of dwellinghouse Development:Erection of dwellinghouseRecommendation:Refused (Delegated Decision)Appeal Decision:DISMISSEDDate of Appeal Decision:11th August 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091992/16P0085_Appeal%20Decision.pdf

Application Number: Site:

16/P0236

50 Marian Road, Streatham SW16 5HR Development:Erection of 3 storey extensionRecommendation:Refused (Delegated Decision)Appeal Decision:DISMISSEDDate of Appeal Decision:29th July 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092140/16P0236_Appeal%20Decision.pdf

Application Number: Site: Development: Recommendation: Appeal Decision: Date of Appeal Decision: 16/P0502

53 Sandringham Avenue SW20 8JY Erection of single storey rear extension Refused (Delegated Decision) ALLOWED 26th September 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092392/16P0502_Appeal%20Decision.pdf

Link to COSTS

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092392/16P0502_Appeal%20Costs%20Decision.pdf

Application Number:16/P0516Site:24 Lessness Road, Morden, SM4 6HPDevelopment:Erection of part single, part two storey rear extension and two storey
side extensionRecommendation:Refused (Delegated Decision)Appeal Decision:DISMISSEDDate of Appeal Decision:18th July 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092405/16P0516_Appeal%20Decision.pdf

Application Number:	16/P0964
Site:	51 Herbert Road SW19 3SQ
Development:	Erection of rear roof extension with juliette balcony
Recommendation:	Refused (Delegated Decision)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	27 th September 2016

Link to Appeal Decision

 $http://planning.merton.gov.uk/MVM.DMS/Planning\%20Application/1000092000/1000092840/16P0964_Appeal\%20Decision.pdf$

Application Number:	16/P1244
Site:	34 Westcoombe Avenue, West Wimbledon SW20 0RQ
Development:	Erection of first floor side extension
Recommendation:	Refused (Delegated Decision)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	2 nd August 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093103/16P1244_Appeal%20Dcision.pdf

Application Number:
Site:
Development:
Recommendation:
Appeal Decision:
Date of Appeal Decision:

16/P1431 136 Haydon Park Road, Wimbledon SW19 8JT Prior approval for a single storey rear extension Refused (Delegated Decision) **DISMISSED** 20th September 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093282/16P1431_Appeal%20Decision.pdf

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
 - 1. That the decision is not within the powers of the Act; or
 - 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

1.1. None required for the purposes of this report.

2 TIMETABLE

2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

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Agenda Item 14

Committee: Planning Applications Committee

Date: 13th October 2016

Wards: All	
Subject:	PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES
Lead officer:	HEAD OF SUSTAINABLE COMMUNITIES
Lead member:	COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE
Contact Officer	Sam Amoako-Adofo: 0208 545 3111 sam.amoako-adofo@merton.gov.uk
Recommendati	on:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	563	¹ (562)	New Appeals:	2	(0)
New Complaints	24	(46)	Instructions to Legal	0	
Cases Closed	23	(33)	Existing Appeals	5	(5)
No Breach:	18				
Breach Ceased:	5				
NFA ² (see below):	-		TREE ISSUES		
Total	23	(57)	Tree Applications Received	7	6 (40)
New Enforcement Notices Iss Breach of Condition Notice: New Enforcement Notice issued S.215: ³ Others (PCN, TSN) Total Prosecutions : (instructed)	0	(5)	% Determined within time limits: High Hedges Complaint New Tree Preservation Orders (TR Tree Replacement Notice Tree/High Hedge Appeal	0°)	90% 0 (0) 0 (0) 0 0

Note (*figures are for the period (6th September to 3rd October 2016*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

None

Some Recent Enforcement Actions

- **2.01 34 St Barnabas Road, Mitcham** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 to 8.4 metre. The notice would take effect on 18/10/16 unless an appeal is made prior to that date and the compliance date is three months.
- 2.02 .55-61 Manor Road, Mitcham An enforcement notice was issued an enforcement notice on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16.

- 2.03 170 Elm Walk Raynes Park The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. A site visit on 4th October 2016 confirmed that the notice has not been complied with and the next stage would be to prepare a prosecution document for legal action.
- **2.04** Land, at 93 Rowan Crescent Streatham, SW16 5JA The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice comes into effect in 28 days unless there is an appeal to the Magistrate Court. The works should be completed within 28 days.
- 2.05 31 Manship Road, Mitcham CR4 2AZ On 15th April 2016, the council issued an enforcement notice against the unauthorised erection of three wooden garden sheds in the rear garden, The notice came into effect on 25th May 2016 as there was no appeal prior to that date and the requirement would be to cease the use of the sheds for residential purposes and demolish/remove them from the garden within 3 months. A site visit on 27/9/16 reveal partial compliance as the structure had been demolished but the debris and rubble were still on site.
- **2.06 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement would be to cease using the building as eight self-contained flats within 6 months.
- **2.07** Burn Bullock, 315 London Road, Mitcham CR4. A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof and rainwater goods, masonry, chimney and render repairs and woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The owner has advised Officers that the archaeological survey of the Tudor part of the building has now been carried out. Officers are waiting for the report with recommendations in order to consider the next steps.

3.0 <u>New Enforcement Appeals</u>

21 Merton Hall Road, Morden The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15th September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month.

Wyke Road, Raynes Park SW20 The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted.

3.1 <u>Existing enforcement appeals</u>

- **160 Bennetts Close Mitcham CR4 1NS**. An enforcement notice was issued on 20th April 2016 against the unauthorised erection of a fence exceeding 3 metres high. The notice came into effect on 1/6/16 as there was no appeal prior to that date and the requirement would be to demolish the fence and remove the resulting debris all within 3 months.
- Swinburn Court, 32 The Downs SW19 The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date of 30/4/16 but for the appeal which was registered with a start date 29/6/16 and is by written representation. Final comments have been submitted and now awaiting inspector site visit date.
- 39 Borough Road Mitcham CR4 3DX The Council served an enforcement notice on 15th April 2016 against the erection of a boundary timber fence with a requirement to demolish the structure within three months of the effective date. The appeal is by written representation and is proceeding on ground 'A' – that planning permission should be granted for the development.
- 32 Cedars Avenue, Mitcham CR4 1EA The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. An appeal by written representation is proceeding on ground 'A' – that planning permission should be granted for the development. Council's statement has been submitted.
- 3 Aberconway Road Morden SM4 The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. An appeal has been registered to proceed under ground 'A' only – that planning permission should be granted for the development. Final statements have been submitted. We are now awaiting an inspector site visit date.

3.2 Appeals determined -

•None

Prosecution case.

None

3.4 Requested update from PAC

An update relating to the high boundary fence at 20 Church Lane - The boundary fence was erected along the boundary with 21 Church Lane and had been refused permission to retain this retrospectively.

A site visit carried out on Monday 4/10/16 confirmed that the front part of the fence, consisting of three panels, had now been reduced to no more than one (1) metre high to comply with Council's request.

There is an Article 4 Direction which requires that fences which front highways should be no more than 1m in height in order to be sympathetic and respectful in the streetscene. However due to the fact that this was a side/boundary fence and did not directly front the highway, the likelihood of a successful appeal against a potential enforcement action was considered to be high. In the end the matter has been resolved without the need for any further action.

4. Consultation undertaken or proposed

None required for the purposes of this report

- 5. Timetable N/A
- 6. Financial, resource and property implications N/A
- 7. Legal and statutory implications N/A
- 8. Human rights, equalities and community cohesion implications N/A
- 9. Crime and disorder implications N/A
- 10. Risk Management and Health and Safety implications. N/A
- 11. Appendices the following documents are to be published with this report and form part of the report Background Papers N/A
- 12. Background Papers N/A

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