

**PLANNING APPLICATIONS COMMITTEE**  
**16<sup>th</sup> June 2016**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

15/P3760

30/09/2015

**Address/Site:**

Land Adj. to 5 Hillview, West Wimbledon, SW20 0TA

**(Ward)**

Village

**Proposal:**

Erection of a three-storey end of terrace building comprising two self-contained flats (1 x 1 bedroom (2 person) and 1 x 2 bedroom (3 person))

**Drawing Nos:**

P-01(A), P-02(A), P-03(A), P-04(A), P-05(A), P-06(A), P-07(A), P-08(A) & Construction Method Statement (Rev 1, dated January 2016, Ref: 12963)

**Contact Officer:**

David Gardener (0208 545 3115)

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**RECOMMENDATION**

**GRANT Planning Permission Subject to Conditions**

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**CHECKLIST INFORMATION**

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 21
- External consultations: None

**1. INTRODUCTION**

- 1.1 The applications have been brought before the Planning Applications Committee due to the number of representations received as a result of public consultation.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a parcel of land adjacent to 5 Hillview, West Wimbledon, which is an end of terrace house. The land currently comprises an area of lawn on the street corner, two flat felt roofed single garages set at right angles to the flank wall on no 5 and a large area of concrete driveway in front of the garages and the flank of no. 5. The site abuts an electricity sub-station on the southern boundary. The surrounding area is residential in nature with houses on Hillview built during the 1970s.
- 2.2 The site slopes downwards from north to south. The adjoining house at no 5 is 2-storey at the front and 3-storey at the rear as a consequence of the change in levels. The application site itself is separated from the substation site to the south by a small retaining wall at the boundary between the two driveways. On the other side of the substation are a further 3 linked flat roofed garages, also with a large concrete apron of hardstanding in front and then a further terrace of houses stepping down the hill.
- 2.3 The site is not within a conservation area or controlled parking zone (CPZ) and has a PTAL rating of 1b, which means it has poor access to public transport.

## **3. CURRENT PROPOSAL**

- 3.1 The current application is for full planning permission to erect an end of terrace building comprising two self-contained residential units (1 x 1 bedroom (2 person) and 1 x 2 bedroom (3 person)). The building would be arranged over three floors with the 1 bedroom unit located at lower ground/ground floor level and the 2 bedroom unit located at upper ground/ground and first floor levels.
- 3.2 The proposed building would have a pitched main roof, partially recessed to incorporate an upper floor terrace. Its main materials would be brick with a tile roof, with a contemporary styling to its fenestration. The lower ground/ground floor flat would have access to 2 areas of amenity space, one on each frontage and the upper 2 bedroom unit has a roof terrace. One off-street parking space would be provided.

## **4. PLANNING HISTORY**

The following planning history is relevant:

- 4.1 MER141/73 - Conversion of garage to flat and erection of two garages. Granted - 11/04/1973.
- 4.2 15/P2987 - Erection of a two-storey end of terrace house on land adjacent to 5 Hillview. Registered.
- 4.3 Pre –application advice for the erection of an end of terrace house was sought in April 2015 (Ref: 15/P1436/NEW)

## **5. POLICY CONTEXT**

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):  
DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure)
- 5.2 The relevant policies in the Adopted Core Strategy (July 2011) are:  
CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan 2015, as updated by the Minor Alterations (Housing Standards), March 2016 are:  
3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction)
- 5.4 The following Merton Supplementary Planning Guidance (SPG) is also relevant: New Residential Development (September 1999) and the Mayor's Housing SPG (March 2016)

## **6. CONSULTATION**

- 6.1 The application was publicised by means of Conservation Area press and site notice procedure and individual letters to occupiers of neighbouring properties. In response, 10 letters of objection have been received including a letter of objection from the Residents Association of West Wimbledon (RAWW). The letters of objection are on the following grounds:
- Impact of lower ground floor on ground and surface water flows, risk of subsidence
  - Inappropriate form of development and use of materials, unsympathetic to the appearance of the wider setting, out of character, overdevelopment
  - Visually intrusive, overly dominant and unneighbourly form of development
  - Would lead to loss of openness/spaciousness and outlook, loss of view
  - Impact on parking and traffic
  - Would not comply with lifetime home requirements
  - Poor history of works carried out by applicant/concerns regarding unqualified labour, disruption from building works
  - Impact on existing power and water networks, sewers, health and safety concerns regarding close proximity of electrical sub-station to flats
  - Overlooking/loss of privacy
  - Application should be made invalid because two different proposals are shown on the website
- 6.2 Residents Association of West Wimbledon (RAWW)

RAWW raises concerns regarding the lack of an assessment of impacts of the proposed lower ground floor on drainage, flooding, and groundwater conditions. RAWW are also concerned with the poor standard of accommodation and lack of rear garden, which is not compatible with the character of the surrounding area. The proposal also fails to relate positively and appropriately to the siting, rhythm and density, of surrounding buildings and existing street patterns.

6.3 Future Merton

The Council's Flood and structural engineers have assessed the proposal and are satisfied with the details submitted so far subject to appropriate conditions being attached.

6.4 LBM Environmental Health

Application should be conditioned to require written evidence that electro-magnetic radiation emissions from the adjacent sub-station do not exceed ICNIRP guidance levels of 100 microteslas and 5 kilovolts per metre.

6.5 Condition for a noise survey to be undertaken in relation to the adjacent sub-station in particular by an acoustic consultant having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise and residential noise acceptability standards, including recommendations and appropriate remedial measures, including methods of ventilation and actions to minimise the impact of the surrounding locality on the development.

6.6 UK Power Networks

UK Power Networks have raised no objections but offer the following comments:

- From looking at the proposals it appears that the works will be "notifiable" under the Party Wall Act 1996. Please ensure that the Developer serves the appropriate notices on my company in good time and arranges for the award to be completed PRIOR to any building works commencing.
- Given that they are intending to build adjacent to the existing brick built Substation it should be prudent for the developer to review and adhere to the guidance which has been attached with this representation. The guidance addresses many of the main issues which a developer will need to consider when building next to a Substation.
- The developer will need to serve the appropriate demolition notices under the Building Act 1984
- Given the proposals to work within the vicinity of live electrical equipment the developer should take note of the HSG 47 Guidelines and comply with the "UKPN Dial Before you dig, DSR 29 COP2" and HSE HSG47 procedures (copies attached)

- Please ensure that the ventilation to the substation is maintained and not blocked when the build is finished. Additionally it will need to be protected from dust, debris, vibration and settlement throughout and after the works in conjunction with the attached document.
- The developer should not be opening any windows or encroaching on the air space above the substation as this would be a breach of our “Air Rights” as we own the Freehold title of the land.
- The developer should also consider “Acoustic Treatment” for windows and the property in general as the Substation is a live operational site feeding the local network.
- The developer will need to arrange the respective licences for over-sailing or scaffolding above the site in order to facilitate their works. They should contact UKPN directly to arrange this.

6.7 Following Environmental Health comments, UK Power Networks have confirmed that the typical ICNIRP levels for this type of substation are 1 microtesla at the perimeter fence, and will decay rapidly with distance. They have also confirmed that the substation is an LV Distribution Board, which means there is no transformer present and therefore no noise source. The site is purely for the interlinking of the network should a fault occur.

## **7.0 PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this instance concern the impact that the proposal would have on visual and residential amenity, the standard of accommodation to be provided and impact on parking/highways and surface/ground water flows.

### **7.2 Design and Impact on street scene**

7.2.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.

7.2.2 The existing appearance of the corner, with a large concrete apron and flat roofed garages at a right angle to the adjoining terrace, detracts from the appearance of the street scene.

7.2.3 Houses on this part of Hillview were built during the 1970s and are typical of the modern architectural style of the era, featuring windows with a horizontal emphasis and shallow gable roofs. It is considered that the design of the proposed flats are well thought out with a contemporary modern style featuring a powerful angular roof and a large first floor window with a horizontal emphasis which wraps around the northwest corner.

7.2.4 The proposed building is also considered to be acceptable in terms of its size. Given the gradient of the road, the heights of houses step down from east to west and the proposed house would reflect this pattern with its eaves and ridge height positioned lower than No.5 Hillview. It is considered that this combined with the fact that the flank wall of the house would be located a minimum of 2.9m from the boundary means that the house would not appear overly dominant when viewed from the street. Provision is made for suitable landscaping around the site corner with a new tree and shrub planting as well as a suitable boundary wall, stepping down with the site contours. Overall, it is considered that the proposed house is a high quality design which would not have an unacceptable impact on the character or appearance of the street and wider setting.

### **7.3 Standard of Accommodation**

7.3.1 The London Plan 2015, as updated by the Minor Alterations (Housing Standards), March 2016 sets out a minimum gross internal area standard for new homes as part of policy 3.5. It provides the most up to date and appropriate minimum space standards for Merton.

7.3.2 In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.

7.3.3 The London Plan requires a minimum of 50sqm GIA for a 1 bedroom, 2 person flat and 70sqm for a 2 bedroom, two-storey (3 person) dwelling. The proposed 1 bedroom flat would be 53sqm and the 2 bedroom, two-storey dwelling would be 78sqm, exceeding the minimum required space standards. In terms of private amenity space, policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) requires for a flatted developments, a minimum of 5sqm of private amenity outdoor space for 1-2 person flatted dwellings with an extra 1sqm provided for each additional occupant. It is considered that the proposed dwellings would comply with policy DM D2 with the two bedroom (3 person) dwelling comprising a private amenity area of 8.5sqm and the one bedroom flat featuring two separate private amenity spaces to the north and west side of the building, each exceeding the minimum space requirement.

7.3.4 The proposed dwellings are also considered to be acceptable in terms of their layout, with good circulation and well proportioned rooms. The applicant has submitted an internal daylight assessment confirming that all of the habitable rooms, including the lower ground floor element of the 1-bed unit, would meet

the recommended Average Daylight Factor (ADF) targets set out in BRE's 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' by PJ Littlefar (2011). The proposed house would therefore comply with policy 3.5 of the London Plan 2015 (as amended), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

- 7.3.5 In respect of the close proximity of the electricity sub-station, and following comments by the Council's Environmental Health department, UK Power Networks have confirmed that the typical ICNIRP levels this type of substation are only 1 microtesla at the perimeter fence, and will decay rapidly with distance. This could compare to a TV for example which produces a field of approx.50 microtesla close up. UK Power Networks have also confirmed that the substation is an LV Distribution Board, which means there is no transformer present and therefore no noise source. The site is purely for the interlinking of the network should a fault occur. In response to this additional information, Environmental Health have confirmed that conditions initially recommended relating to the sub-station are no longer necessary.

#### **7.4 Residential Amenity**

- 7.4.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.
- 7.4.2 It is considered that the proposed building would not have an unacceptable impact on neighbour amenity. The rear elevation of the building would be set back 2.3m behind the rear elevation of No.5 whilst the first floor terrace would also be located 3.4m from the side wall of No.5, which means it is considered that it would have an unacceptable impact in terms of privacy and noise on occupiers of this property.
- 7.4.3 The proposed building would involve the removal of three windows in the side wall of No.5. This is considered acceptable in this instance given two of the windows are to a bathroom and cupboard, whilst the third window is a secondary window to a bedroom. It should be noted that this house is currently being refurbished by the applicant and the windows are currently in the process of being removed.
- 7.4.4 Overall, it is considered that the proposal would not be visually intrusive and overbearing when viewed from adjoining properties or result in an unacceptable level of daylight/sunlight loss. The proposal therefore accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

#### **7.5 Basement Construction**

- 7.5.1 The applicant has provided a Construction Method Statement and construction sequence of a typical underpin and this is considered to be acceptable. The applicant has also provided a ground investigation report which includes details of the results from a borehole which did not encounter any groundwater. The borehole was however undertaken in August and it winter readings from a monitoring standpipe would be likely to show a higher level. The Construction Method Statement states that the proposed amount of permeable area is increased from the existing 50.2sqm to 77.2sqm. It is considered that all permeable areas should therefore not be lined (through construction of the basement slab) to allow appropriate infiltration and to ensure that there is no increase in runoff from the application site. Due to the topography of the area, it is recommended that passive drainage measures are incorporated around the lower ground floor structure to reduce the risk of rising ground water.
- 7.52 The surface and foul water drainage in this location is via a shared pipe network running along Hillview ending at No.5 before entering the Thames sewer network. It is therefore the responsibility of the applicant to seek the necessary approvals from Thames Water and to ensure all surface and foul flows are maintained in perpetuity.
- 7.53 The council's structural and flood engineers have assessed the proposal and are satisfied with the details submitted subject to the imposition of suitable conditions on any planning approval requiring a detailed scheme for the provision of surface water drainage and a detailed construction method statement to be submitted and approved by the LPA prior to commencement of development. It is therefore considered that the proposal would accord with policies DM D2 and DM F2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014)

## **7.6 Parking and Traffic**

- 7.6.1 The site has poor public transport accessibility (PTAL 1b) and is outside of a controlled parking zone so a permit free condition would not be applied. The current maximum car parking standards are set out within the London Plan at table 6.2. In areas of poor transport accessibility on-site parking for 1-2 bedroom dwellings it is up to 1 space per dwelling in urban areas. Parking standards are to be applied as a maximum and given that the 2 bedroom dwelling would benefit from its own parking space, with only the 1 bedroom unit not benefitting from on site provision, no objection is raised to the proposed level of parking.

## **7.7 Landscaping**

- 7.7.1 The proposed building would feature raised planting beds with a tree, which would soften its appearance when viewed from the street. A condition would be attached requiring details of landscaping including the species of the proposed tree. The condition would also require that the tree is permanently retained.



## **8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

## **9. LOCAL FINANCIAL CONSIDERATIONS**

- 9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL). The funds will be spent on the Crossrail project, with the remainder spent on strategic infrastructure and neighbourhood projects.

## **10. SECTION 106 LEGAL AGREEMENT**

### 10.1 Affordable Housing

- 10.1.1 In terms of affordable housing, Policy CS.8 of the Core Strategy requires developments of 1 – 9 units to make an off-site financial contribution for provision of affordable housing in the borough. The affordable housing contribution is calculated based on a formula using the median open market valuation of the completed development based on three independent valuations.

- 10.1.2 In early May 2016, the Court of Appeal upheld the Government's change to Planning Policy Guidance to exempt small sites of 10 units or fewer and less than 1000 square metres floorspace from local authorities' affordable housing policies. The Council is currently seeking further legal advice on how this is considered to relate to officers' ability to seek affordable housing contributions for smaller sites in Merton in relation to Policy CS8.

- 10.1.3 in any event consideration of the affordable housing requirement for this site took place before the Court ruling. The applicant had submitted a viability report advising that a S106 for affordable housing would make the development unviable. An independent appraisal, at the developer's expense has therefore been carried out, which confirmed that the scheme as proposed would be unable to deliver both the affordable housing contribution and a reasonable target profit margin.

## **11. CONCLUSION**

- 11.1 It is considered that the proposal would be acceptable in terms of its size and design and would not have an unacceptable impact on the Hillview street scene or wider setting. The proposal is also considered to have an acceptable impact on neighbouring properties, traffic/parking and ground and surface water flows. Overall it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

## **RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions:**

1. A.1 (Commencement of Development)
2. B.1 (External Materials to be Approved)
3. B.4 (Details of Site/Surface Treatment)
4. B.6 (Levels)
5. C.2 (No Permitted Development (Windows and Doors))
6. C.8 (No use of flat roof)
7. C.10 (Hours of Construction)
8. F.1 (Landscaping/Planting Scheme)
9. F.2 (Landscaping (Implementation))
10. F.9 (Hardstandings)
11. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

12. Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the construction process shall be submitted and approved in writing with the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. Before the 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 the drainage hierarchy contained in London Plan Policy 5.13, Merton's Policy DM F2 and the advice contained within the National SuDs Standards.

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.

14. No development approved by this permission shall be commenced until a detailed method statement has been submitted produced by the contractor and reviewed/agreed by a chartered structural engineer who has designed the retaining walls and base. Construction working drawings including sequence of construction and temporary support drawings shall be submitted.

Reason: To ensure that structural stability of adjoining houses is safeguarded and neighbour amenity is not harmed and to comply with policy DM D2 of Merton's Sites and Polices Plan 2014.

15. INFORMATIVE: The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

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To view Plans, drawings and documents relating to the application please follow this [link](#)

Please note that this link, and some of the related plans, may be slow to load

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