

PLANNING APPLICATIONS COMMITTEE  
16th June 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P3783	19/10/2015
<b>Address/Site</b>	10 St Mary's Road, SW19 7BW	
<b>Ward</b>	Village	
<b>Proposal:</b>	Application for s.73 variation of Condition 2 (Approved plans) in relation to LBM Planning Permission 13/P3848 for the construction of a replacement house. Revisions in respect of (i) siting of house 1.8m further into rear garden and away from the front boundary – retrospective and (ii) incorporation of changes previously approved under 14/P3534 for increased size master bedroom, 1.5 square metre increase in floorspace and alteration of roofslope to 55 degree pitch.	
<b>Drawing Nos</b>	601/P01, 601/P02, 10SMR-A	
<b>Contact Officer:</b>	Sue Wright (0208 545 3981)	

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## RECOMMENDATION

**GRANT Variation of Condition**

## CHECKLIST INFORMATION.

Is a screening opinion required: No  
Is an Environmental Statement required: No  
Has an Environmental Impact Assessment been submitted – No  
Press notice – Yes  
Site notice – Yes  
Design Review Panel consulted – No  
Number of neighbours consulted –  
External consultations – No.

### 1. SITE AND SURROUNDINGS

- 1.1 The application site sits on the north-east side of St Mary's Road and was previously occupied by a 1950's house which was recently demolished and replaced with a new detached house with basement and rooms in the roof space which is now occupied. The neighbouring houses at 12 and 8 are both mid- 20<sup>th</sup> century detached houses. The application site is not within a

conservation area but is close to the boundary with the Merton (Wimbledon North) Conservation Area.

## 2. **CURRENT PROPOSAL**

- 2.1 The recently constructed house was not built in accordance with the approved plans, but was sited 1.8m further back into the plot than the house granted permission under planning permission 13/P3848 (as varied by 14/P3534). The size of the footprint, the floor area, the design and massing are all identical to the approved plans, but it has been built in the wrong position, such that the front curtilage is deeper, the rear garden smaller, with the whole building sitting 1.8m further behind nos 8 and 12 than approved. The developer has advised that a mistake was made in the setting out of the building.
- 2.2 The current application seeks a variation of the approved plans in order to regularise the planning position in relation to the siting of the house as constructed as well as incorporating the design changes previously approved in the variation of plans 14/P3534.

## 3.0 **RELEVANT PLANNING HISTORY**

- 3.1 The original house dates from 1955.
- 3.2 13/P1014 - Planning permission was refused for a new replacement house in June 2013 on the following grounds:
1. The proposed replacement dwellinghouse, by virtue of its bulk, depth, front and rearward projection, and lack of meaningful visual separation between the resulting house and both adjoining properties would result in an overdevelopment of the plot and an excessively large and overbearing development, and which would fail to preserve or enhance the character and appearance of the adjoining conservation area. As such, the proposed development is contrary to policies BE.3, BE.16, and BE.22 of the Adopted Merton Unitary Development Plan, Policy CS 14 of the London Borough of Merton Core Strategy (July 2011), and the Council's New Residential Development - SPG.
  2. The proposed replacement dwellinghouse, by virtue of its bulk, depth, front and rearward projection, and lack of meaningful visual separation between the resulting house and both adjoining properties would result in result in a detrimental impact on the outlook and visual amenities of the occupiers of 8 and 12 St Marys Road in particular. As such, the proposed development is contrary to policies BE.15 and HS.1 of the Adopted Merton Unitary Development Plan, Policy CS 14 of the London Borough of Merton Core Strategy (July 2011), and the Council's New Residential Development - SPG.
- 3.3 13/P3848 – Planning permission was granted for demolition of the existing house and erection of a replacement house with basement and accommodation in the roofspace at PAC in March 2014.

- 3.4 14/P2702 - application for discharge of conditions 3 (materials), 4 (hard surfacing), 12 (landscaping), 15 (soil/hydrology report), 16 (construction method statement), 17 (working method statement), and 19 (code level 4) attached to lbm planning application 13/p3848 dated 13/03/2014 relating to the demolition of existing dwelling house and erection of a new detached dwelling house (with basement and accommodation in the roof) and associated parking and landscaping – granted
- 3.5 14/P3476 - application for discharge of conditions 5(boundary walls) and 6 (finished floor levels) attached to lbm planning permission 13/p3848 (dated 13/02/2014) relating to the demolition of existing dwelling house and erection of a new detached dwelling house (with basement and accommodation in the roof) and associated parking and landscaping – granted
- 3.6 15/P3783 – application for a s.73 variation of Condition 2 (approved plans) of 13/P3848 for the replacement house to incorporate minor changes to design, small increase in floor area and change to roof pitch granted in December 2014.
- 3.5 8 St Mary's Road  
15/P3969 Planning permission was granted in Feb 2016 for demolition of the existing house and erection of a replacement house. 16/p0993 - Precommencement condition details were approved in March 2016.

#### 4. **CONSULTATION**

- 4.1 Letters were received from 5 individual properties and from Belvedere Estate Residents' Association. BERA and 1 of the individual properties have confirmed that they do wish their representation to be treated as objections to the application, leaving 4 objections. Neither of the adjoining properties at 8 and 12 have made any representations. The comments and concerns are as follows:
- Approval should not convey the idea that conditions on approved plans can be flouted and wrong that there should be no penalty. Mistake should have been picked up earlier and corrective action should have been taken when breach identified instead of allowing construction to continue.
  - Mistake was raised with owners in Nov 2014, with developers and owners in March 2015 and with the Council in April 2015 – why was work allowed to continue?
  - Should not be a precedent in terms of building lines for adjoining properties
  - A decent sized replacement tree should replace the cherry tree removed from front garden
  - The report to Committee on the approved application 13/P3848 makes reference to the benefit of the decreased rear projection relative to the previously refused application. As built, will be more detrimental than the refused application. Breaks the rear building line- approved building line should be adhered to
  - Adverse impact on light and outlook . Appears more like a four storey building due to the change in levels and dominates outlook.

- House as constructed removes sunlight to the decking area in the rear garden of no.6. Their north-east facing back garden relies on afternoon sunlight from the west which has been blocked, which would not be the case if the building had been constructed 1.8m further forward. Almost half their grass has turned to moss because of loss of afternoon sun and their seating area which received late afternoon/early evening sun no longer gets any sun. Owners of no. 6 would like members of PAC to visit their garden before a decision is made.

4.6 Belvedere Estate Residents' Association – do not object to the application but if permission is granted by PAC, want it making clear that building lines front and rear will be as they would have been had the house been built in the permitted position.

## 5 **POLICY CONTEXT**

### 5.1 Adopted Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

### 5.2 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM H4 (Demolition and Redevelopment of a Single Dwelling house), DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets), DM F2 (Sustainable Urban Drainage Systems) and DM T4 (Car Parking and Servicing Standards).

### 5.3 London Plan (March 2015)

3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 7.6 (Architecture),

## 6. **PLANNING CONSIDERATIONS**

6.1 Given that the house as constructed is identical to that granted planning permission under 13/P3848 (as varied by 14/P3534) except for the siting 1.8m further back within the plot, the main planning considerations relate to the impact of that change in siting on the street scene and the character of the area as well as the impact on neighbouring properties.

### 6.2 Neighbour Amenity

Reference has been made by objectors to the refusal of planning application 13/P1014 on the basis of bulk, depth, front and rearward projection and the consequent references within the Committee report for the approved application 13/P3848 to the reduction in rearward depth along with various other changes relative to the refused application as a justification for its acceptability.

- 6.3 The officer's report on the refused application 13/P1014 makes it clear that the concern related to the overall bulk of the building resulting from expanding to both front and rear relative to the original house as a solid rectangular block with no relief from setbacks or design features combined with excessively large side and rear dormers. There was not considered to be a detrimental impact on daylight or sunlight to adjoining properties, the main issue was with outlook due to the overall bulk and massing of the proposed building. The approved application 13/P3848 was of the same overall flank depth (13.4m) as the refused application but was set further back relative to no.12 so that they lined up at the rear, and set further forward but not so deep at the rear relative to no.8, projecting 1.7m beyond for the main house and a further 4.7m beyond for the single storey element, which sat just beyond the single storey element of no.8. A whole combination of changes set out in the report resulted in a significantly reduced mass and a design more in character with the street by moving away from a lumpen rectangular form, mainly by providing greater articulation to the front and rear elevation by setting elements both further forward and further back as well as reducing the amount of accommodation at roof level and consequently significantly changing the massing of the roof.
- 6.4 The revised siting results in the main house sitting 2m to the rear of no 12. The single storey element projects beyond this by another 2.645m. The flank walls of 10 and 12 are separated by a gap of 1.9m. No. 12 also sits higher up the hill than no.10. The degree of projection to the rear in relation to no.12 was not an issue in relation to the refused application, and in fact the approved application projected further back but less far forward relative to this property. Given the separation, relatively small projection beyond the rear and also the level relationship between the two properties, the revised siting is considered to be acceptable in relation to this property. No objections have been received from this neighbour.
- 6.5 The main concern for officers, when the incorrect siting was initially investigated, related to the impact on no 8, which sits at a lower level, therefore the further projection beyond the rear of both the main house and the single storey element was a concern in terms of impact on outlook, as it had been on the refused application. Subsequently, an application for the demolition of the existing house at no. 8 and the erection of a replacement house was granted in February 2016 and the pre-commencement details have been discharged with construction imminent. Implementation of this permission changes the relationships in terms of outlook. No.10 would have a more similar relationship to no.8 compared to the approved application in that the main house would project 2.75m further to the rear of the main house at no 8 and the single storey element would be just over 2m deeper than the proposed single storey element of no.8, reducing the additional projection relative to the approved plans to 1m as well as having a greater eaves height and therefore masking more of the exposed flank elevation of 10. On balance, the impact on no.8 in terms of outlook, based on the implementation of the planning permission for the new house, is considered to be acceptable and more comparable to the previous permission.

6.6 In relation to other nearby properties, the separation distances are such that any impact on privacy, sunlight, daylight, outlook or overshadowing would be insufficient to warrant refusal of the application, with no breach of the Council's guidelines. Although the concerns of the occupiers of 6 St Mary's Road in relation to loss of late afternoon/evening sun to part of their rear garden area are noted, relative to the impact of the house as approved, the impact would not be sufficient grounds to warrant refusal of the application.

6.7 Design and Impact on the Street Scene

The house as constructed is set back 1.8m from the front boundary than previously approved. It is still considered to sit comfortably within the street scene. It sits slightly behind the approved house at no 8 and no 12. In terms of concerns being expressed about any precedent being set in relation to building lines, it should be noted that the overall bulk, size of footprint and massing of the building is no different to that previously approved, and that the Council would look at any applications for other properties in the vicinity in the context of the appropriateness of the overall depth of the flank elevations, roof form etc, and that excessive bulk would still be grounds for refusal if a proposal was considered to be out of character.

6.8 It is still intended to plant 3.5m high replacement cherry tree within the front curtilage as per the previously approved landscaping plan and an additional tree is also now proposed on the other side.

7. **CONCLUSION**

7.1 At the time that the current application was submitted, the setting out error that resulted in the building being constructed 1.8m further into the plot but identical to the approved scheme in all other respects was considered to be unacceptable because of the impact on the outlook from no.8, particularly in light of the difference in levels. However, the approval of a replacement house at no.8, the implementation of which is imminent, results in the relationship of the 2 properties at the rear being more similar to that previously approved, with a reduction in the difference in relative depths as well as massing changes. The impact on the street scene and on other neighbouring properties is considered to be acceptable in terms of daylight, sunlight, outlook and privacy given the orientation and separating distances involved.

**RECOMMENDATION**

Grant approval for a variation of condition 2 (approved plans)

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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