

PLANNING APPLICATIONS COMMITTEE

11 August 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P3039	04/08/2015
Address/Site	Rear of Aston Court, 18 Lansdowne Road, West Wimbledon SW20 8AW	
(Ward)	Raynes Park	
Proposal:	Demolition of existing garages at rear of Aston Court and erection of a single storey, two bedroom dwelling house.	
Drawing Nos	LRW THA PR AL 010 P10, 100 P10, 110 P10, 200 P7, 210 P6, 300 P12, 310 P10, 320 P7, 330 P7 and Design and Access Statement, Daylight and Sunlight Report, Tree Survey, Arboricultural Method Statement and Tree Protection Plan	
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
- 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:
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

1. INTRODUCTION

- 1.1 The current application has been submitted following the refusal of planning permission for the demolition of garages and the erection of a single storey

detached dwelling house in December 2013 and subsequent dismissed appeal in Aug 2014. The current application is brought to the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises part of a garage court to the rear of Aston Court, 18 Lansdowne Road. Aston Court comprises 11 flats in two blocks situated on the west side of Lansdowne Road. There are 8 garages accessed via an access way between the two blocks of flats. The application site contains 6 of the 8 garages.
- 2.2 To the north and south of the site in Lansdowne Road are large detached houses. To the rear of the site are residential properties in Arterberry Road. There are a number of mature trees abutting the site boundaries. The application site is not within a conservation area. It adjoins the boundary with the Merton (Wimbledon West) Conservation Area. Lansdowne Road is within a Controlled Parking Zone (CPZ).

3. CURRENT PROPOSAL

- 3.1 The current proposal involves demolition of six of the eight existing garages and the erection of a single storey, two bedroom dwelling house. The proposed house would be 23 m in length and be between 5.2 and 5.5 metres in width and would have a flat roof with a height of 2.9 metres. The proposed house would be located in a similar position as the 6 garages to be removed. The front elevation of the proposed house would be between 5.2m and 4.2m from the rear of the 2 blocks comprising the Aston Court flats. The front elevation of the proposed house would be constructed on the building line of the existing garages.
- 3.2 Internally, the proposed house would comprise a pair of double bedrooms and two bathrooms and a combined living/kitchen/dining room arranged around a central courtyard amenity space with a further private amenity area to the north of the building.
- 3.3 The proposed house would be faced in reclaimed London stock brickwork, with a patinated zinc roof. The original submission showed zinc facing to the upper part of the elevations above the stock brick wall. However, this has been amended to timber louvres. It is intended that climbing plants would also be provided to soften the wall facing Aston Court. It is also proposed to surface the area in front of the building with a resin bonded gravel path and grassed area.
- 3.4 No off street car parking is proposed for the development, however three secure cycle parking space would be provided along with refuse and recycling facilities.

4. RELEVANT PLANNING HISTORY

4.1 **07/P1149**

In June 2007 planning permission was REFUSED for the erection of a single storey detached dwelling (LBM Ref.07/P1149). Planning permission was refused on the grounds of impact on the amenity of occupiers of adjoining properties, overdevelopment, impact on trees, and loss of parking.

4.2 **12/P2434**

In January 2013 planning permission was refused for the demolition of existing garages and erection of a single storey two bedroom dwelling house. Planning permission was refused on the grounds that:-

'The proposed dwelling would, by reason of its height and siting have an unsatisfactory relationship with the existing flats at 4 – 11 Aston Court and would constitute a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the Merton UDP (October 2003).'

The applicant appealed against the Council's refusal of planning permission (Appeal Ref,APP/T5720/A/13/2201852). The Planning Inspector subsequently **DISMISSED** the appeal on 13 December 2013, **but only on the grounds of the lack of an affordable housing contribution.** The Inspector concluded that the proposed dwelling would be a similar distance to the windows and light wells in Aston Court as the existing fencing and garages on the appeal site and did not consider that the proximity of the proposed development would have a negative impact upon with regards to the outlook currently enjoyed by the occupants of 4-11 Aston Court. The Inspector noted that the gaps between garages no longer exists as fencing had been erected between the garages on the site and from the condition of the fencing, this had been in place for some time. They considered the current outlook from the rear of Aston Court to be poor and that the proposed development would be an enhancement, particularly if sensitive use was made of materials and landscaping. They noted that the main roof would only be marginally higher than the apex of the roof of the existing garages and that whilst the central roof light would be higher it would be set back from the eastern elevation by 1.5 metres. Consequently, the Inspector did not consider that the development would have a negative impact on the residents of Aston Court.

4.5 **13/P1118**

An application for the demolition of the existing garages at the rear of Aston Court and the erection of a single, one bedroom dwelling house (LBM Ref.13/P1118) was REFUSED in Nov 2013 on the grounds that:-

'The proposed dwelling would by reason of its height and siting have an unsatisfactory relationship with the existing flats at 1 – 3 Aston Court and would be a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15

(New Buildings and Extensions; daylight, Sunlight, Privacy, visual Intrusion and Noise) of the Merton UDP (October 2003)'.

- 4.6 The subsequent appeal to the Planning Inspectorate (Appeal Ref. APP/T/5720/A/14/2218288) was **DISMISSED** on 8 August 2014. **This was purely on the grounds of the potential for unacceptable light pollution from the clerestory windows.** The Inspector's comments were as follows:

'The proposal would comprise the demolition of the 6 garages and the erection of a single storey, one bedroom dwelling with a courtyard and small garden. The footprint of the dwelling would be smaller than that of the 6 garages and it would be primarily situated to the rear of the southern part of Aston Court (flats 1 to 3) with mostly garden space to the rear of the northern block.

'Although the proposal would be taller than the garages and fencing it would replace, due to the orientation of the site and existence of surrounding obstructions, it would not result in unacceptable reductions in levels of natural light reaching nearby properties. Due to its siting and modest height, and having regard to my colleague's conclusions in respect of the 2013 appeal (Ref.APP/T5720/A/13/2201852), I am also satisfied that the proposal would ensure the maintenance of adequate outlook from neighbouring properties'.

'The proposed dwelling would include fixed clerestory glazing on the two long elevations with larger areas of glazing facing the courtyard and garden. This arrangement would ensure that adequate privacy for neighbouring property occupiers is maintained and future residents of the proposal would benefit from reasonable levels of privacy.

However, two elements of the clerestory glazing on the front elevation would be very close to windows serving bedrooms in Aston Court. In particular, one part would be almost directly behind and above the close-boarded fence at the rear of the garden of flat 1. In my judgement, the use of artificial light within the appeal property would lead to unacceptable light pollution within flat 1 and, to a lesser degree, within the flats in the northern block. Whilst I note that the appellant indicated that blackout blinds could be installed, I do not consider that a planning condition requiring this could be adequately enforced and therefore such an approach would be contrary to the 'tests' set out in paragraph 206 of the National Planning Policy Framework (2013).

For this reason I conclude that the design and layout of the proposed house would have an unacceptable effect upon the living conditions of occupiers of neighbouring properties.'

5. **CONSULTATION**

- 5.1 Site notice procedure and letters of notification to occupiers of neighbouring properties. In response 23 representations have been received from

occupiers of neighbouring properties and the South Ridgway Residents Association. The grounds of objection are set out below:-

- The proposal would result in loss of light, result in visual intrusion and an elevated noise level.
- The proposal would result in loss of outlook and loss of space between buildings.
- The proposal would result in loss of garages that provide useful storage.
- The revised proposals have not mitigated issues previously raised.
- If approved an application would be made to remove the remaining garages for parking.
- The building would not be attractive to occupiers of Aston Court.
- Windows in flat 2 would overlook the courtyard of the house.
- The existing garages provide a sensible separation between buildings in Lansdowne Road and Arterberry Road.
- The proposal would adversely affect the private garden of 17 Lansdowne Road as the proposed house would be 2.9m high, considerably higher than the low height garages.-The proposed structure would be beneath existing tree canopies.
- Construction would entail incursion into the garden of 17 Lansdowne Road.
- The proposed house would generate noise.
- Number 17 which adjoins the site is within a conservation area and number 12 to 16 form a group of locally listed buildings.
- The proposal is back land development that conflicts with Council policy.
- The proposal should provide a contribution towards affordable housing.
- The proposal would increase on-street parking.

5.2 South Ridgway Residents Association

Although the site is not visible from the road, it would be totally inappropriate for a conservation area and would be contrary to policy ST13, wherein the borough is committed to preserve and where possible enhance conservation areas. The proposal would also detract from light enjoyed by several residents of Aston Court and would in fact intrude visually on their privacy. The proposal would almost certainly lead to damage to several mature trees, contrary to tree protection policies.

5.3 Wimbledon Society

There was an application for this address in 2013 which was rejected. This application seems to be incredibly similar, the only difference being the addition of a second bedroom and the reduction in amenity space. In policy DM D2 a v of the Council's sties and Polices Document it states that all developments should *Ensure provision of appropriate levels of sunlight and daylight, quality living conditions, amenity space and privacy, to both proposed and adjoining properties and buildings and gardens.* The Wimbledon Society feels that this development does not fulfil the above. The

living space and master bedroom receive their daylight from single aspect windows that look onto an enclosed courtyard, so not only do the rooms receive very little light, the outlook for residents will be a high timber fence. The house will have very little amenity space, just two small courtyards. The Society is also concerned about the closeness of this residential development to the inhabitants of Aston Court, with people living in the ground floor and basement flats being totally overlooked. For these reasons the Society opposes the application.

5.4 Tree Officer

The tree officer has been consulted and has no objections to the proposal subject to appropriate tree protection conditions being imposed on any grant of planning permission

5.5 Parking

The new unit is in a controlled parking zone (CPZ) with good access to buses from Wimbledon. The development should therefore be designated 'car free' secured through a S.106 Agreement.

5.6 Reconsultation

In response to concerns raised by objectors concerning the potential impact of the proposal upon daylight/sunlight to light wells of existing flats in Aston Court, the applicant commissioned a daylight/sunlight report. A reconsultation was undertaken and a further letter of objection has been received from a planning consultant acting for the occupiers of flat 8 Aston Court. The grounds of objection are set out below:-

-The recently submitted 'Updated Daylight/Sunlight Report is considered to be deficient, and does not properly address the situation found at the property. Notwithstanding this the Report noted that the existing amenity of the basement rooms is sub-standard and fails the 25 degree rule and the Report accepted that the development will further compromise the deficient amenity.

-The Report explicitly refers to the Tate Harmer drawings as the only reference document for dimensions/setting out etc. These were the plans submitted with the application and no new plans are appended to the Report. The submitted drawings, the Design and Access Statement and earlier Daylight/Sunlight Report have all been challenged on points of accuracy and detail. These points remain unaddressed in the application and the plans and documents have not been amended.

6. **POLICY CONTEXT**

6.1 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design) and CS20 (Parking).

6.2 The relevant policies within Merton's Sites and Policies Plan (July 2014) are, DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM O2

(Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments) and DM T3 (Car Parking and Servicing Standards).

- 6.3 The relevant policies contained within the London Plan (March 2015) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 7.4 (Local Character) and 7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations are the principle of redevelopment for a residential unit, impact on neighbour amenity, the design and impact upon the adjacent conservation area, the standard of accommodation and tree and parking issues. The planning history and in particular, the two previous appeal decisions relating to demolition of the garages and redevelopment for a single residential unit are strong material planning considerations.

7.2 Relationship of Current Proposal to Previous Appeal Decisions

As detailed in the planning history section earlier in this report, the first dismissed planning appeal following the Council's refusal of application LBM Ref.12/P2434 was only refused on the basis of the lack of an affordable housing contribution. It was for a single storey two bedroom house with the same general height and footprint as the current planning application but also had a higher recessed roof element, which does not form part of the current application. The second dismissed appeal (13/P1118) related to a one bedroom single storey dwelling with a smaller footprint which was only dismissed on grounds relating to concerns about light pollution from the clerestory windows. The impact on neighbouring properties in terms of daylight and outlook was considered to be acceptable in both cases.

- 7.3 The current proposal reverts to the same footprint and layout as 12/P2434 but omits the higher part of the roof. To overcome the second Inspector's concerns about light pollution from the clerestory windows, both the western and eastern clerestory windows have been omitted. In place of the clerestory windows, a zinc upstand above the 2m stock brick wall was proposed. In response to officer concerns about its harsh appearance, this has been replaced with timber louvers. Fixed roof lights are now proposed to provide additional lighting to the residential unit using Smart Glass technology that prevents transmission of artificial light but allows daylight through.

- 7.4 The proposal is therefore considered to address both previous grounds for refusal in that an affordable housing contribution is no longer being sought following a Court of Appeal decision as set out later in the report and the clerestory windows facing Aston court have now been omitted.

7.4 Loss of Existing Garages/Suitability of the site for Residential Use

The existing garages are accessed via a narrow (2.7m width) access way between the two blocks of flats. The garages can only accommodate the smallest of modern cars due to the size of the garages and the narrow access way. The garages are currently out of use and the spaces between the garages secured by close boarded fencing. Given the size of the garages and the narrow access there are no planning objections to the demolition of the existing garages. A residential development on part of the site would be an acceptable alternative use subject to design and neighbour amenity issues being resolved.

7.5 Design/Impact upon Adjacent Conservation Area

The building would be 2.9 m in height (only 400mm higher than the apex of the roof of the existing garages). A contemporary design approach has been adopted for the proposed house and elevations would be faced in reclaimed stock brickwork and would have a flat zinc roof. The proposed building would be only marginally higher than the existing garages and the development would not intrude into the northern corner of the site. The proposed design is considered to be acceptable in terms of its scale and massing and would not affect the character or appearance of the adjacent conservation area. The previously proposed zinc upstand has been replaced with timber louvres. The proposal is therefore considered to be acceptable in terms policies CS14, DM D2 and DM D4.

7.6 Standard of Accommodation

The current proposal involves the redevelopment of the site by the erection of a single storey, two bedroom dwelling house. The proposed house would be arranged around a central courtyard, with the main bedroom, corridor and living/kitchen/dining room facing onto the internal courtyard. Windows would face onto the central courtyard and rear amenity space. Additional light would be provided by flush fitting roof lights. The proposed internal layout is considered to be acceptable and the house would have a Gross Internal floor Area of 83m², exceeding the 70 m² minimum requirement as set out in the London Plan and nationally prescribed space standard for a two bedroom, 4 person single storey two bedroom dwelling. The proposed house would provide a total of 43m² of amenity space split between the central courtyard and the rear garden. The amenity space provision is slightly below the 50m² normally required for a new dwelling house. However the small shortfall in amenity space is not considered to warrant refusal of the application. The proposal is therefore considered to be acceptable in terms of policies CS8, CS14 and DM D2.

7.7 Neighbour Amenity

The concerns raised by neighbours regarding the impact of the proposed development are noted. The application site is close to the rear elevations of the two blocks that comprise Aston Court and the front elevation of the proposed house would be quite close to the windows and light wells of the flats in Aston Court. Several representations have been received referring to potential loss of daylight and sunlight to both windows and light wells of residential flats in Aston Court. However, as the Inspector noted in his Appeal decision in respect of application 13/P1118 dated 8 August 2014, that

although the proposed house would be taller than the existing garages and fencing it would replace, due to the orientation of the site and existence of surrounding obstructions, it would not result in unacceptable reductions in levels of natural light reaching nearby properties. The Inspector, also having regard to the previous Inspectors conclusions in respect of the 2013 Appeal was satisfied that the proposal would ensure adequate outlook from neighbouring properties. Therefore the Planning Inspectors in both Appeals have concluded that the development of a single storey dwelling on the site of the garages would not affect natural light or privacy to residents of Aston Court.

7.8 The architect has also submitted a daylight/sunlight study of the impact of the existing garages and the proposed house upon the flats at Aston Court. The daylight/sunlight study also demonstrates that the proposal would have a minimal impact upon the light wells and windows of flats in Aston Court in terms of daylight and sunlight loss. In order to address the concerns of the Planning Inspector, the raised clerestory windows have been removed from the design of the new house and light maintained by flush fitting roof lights. The modified proposal is therefore considered to be acceptable in terms of policy DM D2.

7.9 Whilst several representations have also been made concerning the accuracy of the plans and the information contained within the Daylight/Sunlight Report. However, the proposal meets the BRE guidelines in terms of daylight/sunlight and that the plans submitted with the application are accurate.

7.10 Trees

Although there are no trees within the application site, there are several mature trees within the garden of 17 Lansdowne Road, 36 and 38 Arterberry Road. The Council's tree officer has examined the proposal and is satisfied that the proposed development of a single storey dwelling would not impact upon the trees subject to tree protection conditions being imposed on any grant of planning permission.

7.11 Parking

The proposed development would not provide any off-street parking. However, the application site is within a controlled parking zone (CPZ) with good access to buses to Wimbledon. The development should therefore be designated 'permit free' secured through a S.106 Agreement.

7.12 Affordable Housing

The council is not currently seeking affordable housing onsite or financial contributions for affordable housing (under Policy CS8 of Merton's adopted Core Planning Strategy (July 2011)) from developments of 10 dwellings or less and no more than 1000 sqm of residential floor space. This follows a Court of Appeal decision supporting the retention of government policy set out at paragraph 31 (Reference ID: 23b-031-20160519) of the government's Planning Practice Guidance that seeks an exemption from affordable housing contributions for such developments. The council's position on this will be reviewed following any successful legal challenge to this decision or a

judgement in support of local authority affordable housing policy for such a development. The council's policy will continue to be applied to developments of 11 units or more and developments involving more than 1000 sqm of residential floor space.

7.13 Local Financial Considerations

The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for 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 CIL.

SUSTAINABILITY AND 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**

10.1 The current proposal for a single storey, two bedroom dwelling house is considered to address the concerns raised by the Planning Inspector on the previous proposal in terms of potential light overspill by deleting the clerestory windows and raised roof light from the proposal. The design and siting of the proposed house is considered to be acceptable. The concerns of neighbours are however noted and it is recommended that appropriate conditions be imposed on any grant of planning permission in respect of hours of demolition and construction and removal of permitted development rights in order to protect neighbour amenity. It is therefore recommended that planning permission be granted subject to a S.106 Agreement in respect of the development being designated 'permit free'.

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'.
3. The developer paying the Council's legal and professional costs in drafting and monitoring the legal agreement.

and 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. C.1 No Permitted Development (Extensions)
5. C.2 No Permitted Development (Windows and Doors)
6. C.6 Refuse and Recycling (Details to Be Submitted)
7. C.7 Refuse and Recycling (Implementation)
8. C.8 No Use of Flat Roof
9. D.10 External Lighting
10. D.11 Hours of Construction
11. F5P Tree Protection
12. F6P Design of Foundations
13. F.8 Site Supervision (Trees)
14. H.9 Construction Vehicles
15. 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 Policies Plan 2014.

16. Landscaping

INFORMATIVES:

INF1 (Party Wall Act)

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).

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

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