

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)
Najeeb Latif (Vice-Chair)
Philip Jones
Laxmi Attawar
Peter Southgate
Stephen Crowe
David Dean
Jerome Neil
Andrew Judge
Geraldine Stanford

Substitute Members:

Brenda Fraser
Joan Henry
Daniel Holden
John Sargeant
John Bowcott

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

Date: 14 December 2017

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

14 December 2017

- | | | |
|---|------------------------------------|--------|
| 1 | Apologies for absence | |
| 2 | Declarations of Pecuniary Interest | |
| 3 | Minutes of the previous meeting | 1 - 10 |
| 4 | Town Planning Applications | |

The Chair will announce the order of Items at the beginning of the Meeting.

A Supplementary Agenda with any modifications will be published on the day of the meeting.

Note: there is no written report for this item

- | | | |
|---|---|---------|
| 5 | Deacon House, 10 Atherton Drive, Wimbledon SW19 5LB
Application Number: 17/P2878 Ward: Village | 11 - 20 |
|---|---|---------|

Recommendation: Grant Planning Permission subject to conditions

ITEM WITHDRAWN FROM THIS AGENDA

- | | | |
|---|---|---------|
| 6 | R/O 218 Morden Road, South Wimbledon,
Application Number: 17/P2921 Ward: Merton Park | 21 - 44 |
|---|---|---------|

Recommendation: Grant Planning Permission subject to conditions

- | | | |
|---|---|---------|
| 7 | 1 Amber Court, 100 Richmond Road, West Wimbledon,
London, SW20 0PD
Application Number: 17/P3697 Ward: Raynes Park | 45 - 54 |
|---|---|---------|

Recommendation: Grant Planning Permission subject to conditions

- | | | |
|---|---|---------|
| 8 | 18 Ridgway Place, Wimbledon SW19 4EP
Application Number: 17/P2807 Ward: Hillside | 55 - 62 |
|---|---|---------|

Recommendation: Grant Planning Permission subject to conditions

- | | | |
|---|--|---------|
| 9 | 10 St Mary's Road Wimbledon SW19 7BW
Application Number: 17/P2937 Ward: Village | 63 - 70 |
|---|--|---------|

Recommendation: GRANT Planning Permission subject to conditions

- | | | |
|----|--|-----------|
| 10 | Park Gate House, 356 West Barnes Lane, New Malden, KT3 6NB
Application Number: 17/P2952 Ward: West Barnes

Recommendation: Grant Planning Permission subject to conditions | 71 - 94 |
| 11 | 49 Whitford Gardens, Mitcham CR4 4AB
Application Number: 17/P3691 Ward: Figges Marsh

Recommendation: Grant Planning Permission subject to conditions | 95 - 106 |
| 12 | Land R/O 1 York Road, South Wimbledon SW19 8TP
Application Number: 17/P2440 Ward: Village

Recommendation: Grant Planning Permission subject to completion of a S106 Agreement and conditions | 107 - 124 |
| 13 | Planning Appeal Decisions
Recommendation:
That Members note the contents of the report. | 125 - 128 |
| 14 | Planning Enforcement - Summary of Current Cases
Recommendation:
That Members note the contents of the report. | 129 - 136 |
| 15 | Additional Date for PAC - Thursday 8 March 2018
A verbal update on the requirement for an additional PAC date in March 2018 | |

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.

Human Rights Implications:

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 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).

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.

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.

Order of items: Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

Speaking at Planning Committee: All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

All Speakers MUST register in advance, by contacting The Planning Department no later than 12 noon on the day before the meeting.

PHONE: 020-8545-3445/3448

e-mail: planning@merton.gov.uk)

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

Submission of additional information before the meeting: Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

Please note:

There is no opportunity to make a visual presentation when speaking at Planning Committee

That the distribution of any documents by the public during the course of the meeting will not be permitted.

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Agenda Item 3

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 www.merton.gov.uk/committee.

PLANNING APPLICATIONS COMMITTEE

16 NOVEMBER 2017

(7.15 pm - 10.06 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor Laxmi Attawar, Councillor Stephen Crowe, Councillor David Dean, Councillor Philip Jones, Councillor Andrew Judge, Councillor Peter Southgate and Councillor Geraldine Stanford and Councillor Joan Henry

ALSO PRESENT Neil Milligan
Jonathan Lewis
Sarath Attanayake
Lisa Jewell

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Jerome Neil, Councillor Joan Henry substituted for him.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of Pecuniary interest.

Councillor Najeeb Latif declared that as he owned a property from which he could see the site at 247 The Broadway (Item 8) he would neither participate nor vote on this item.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 19 October 2017 are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5, 6, 7, 8, 9 and 10
Order of the meeting – The Chair announced that the order of items taken at the meeting would be: 6, 5, 7, 8, 9, 10, 11 and 12.

5 247 THE BROADWAY, WIMBLEDON, SW19 1SD (Agenda Item 7)

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

The Committee noted the officer's report and presentation and additional information in the supplementary agenda regarding the Design Review Panel's consideration of the current application.

The Objectors made points including:

- Although the design is better than the previously refused scheme, it is still not suitable in this 'family' area of Wimbledon
- It is still 3m taller than the existing building
- The CIPD building should not be used to justify this proposal, which should not be justified by bad planning decisions in the past
- It will set a precedent
- The design of the rear, with open terracing overlooking neighbours, is abominable.
- This design is still taller than other 5 storey buildings in the area and should not be taller than the Antoinette Hotel.
- The proposal is against everything that residents want and will cause overlooking to the residents behind.

The Agent and Architect to the application made points including:

- The 2014 mixed use development could still be implemented but this application takes account of residents concerns regarding the residential element of that application.
- Since the 2016 refused scheme the applicant has appointed new architects to redesign the scheme. They have taken on board the DRP's concerns.
- After public consultation the height of the building has been lowered again and reduced by a further 4m. The bulk height and massing of the refused scheme has been addressed
- An area of shared workspace for use by local community is to be considered
- The current building on the site is not sustainable and of low quality. This new building is highly energy efficient to BREEAM outstanding standards
- The proposal contains a basement which allows the area to be larger than the extant scheme.
- The building has an active frontage
- The stepped terraces will be planted to scree and prevent overlooking

The Ward Councillor was going to speak but on declaring that he had a financial interest in a property close to the application site he withdrew his speech.

In reply to Members Questions the Development Control Manager made points including:

- Application is similar in height to previously approved scheme
- Plant room on top of the building is 1.7-1.8m tall

- The allowed scheme had 9 housing units wrapped around the back. Employment space is important in this town centre location. Conditions could be added to prevent the office space being converted to residential.
- Car parking is considered adequate given the location, the entrance is from the main road and a car lift forms part of the application.

Members made comments including:

- This application is an improvement on the previously refused application in terms of balance, proportions and materials but it is still too high, and is out of proportion with its neighbouring buildings and its location. It is wrong to compare it too the CIPD building. It is surrounded by much lower buildings; Holy Trinity Church, The Polka Theatre, shops and others.
- The proposal is too deep and too high and does not take notice of the buildings around it. It is an improvement on the refused scheme but the applicant should go back to the allowed 2014 scheme.
- This proposal detracts from the Holy Trinity Church it is opposite
- This proposal is too large, and is not appropriate for this end of the Broadway.

A Refusal was proposed and seconded for the reasons of unacceptable height, size, bulk, and massing of the proposed building and the Design does not relate to neighbouring buildings

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - Unacceptable height, size, bulk, and massing of the proposed building
 - Design does not relate to neighbouring buildings
 2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies.
- 6 12-24 ALWYNE MANSIONS, ALWYNE ROAD, WIMBLEDON, SW19 7AD
(Agenda Item 5)

Proposal: Conversion of roofspace into 4 x self-contained flats, involving the erection of rear mansard roof extensions and front facing rooflights. (Scheme 1).

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda

The Objectors made points including:

- Residents of homes behind the property object to the proposal on the grounds of loss of daylight, loss of sunlight and overlooking.
- Every one of the proposed flats will look straight into residents rooms including bedrooms
- The Sunlight analysis is very misleading and inaccurate.
- Residents of the existing flats in Alwyne Mansions have serious concerns regarding the construction impact of the proposal and asked for a full construction management plan.
- They also asked for additional conditions requiring soundproofing from the new flats, and for the garden, tended by residents, to be returned to its current state after construction
- Residents request that the waste proposals be reconsidered as the proposed system would cause a serious noise problem to current residents

The Applicant made points including:

- The applicant has met with leaseholders and engaged in consultation on the proposal. They have written to all residents regarding noised reduction measures
- The proposal is car- free
- The proposal is in character and will match the existing building
- The Ridge height will be the same as existing, there will be an increase in volume but no increase in bulk
- This will provide new homes in a sustainable location
- The daylight study was carried out on the recommended date

The Ward Councillor Daniel Holden made points including:

- Plans deliberately confusing
- Material Consideration is the direct overlooking at the rear
- No regard to the impact on the neighbours
- Refuse and waste will be a problem, the proposed bin store is inadequate
- Heritage issues should be considered as this is an historic building

In response to members Questions the Development Control Manager made points including:

- There are two current applications for this property, the difference being window configuration.
- Loss of daylight and Sunlight to neighbours not significant because the application site is to the north of these properties
- Acknowledge that there is overlooking of the neighbouring properties, but there are trees in between.
- The building is not listed or locally listed

Members commented that the application would cause serious overlooking to properties in Compton Road and that the trees would do little to screen this overlooking. A Refusal was proposed and seconded for the reason that the proposal failed to meet the requirements of DMD2 and would overlook the properties in Compton Road.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
The application fails to meet policy DMD2 – it will overlook its neighbours and adversely affect their amenity.
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

7 96-98 THE BROADWAY, WIMBLEDON, SW19 1RH (Agenda Item 6)

Proposal: Alterations and extensions to existing building to create 8 x 1 bedroom and 1 x 2 bedroom flats to upper floors and extension to existing ground floor retail units.

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda.

The Objector, representing Love Wimbledon and local businesses, made points including:

- The application form is inaccurate
- Local Businesses oppose this application
- Cobden mews is an un-adopted road and the road surface is not maintained.

- There is already a problem with illegal parking and fly-tipping on Cobden Mews and it does attract anti-social behaviour. Parking permits will make parking situation worse.
- The waste storage proposed is not large enough
- There are already issues with waste collections being missed in the area because of access issues
- Construction Vehicles will not be able to access the site

Ward Councillor Abdul Latif made comments on behalf of residents including:

- The site is too small for further extension
- It will make traffic congestion worse and there are already insufficient parking spaces.
- There is no room for vehicles to turn when delivering to the rear of the property
- The waste collection already has problems because of access issues
- There will be a loss of sunlight and privacy to the offices

Councillor John Sergeant spoke on behalf of Business people who were residents of his ward, and made points including:

- The application is an overbearing addition to an overcrowded mews
- The s106 car parking will make matters worse
- Don't believe that the rubbish arrangements will be suitable
- The development at 100 The Broadway has set a very bad precedent
- The officers report is inaccurate in reporting the objections received
- It will be physically impossible to build this without the developers trespassing onto the land opposite

In answer to Members Questions Officers gave the following information:

- The Planning process will not protect one business over another
- Land interest and ownership is not a planning consideration
- The installation of sprinklers is a building control issue
- Any extractor units would require planning permission
- Emergency services could park on the public highway if needed and access the building from the front. If the fire service was needed all points in the building are less than 45m from the adopted highway.

- The existing residents bring their waste to the front of the building for collection . That system would continue
- The existing shops use the public highway for deliveries
- The site is in the Town Centre, so the recognised lack of amenity space is considered acceptable.
- There are recognised difficulties with land ownership on this site, as it is not on Council ownership. Land owners can come together to enforce parking restrictions
- It is unfair to compare this property to Grenfell Tower, this is only 3 storeys and brick built. Internal escape routes have to be in place to satisfy Building Regulations

Members commented that there was no evidence of fire risk or danger in the proposed property.

A Refusal was proposed and seconded for the reasons of unacceptable Bulk and Massing. However this was not carried, the Chair using her casting vote to vote against refusal

The Committee then voted on the Officers recommendation to approve planning permission. This was agreed, with the Chair using her casting vote to vote in favour of approval.

RESOLVED

The Committee voted to GRANT Planning Permission subject to completion of a S106 Agreement and conditions.

8 240 BURLINGTON ROAD, NEW MALDEN, KT3 4NN (Agenda Item 8)

Proposal: Use of the building to extend the range of occupiers of the building authorised under planning permission ref 14/P0559 from students to students and graduates in full time employment.

The Committee noted the officer's report and presentation and additional consultation responses contained in the Supplementary Agenda.

Members commented that it would be difficult to enforce the Graduate Status of the proposed Stage 3 tenants. One member felt that to reduce residents' concerns the stage 3 graduate tenants should not be agreed, however other members felt that this type of short term accommodation for young graduates was a good idea.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

9 30 NEWSTEAD WAY, WIMBLEDON, SW19 5HS (Agenda Item 9)

Proposal: Altered boundary wall including increase in height, new gates and relocation of pillars to provide new vehicular access

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda.

Members commented that they were pleased to see the retention of the hedge.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

10 3 ORCHARD LANE, RAYNES PARK, SW20 0SE (Agenda Item 10)

Proposal: Demolition of existing dwelling and the erection of 4 x 4 bedroom terraced houses and 1 x 4 bedroom detached house with associated parking & landscaping.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda.

The Objectors raised residents' concerns including:

- Increased use of the access road will cause problems. It is too narrow for cars to pass each other and so vehicles will have to back out onto the public highway across pedestrian routes.
- Site is 'land-locked' and large vehicles will have difficulties entering and leaving the site
- Emergency Vehicles will also have difficulties entering and leaving the site, neighbours have witnessed patients on stretchers being carried by hand out of this access road.
- The road is used by Children walking to the park, other pedestrians use the road – there is no pathway
- Protection is needed for the Redwood tree that is the subject of a TPO.
- There will be increased demand for waste collection, which will add to problems

The Applicant made points including:

- The Site is not in a conservation area and cannot be seen from the public highway
- The proposal will not cause overlooking because there will be no windows on the flank wall

- It will not cause loss of light, it meets BRE standards
- The access way has been assessed as suitable, it is not intended to be two way and a passing point is included. Construction Vehicles will be able to enter forwards
- There has been a full arboricultural report and the Council's tree officers have reviewed this and made recommendations
- An application at 258 Coombe Lane is accessed by a longer narrower lane. This was refused at Committee but allowed by the Planning Inspector.

Ward Councillor Adam Bush made points including:

- The access road is a problem for residents. Only 3m of its width is tarmacked the rest is gravel
- The application is a risk to the safety of Commuters who walk down this access road
- Extra Refuse collections will cause problems
- The gate will cause problems for delivery drivers

In answer to Members Questions and point raised by objectors. Officers made points including:

- The development is not gated
- The width of the access road meets the carriageway requirements contained in the Department of Transport Manual for Streets
- Any future conversion to flats would require Planning Permission
- The planning officer confirmed that the Council had surveyed residents in the past as to whether a CPZ should be introduced on Orchard Lane but that this had been rejected (May 2015).
- The application site is garden space associated with a dwelling and so its development is regulated by the Council's adopted planning policies set out in the Local Development Framework including policy CS13. The Council therefore has proper planning controls in place to control development of garden land.
- No part of the site falls within a conservation area
- Officers are not aware of a covenant on the land, however even if this exists it is not a material consideration with regard to planning consent
- The application is an opportunity to widen the crossover, this does not affect any front gardens, and the work can be done before construction to allow construction vehicles to adequately access the site.

- Historical Documents and policies, such as an SPG from December 1999, have been superseded by current policies and guidance and should not be used as a basis for decision making. All PPS documents have been superseded by the NPPF

Members commented that the application was appropriate and well balanced in its setting. However other members commented that the proposal was not of an appropriate design in the setting as it would create a terrace of modern houses with small gardens within a neighbourhood of larger detached and semi-detached houses with large gardens.

A refusal was proposed and seconded on the grounds that the application was contrary to policy DMD2 policy A1. Other Members commented that it would be unreasonable to refuse this application as the proposed house were not in public view, the site was large enough to accommodate the proposed houses and provide them with gardens that exceeded minimum standards, and that the access carriageway was clearly wider than the 4.1m minimum width standard.

The refusal was not carried.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions within the officers report and an additional condition regarding the access road.

Councillor Steven Crowe requested that his dissent be noted in the minutes.

11 PLANNING APPEAL DECISIONS (Agenda Item 11)

RESOLVED

The Committee noted the report on recent Planning Appeal Decisions.

12 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)

Committee members were pleased to note that the Enforcement Team was now back to full strength and asked officers to investigate the following cases:

Bushey Road

Bathgate Road – Wimbledon Village

Marryat Road – Wimbledon Village

29 Carlingford Gardens Mitcham

RESOLVED

The Committee noted the report Planning Enforcement – Summary of current cases

PLANNING APPLICATIONS COMMITTEE 14 DECEMBER 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P2878	02/08/2017
Address/Site	Deacon House, 10 Atherton Drive, Wimbledon SW19 5LB
Ward	Village
Proposal:	Erection of a new detached garage with basement car park and erection of a two storey side extension with basement games room.
Drawing Nos	P01, P02, P04, P05, P06, P08, P09
Contact Officer:	Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to 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 – 14
- 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 comprises a detached two storey dwelling house situated at the southern end of Atherton Drive, a cul-du-sac accessed from Burghley

Road. There is an existing detached garage to the side of the property adjacent to the rear boundary with 21 Calonne Road. The application property is situated within a large garden screened by mature tree and shrub planting. The application site is not within a conservation area but is close to the boundary with the Merton (Wimbledon North) Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a detached garage building with basement car parking below and erection of a two storey extension to the existing dwelling house with games room below at basement level.
- 3.3 The proposed detached garage building would be 6.5 metres in width and 8.5 metres in length. The garage would have an eaves height of between 2.5 and 3.2 metres and would have a hipped roof with an overall height of between 4.1 and 5.5 metres. The garage would contain a car lift providing access to a basement car park for eight cars.
- 3.4 The proposed two storey extension would be sited on the south elevation of the existing dwelling house and would be 9 metres in width (at ground floor level) and 14 metres in length. The extension would have a 'cat slide' roof that would slope upwards from the boundary with 19 Calonne Road, with first floor accommodation provided within the roof space. Two dormer windows would be provided to the garden elevation and a single dormer window (to a bathroom) provided to the side elevation facing towards the boundary with 19 Calonne Road. Beneath the side extension a basement would be formed to provide a games room.

4. **PLANNING HISTORY**

- 4.1 In July 1989 planning permission was granted for the erection of a first floor side extension (LBM Ref.89/P0804).
- 4.3 In November 1995 planning permission was granted for the erection of a part single, part two storey detached house with accommodation within the roof and integral garage fronting Calonne Road and erection of a part single/part two storey detached dwelling with integral swimming pool, detached double garage with accommodation above with access from Atherton Drive involving the demolition of 10 and 12 Atherton Drive (LBM Ref.95/P0762).

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 18 objections have been received. The grounds of objection are set out below:-

-The construction of an underground garage would cause problems with the water table cause disruption to traffic and cause problems of access to other houses.

- The proposed garage could result in a commercial activity taking place in a residential area.
- The proposed basement may affect nearby trees and result in loss of greenery.
- The large garage will result in noise and pollution.
- the basement may increase risk of flooding and have an adverse impact upon ground water.
- The excavation to build the underground garage would cause noise and nuisance.
- The garage will result in the loss of an orchard and garden area.
- Keeping cars underground would be a fire hazard.
- The garage and extension to the house would constitute overdevelopment of the site.
- The proposed two storey extension would face onto 19 Calonne Road and the window in the side elevation would result in overlooking.

5.2 Parkside Residents Association

The Parkside residents Association state that the proposed basement car park is disproportionately large, inappropriate and unsuitable for a residential location. The proposal will allow for the garaging of 12 cars on the site. This is excessive for a residential location. There are no properties in the area which offer garaging on such a scale. Driving vehicles in and out of the basement would generate numerous traffic movements along a quiet cul-du-sac and create disturbance. There are no details of the car lift and it must be demonstrated that this equipment will not cause undue noise. The storage of cars underground could be a safety risk. The proposal will also result in the loss of trees and the flood risk assessment and basement construction method statement provides little information on the impact of the development upon neighbour amenity. The first floor window in the two storey side extension would result in overlooking and loss of privacy to 19 Calonne Road.

5.4 Tree Officer

The tree officer has confirmed that the applicant has provided sufficient information to the proposed development in response to earlier concerns and the tree officer is now satisfied that the development can be implemented in a satisfactory manner subject to tree protection conditions being imposed on any grant of planning permission.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011) CS14 (Design) and CS20 (Parking).

6.2 Sites and Policies Plan (July 2014) D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM D4 (Managing Heritage Assets) and DM T3 (Car Parking).

6.3 The London Plan (March 2015)

The relevant policies within the London Plan are 6.13 (Parking), 7.4 (Local Character) and 7.4 (Local Character).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the design, basement construction, neighbour amenity, tree and parking issues.

7.2 Design Issues

The proposal involves the erection of a two storey extension to the existing house and the erection of a detached double garage building that would provide lift access to an underground car parking area. The proposed extension to the dwelling house has been designed to complement the design of the existing house and would incorporate a hipped roof and rendered wall. The detached garage building has also been designed to complement the design of the existing house. Once constructed the basement parking area and games room would not be visible and would have no impact upon the character of the nearby conservation area. The proposal is therefore acceptable in terms of policies CS14, DM D2 and DM D4.

7.3 Basement Construction

A number of representations have been received concerning the impact of the proposed basement construction on trees and ground water. However, the applicant has provided a basement construction method statement prepared by a qualified structural engineer and the report concludes that based on the survey information the basements can be constructed in a safe and effective method without significant impact upon neighbouring properties. The proposed basement is therefore considered to be acceptable in terms of policy DM D2.

7.5 Neighbour Amenity

The resident's concerns regarding the scale of the underground parking area are noted. However, the applicant collects classic cars and there are no objections to the construction of an underground parking area as once constructed the access would be via a conventional detached double garage. (A similar development was also recently approved at 28 Linfield Road LBM Ref.16/P0272). The proposed two storey side extension to the existing house (incorporating a basement games room) would be sited adjacent to the rear boundary with 19 Calonne Road. However, although two storeys the first floor would be within the roof space, with the hipped roof sloping away from the boundary with 19 Calonne Road. Although a side dormer window is proposed facing onto 19 Calonne Road, the window would be to a bathroom and would be obscure glazed. It is therefore considered that the proposal is acceptable in terms of policy DM D2.

7.6 Trees

The Council's tree officer has been consulted on the proposals and is satisfied with the information contained within the arbouricultural report. The tree officer has however recommended that appropriate planning conditions be imposed on any grant of planning permission to protect retained trees during

construction works. The proposal is therefore considered to be acceptable in terms of policy DM DO2.

7.7 Parking

The existing access arrangements to the site are unaffected by the proposed development and the proposal would involve the provision of additional parking spaces at basement level for the owners collection of classic cars. Therefore there are no planning objections to the proposed development.

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

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 proposed two storey side extension to the existing dwelling house and the erection of the detached garage building are considered to be acceptable in design terms. Although the proposal involve the provision of basement car parking area accessed via a car lift and provision of a small basement beneath the two storey side extension, the applicant has provided a basement construction method statement demonstrating that the basements can be constructed in a safe manner. The proposal is considered to be acceptable in terms of neighbour amenity would not affect the character of appearance of the neighbouring Merton (Wimbledon North) Conservation Area. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. C.2 (No Permitted Development –Door and Windows)
6. C.4 (Obscure Glazing-Side Dormer Window to Bathroom)
7. D.11 (Hours of Construction)

8. F1 (Landscaping)
9. F2 (Landscaping-Implementation)
10. F5 (Tree Protection)
11. The details of measures for the protection of existing trees as specified in the approved document BS 5873:2012 Arbouricultural Report Impact Assessment, Arbouricultural Method Statement and Tree Protection Plan dated August 2017 including drawing titled Tree Protection Plan dated 03/11/2017 shall be fully complies with. The methods for the protection of the existing trees shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report. The details of the measures as approved shall be retained and maintained until the completion of site works.

Reason for condition: to protect and safeguard the existing retained trees and those trees located in neighbouring amenity space in accordance with the following development Plan policies for Merton: Policy 7.21 of the London Plan 2015, Policy CS13 of Merton's Core Planning Strategy 2011, and Polices DM D2 and DM O2 of the Adopted Merton Sites and Polices Plan 2015.

12. F.8 (Site Supervision – Trees)
13. F.6 (Design of Foundations insert 'within 11 metres of retained trees')
14. The existing ground levels within the root protection area of the existing retained Beech tree (referred to as T20) shall not be raised or lowered and shall remain as existing.

Reason for condition: To protect and safeguard the existing retained Beech tree in accordance with the following development Plan Policies for Merton: Policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011, and Polices DM D2 and DM O2 of the Adopted Merton Sites and Polices Plan 2015.

15. The new footpath shown on the approved drawing number P07 Rev A beneath the canopy of the Beech tree (referred to as T20) shall be constructed using no-dig construction as detailed in Arbouricultural Practice note 12.

Reason for condition: To protect and safeguard the existing retained Beech tree in accordance with the following development Plan Policies for Merton: Policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011, and Polices DM D2 and DM O2 of the Adopted Merton Sites and Polices Plan 2015.

16. F.1 (Landscaping Scheme)

17. Prior to commencement of construction a fully detailed Basement Construction Method Statement shall be submitted and be approved in writing by the Local Planning Authority. The development shall be undertaken 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 DM D2 of the Adopted Merton sites and Polices Plan 2015.

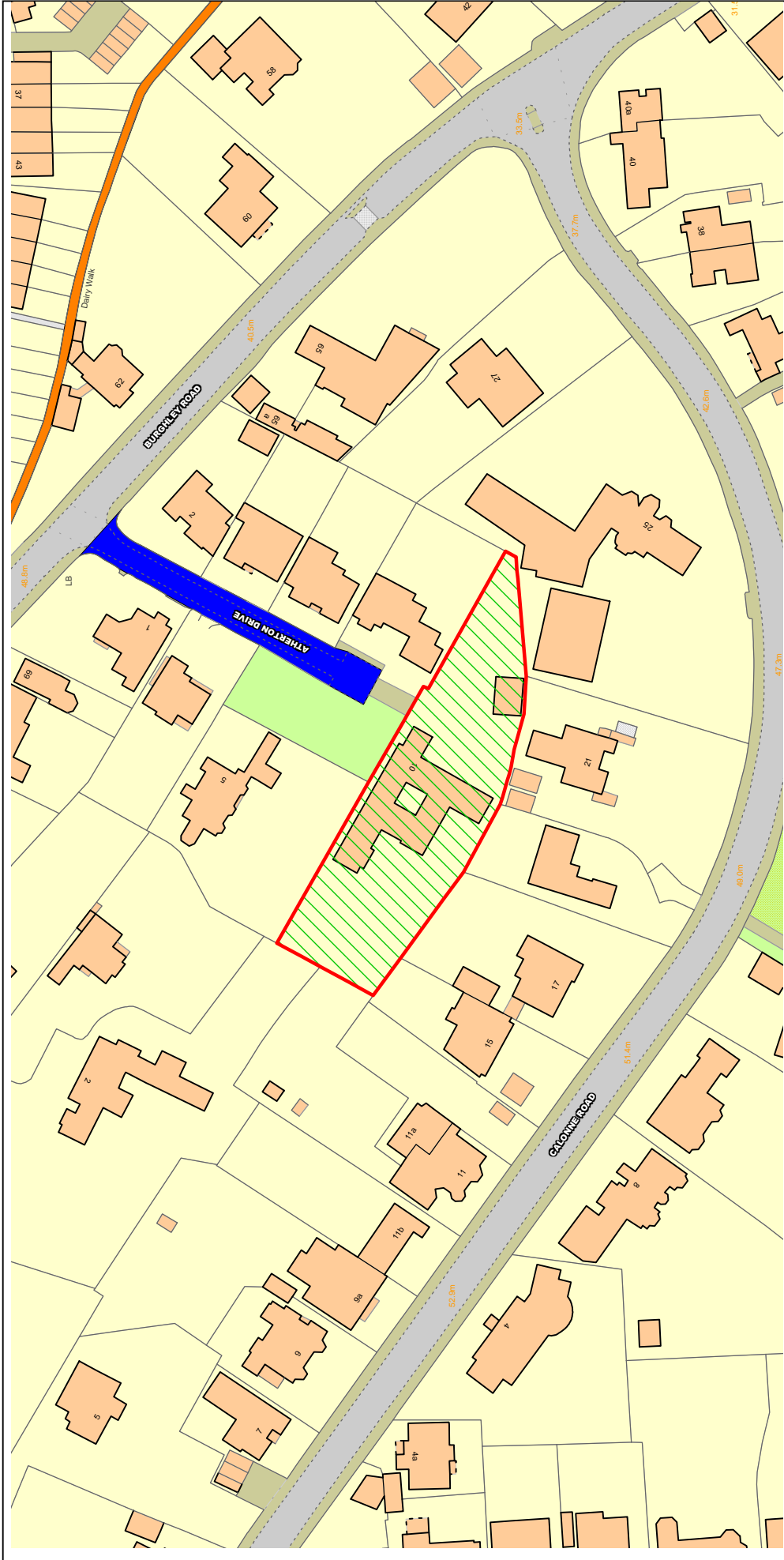
18. INF 1 (Party Wall Act)
-

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 14 DECEMBER 2017

APPLICATION NO. **DATE VALID**
17/P2921 28/07/2017

Address/Site 15 garages, R/O 218 Morden Road, South Wimbledon, London

Ward Merton Park

Proposal: Outline application for the demolition of existing garages and the erection of 3 x 3 bedroom two-storey terraced houses. Approval is being sought for access, layout and scale with landscaping and appearance reserved matters

Drawing Nos; L(2) 311, 312, 313, 314; L(3) 310, 311, 312; L(4) 310, 311, 312, 313

Contact Officer: Mark Brodie

RECOMMENDATION

Grant Outline planning permission subject to 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: 11
- Press notice – No
- Site notice – Yes
- External consultations: Transport for London
- Archaeological Priority Zone – No
- Controlled Parking Zone - No
- Number of jobs created: N/A

1 INTRODUCTION

1.1 The application has been brought before the Committee due to the level of public interest.

2. SITE AND SURROUNDINGS

2.1 This existing backland site comprises 15 single-storey garages located to the r/o 214-218 Morden Road and r/o 49-53 Daybrook Road. With the exception of the existing church at 214 Morden Road, the application site is bounded on

three sides by residential gardens to the (north east & west).in Morden Road and Daybrook Road. The application site also runs alongside part of the garden areas of 55 Daybrook Road and 206 Morden Road. Along the southern boundary of the site is a large car showroom warehouse. The existing gated site lies at the end of a shared vehicular/pedestrian access for which it appears others have “rights of way” over, in particular to serve the existing garages to the r/o of 216 & 218 Morden Road.

3. **CURRENT PROPOSAL**

- 3.1 The proposal involves an application for Outline planning permission for the demolition of existing garages and the erection of 3 x 3- bedroom two-storey terraced houses (approval is being sought for access, layout and scale) with landscaping and appearance reserved matters
- 3.2 Each dwelling will have a ground and first floor footprint of 52 sq.m’ House 1 will benefit from a rear garden of 55 sq.m (as well as a side garden area of 33 sq.m) and Houses 2 & 3 will both have 46 sq.m gardens to the rear in a single uniform level and usable space. Parking for one vehicle associated with House 1, will be provided to the north of the site and cycle storage is located to the front of each dwelling alongside an area allocated for refuse storage

plots	Building footprint Sq.m	Amenity/garden Sq.m	Size of units Sq.m	Mayor’s Minimum space standards
1	52	55	104	93
2	52	46	104	93
3	52	46	104	93

- 3.3 The block of three terraced properties would measure (overall width 18m, overall depth 10m, overall height with a flat roof 5.95m).
- 3.4 In support of the scheme the applicants submitted the following documents:- Transport Statement; Planning Statement & Daylight & sunlight report. The reports main conclusions are summarised below
- 3.5 Transport Statement: The proposals are for three houses with 3 bedrooms each with 1 parking space. There will be a minimum of 6 cycle spaces . The site has excellent public transport accessibility at PTAL 6a. The site is within a CPZ and on a red route so on street parking will not be possible apart from one hour parking in a parking bay. The proposals conform to the London Borough of Merton’s policy for reduced parking in a controlled parking zone. Large servicing vehicles will unload in the parking bay on-street and refuse collection will be made from Morden Road. Smaller service vehicles will be able to access and turn within the site.
- 3.6 Daylight and Sunlight Report : The proposed development is substantially below a vertical angle of 25 degrees taken from the ground floor windows of

51 Daybrook Road and 214 Morden Road that the proposed development comfortably satisfies the BRE initial screening test for daylight and sunlight and that detailed modelling and testing is not required. As the development is below the 25 degree screening test, the residual VSC values received by the neighbouring houses will continue to be not just over 27% but substantially above 27% VSC and the annual APSH values will be in excess of 25% with more than 5% of those APSH being recorded in the winter months. The overshadowing analysis demonstrates that 78.87% of the rear garden behind 55 Daybrook Road will continue to receive more than two hours of sun when measured on the Spring Equinox and will therefore comfortably satisfy the BRE target of 50%. In addition, the pattern of overshadowing illustrated in the analysis shows that those areas that fall below the two hour target are the areas directly adjacent to the existing boundary fence and rear shed and already receive less than two hours of sun on the Spring Equinox under existing conditions. In overall conclusion the proposed development comfortably satisfies all the BRE recommendations in respect of daylight, sunlight and overshadowing.

3.7 Planning Statement: The scheme has evolved in response to appeal dismissals in June 2017 and has been amended to improve separation to the northern site boundary. The Inspectors decision represents a key material consideration in determination of this subsequent planning application. The Inspector agrees with the Council that the principle of residential development at the site is acceptable and has clarified that elements of the scheme that are acceptable in planning terms. A revised scheme is proposed informed by the original reasons for refusal, as well as the Inspector's comments within the appeal dismissal, that centre on the relationship of the development on the residential gardens to the north. The key changes to the scheme, informed by the Council's and inspector's comment to date are as follows:-

- Reduction in the number of units from 4 to 3 dwellings to reduce bulk, scale and massing of the development.
- Setback from the northern boundary by 3m to minimise impact on the adjoining occupiers.
- Provision of single, useable rear garden spaces totalling 55 sq.m for house 1 and 46 sq.m for houses 2 and 3 (despite the Inspector's acceptance of smaller gardens as previously proposed) and
- Provision of onsite parking space for house 1 along with swept path analysis of access and turning within the site

The proposed development reflects various comments made by the Inspector's decision and responds positively to these. The proposal is therefore compliant with relevant development plan policy and reflects various key material considerations. It is further demonstrated that the proposal represents sustainable development and that the planning balance is in favour of the scheme.

4. PLANNING HISTORY

- 4.1 M/M8387 – (1960) p.p. granted for the erection of 15 lock up garages.
- 4.2 MER1044/72 – Erection of a single-storey building for use as a building contractors office, involving the demolition of 15 lock up garages - refused - Would not accord with the provisions of the Initial Development Plan for Greater London which allocates the area primarily for use for residential purposes; (2) introduce a commercial use on this back land site which would be likely to affect adversely the amenities of adjoining residential properties by reason of noise and increased activity; (3) result in the loss of 15 lock up garages on the site for which there is an unsatisfied demand in the locality)
- 4.3 MER1320/73 – Erection of a single-storey office building and the formation of a car parking area involving the demolition of 15 garages – refused – (The proposed development for office purposes would – (1) not accord with the provisions of the Initial Development Plan for Greater London which allocates the area primarily for use for residential purposes; (2) introduce a commercial use on this back land site which would be likely to affect adversely the amenities of adjoining residential properties by reason of noise and increased activity; (3) result in the loss of 15 lock up garages on the site for which there is an unsatisfied demand in the locality - subsequent appeal dismissed.
- 4.4 MER872/73 – Erection of a single-storey office building for use as a building contractor’s office – refused
- 4.5 MER202/73 - Erection of two bungalows and two detached houses – refused – (By reason of the restricted size and shape of the site, the proposed development would result in unsatisfactory over-development of back land resulting in insufficient amenity open-space being available for the normal day- to- day outdoor activities of the occupier of the proposed dwellings.
- 4.6 MER290/81 – Outline application for a pair of semi- detached bungalows – refused (By reason of the restricted size and shape of the site, the erection of a pair of semi-detached bungalows and garages as proposed would result in unsatisfactory over-development of insufficient amenity open space being available for the normal day to day outdoor activities of the occupiers of the proposed buildings)
- 4.7 MER.501/85 - Outline p.p. refused for the demolition of existing lock-up garages on the site and the erection of a new detached two bedroom bungalow with double garage. – (1) would result in the loss of the existing lock-up garages on this site which would lead to an undesirable increase in kerbside parking in the area to the detriment of occupiers of adjoining residential properties. (2) The proposed bungalow and its garden would be severely overlooked from adjoining properties resulting in the lack of any private amenity space for the occupiers of the new dwelling and (3) be an undesirable and unneighbourly form of development prejudicial to the amenities of occupiers of adjoining dwellings.

- 4.8 16/P3254 p.p. refused for the demolition of existing garages and the erection of 4 x 2 bedroom, two-storey terraced houses.

((1). The proposals by reason of design, size, massing, and relationship to the surrounding pattern of development, would result in an un-neighbourly visually intrusive and oppressive form of development that would give rise to a loss of outlook and privacy to the detriment of the amenities of neighbouring occupiers. The proposals would be contrary to policies 7.4 and 7.6 of the London Plan (2011), policy CS14 of the Merton LDF Core Planning Strategy (2011) and policies DM D2 of the Merton Sites and Policies Plan (2014).

(2) The proposed layout would result in an unsatisfactory environment for future occupiers, arising from a failure to provide gardens that meet the Council's minimum garden space standard as a single regular shaped amenity space to the detriment of the amenities of future occupiers. The proposals would be contrary to policy 7.6 of the London Plan (2011), policy CS.14 of the Merton LDF Core Planning Strategy (2011) and policy and DM D2 of the Merton Sites and Policies Plan (2014).

(3) In the absence of a legally binding Unilateral Undertaking which would restrict future occupiers of the proposed residential units from obtaining parking permits in controlled parking zones which operate within the locality, the development would have a detrimental impact on the safety and convenience of other road users and the free flow of traffic. The development would therefore be contrary to Policy CS20 of the Sites and Policies Plan and Policy 6.13 of the London Plan.

- 4.9 14th June 2017 Subsequent appeal dismissed. A copy of the inspector's decision notice is attached to appendix 1 of this report.

- 4.10 16/P3252 p.p. refused for the demolition of existing garages and the erection of 4 x 3 bedroom part two/part three-storey residential dwellings.

((1) The proposals by reason of design, size, massing, and relationship to the surrounding pattern of development, would result in an un-neighbourly visually intrusive and oppressive form of development that would give rise to a loss of outlook and privacy to the detriment of the amenities of neighbouring occupiers. The proposals would be contrary to policies 7.4 and 7.6 of the London Plan (2011), policy CS14 of the Merton LDF Core Planning Strategy (2011) and policies DM D2 of the Merton Sites and Policies Plan (2014).

(2) The proposed layout would result in an unsatisfactory environment for future occupiers, arising from a failure to provide accommodation in respect to units 2, 3 & 4 that meet the minimum floorspace standards of the London Plan and the gardens to all of the units fail to meet the Council's minimum garden space standard as a single regular shaped

amenity space to the detriment of the amenities of future occupiers. The proposals would be contrary to policies 3.5 & 7.6 of the London Plan (2011), policy CS.14 of the Merton LDF Core Planning Strategy (2011) and policy and DM D2 of the Merton Sites and Policies Plan (2014).

(3) In the absence of a legally binding Unilateral Undertaking which would restrict future occupiers of the proposed residential units from obtaining parking permits in controlled parking zones which operate within the locality, the development would have a detrimental impact on the safety and convenience of other road users and the free flow of traffic. The development would therefore be contrary to Policy CS20 of the Sites and Policies Plan and Policy 6.13 of the London Plan.

4.11 14th June 2017 Subsequent appeal dismissed. A copy of the inspector's decision is attached to appendix 1 of this report.

5. CONSULTATION

5.1 The application has been advertised by means of a site notice and letters to 11 neighbouring occupiers. In response to the consultations to the scheme as originally submitted objections were received from 8 neighbouring occupiers raising the following concerns:

- Overbearing and oppressive;
- Visually intrusive and dominate outlook;
- Overlooking and loss of privacy;
- Inappropriate scale for a backland site;
- Loss of light and overshadowing;
- Loss of outlook;
- Insufficient parking;
- Limited access & vehicular conflict resulting in road safety concerns;
- Insufficient garden space for two of the three proposed houses;
- Design & appearance not in keeping;
- Set precedent for development at rear;
- Not in keeping with existing pattern of development;
- Noise and disturbance;
- Cramped overdevelopment development in backland location;
- Road and traffic implications;
- Trees have already been removed;
- Merton can demonstrate a five year supply of housing therefore no presumption in favour of granting planning permission as per paragraph 49 of the NPPF;
- Insufficient parking.

The John Innes Society – We agree with the Inspector's decisions on two recent previous applications and we consider that the proposal will still have an unacceptably adverse effect on the amenities of the properties in Daybrook

Road behind the site. In our view the site is unsuitable for residential development due to the close proximity of the surrounding housing.

- 5.2 Transport planning section were consulted and raised no objection. As with the previous application, taking into consideration the very good connectivity by public transport (PTAL 6a rating) one parking space for 3 dwellings is considered acceptable, although turning a vehicle could prove difficult if residents of 2016/218 choose to park in front of their own garages. Refuse servicing would be via Morden Road with residents required to place their bins at back of footway, which is considered satisfactory. Similarly off-peak short stay parking is available nearby on Morden Road for deliveries. The site is not within the adjacent CPZ therefore future residents would not be eligible for parking permits. As stated in the earlier appeal decision the inspector considered a permit free requirement was not justified for this reason. Given the above there is no objection from a transport planning perspective. Given the sites constrained location adjacent to the red route network a construction management plan is also required.
- 5.3 Climate Change Officer advises The applicant has provided detailed information around the developments energy strategy and I am content that the development will meet the sustainability policy objectives and emissions reductions targets. As this an outline application I would recommend that the pre-commencement and pre-occupation conditions are applied.
- 5.4 Transport for London (1) The site of the proposed development is on A24 Morden Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN (2) TfL welcomes the car-free nature of the proposal. Notwithstanding the above, it is requested that residents are excluded from applying for parking permits in the local CPZ and that this is secured through the section 106 agreement. (3) A minimum of 6 long stay cycle spaces as stated in the Transport statement should be provided for additional 3 units in line with the standards in the London Plan. All cycle spaces should be located in a secure sheltered and accessible location (4) It is understood from the Transport Statement (TS) that the existing vehicular access of the site is subject to constraints in accommodating larger vehicles. The applicant has therefore proposed that delivery and servicing vehicles use a red route parking bay. Please note that a red route parking bay is subject to restrictions which should be taken into account in the details of delivery and servicing plans. (5) Considering the location of the site, TFL requests the applicant provides further information in regards to construction (vehicle trip generation, delivery area and how the construction will be undertaken) (6) The footway and carriageway on the A24 Morden Road must not be blocked during the construction of the development. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A24 Morden Road. (7) All vehicles associated with the construction of the development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions (8) No

skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL Subject to the above conditions being met, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

5.5 Neighbours re-consulted on amended scheme involving the introduction of first floor obscured glazing to rear windows fronting rear of properties in Daybrook Road. 6 objections reiterating original concerns outlined above and advising:-

- Fitting partial obscured glazing to bedroom windows is contrived and will result in living conditions unacceptable to future occupiers;
- The fitting of obscured glazed windows would not prevent overlooking if the windows were opened

The John Innes Society We think that the proposal will still have an unacceptably adverse effect on the amenities of the properties in Daybrook Road behind the site. Fitting partial obscured glazing to bedroom windows is contrived and will result in living conditions unacceptable to the future occupiers of the new houses. In our view the site is unsuitable for residential development due to the close proximity of the surrounding housing. This is the conclusion which has been reached on a series of previous planning applications for a variety of forms of development.

6 POLICY CONTEXT

6.1 National Planning Policy Framework (2012)

The following principles are of particular relevance to the current proposals:-

- At the heart of the National Planning Policy is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking;
- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full objectively assessed needs for market and affordable housing;
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

- Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people.

Other NPPF sections of relevance :

- 4 Promoting sustainable transport.
- 6 Delivering a wide choice of quality homes.
- 7 Requiring good design.
- 10 Meeting the challenge of climate change

6.1 Relevant policies in the London Plan 2015 are; 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 5.1 (Climate change mitigation), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 7.5 (Public realm), 7.6(Architecture) & 7.21 (Trees and woodlands).

6.2 Relevant policies in the Core Strategy 2011 are; CS8 (Housing choice), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change) & CS 20 Parking, Servicing & delivery

6.3 The relevant policies in the Sites and Policies Plan 2014 are; DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM F1 (Flood risk management), DM H2 (Housing mix), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

DCLG Technical standards 2015

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this case relate to the principle of development, the scale, layout and access of the proposed houses, the effect of the development on living conditions of neighbouring properties with particular reference to outlook, privacy light and sunlight; whether the proposed development would provide acceptable living conditions for future occupants; parking and access.

7.2 Principle

The National Planning Policy Framework 2012, London Plan 2015 policy 3.3 and the Council's Core Strategy policy CS9 all seek to increase sustainable

housing provision where it can be shown that an acceptable standard of accommodation will also provide a mix of dwelling types.

7.3 The requirement for additional homes is a key priority of the London seeks to significantly increase the ten year minimum housing targets across London from 322,100 to 423,389. The minimum ten year target has also increased by more than 30% to 4,107, with a minimum annual monitoring target of 411 homes per year. The delivery of three new residential houses at this site would contribute to meeting housing targets providing family accommodation in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets and objectives of LBM policy.

7.8 Scale, layout & impact on neighbour amenity.

London Plan policy 7.6, and Sites and Policies Plan policy DM D2 require proposals not to have a negative impact on the amenity of neighbouring occupiers through loss of light, overshadowing, outlook, privacy, visual intrusion or disturbance. The supporting Daylight and sunlight Reports confirm that neighbouring dwellings will continue to receive good levels of natural daylight and sunlight, above Building Research Establishment Guidelines.

7.9 The application is in a back land location being the surrounded on three sides by residential gardens. As such the redevelopment of the site for housing presents considerable challenges in producing a scheme that meets minimum standards, that provides an acceptable standard of accommodation and respects the amenity of surrounding residential occupiers. The closest property to the proposal is the church at 214 Morden Road, 20m to the east. No.216 Morden Road is set further back at 25m. No.218 has recently constructed a two-storey rear addition which is positioned approximately 21m from the proposed houses. Nos.49, 51 and 53 Daybrook Road are positioned some 23.5m to the west. These separation distances are within the tolerances set out at paragraph 2.3.36 of the Mayor's Housing Supplementary Planning Guidance in respect to overlooking between buildings at first floor level.

7.10 In his deliberations in respect to the recently dismissed appeals, the Inspector acknowledged that the appealed schemes would introduce built form of significantly greater scale and massing and imposing presence than existing. He considered that the garden area of No.55 Daybrook Road would be most affected as the full two or three storey built form of unit 4 of the appealed schemes would immediately abut its side boundary and that its overall size and proximity would amount to a visually obtrusive, overbearing and oppressive structure which would dominate the outlook from that space in a manner which would be substantially worse than the existing situation. In response the current proposal has been reduced from 4 units to 3 & the amended scheme has now been pulled away to the south from the northern boundary of the site with 55 Daybrook Road and 206 Morden Road by 3m, which essentially means that the end house will no longer command views directly along these gardens. In addition, in order to address concerns of neighbours in respect to the perception of overlooking into neighbouring gardens, the applicants have indicated that they are happy to accept a condition that requires the first floor rear facing windows facing the rear of

properties in Daybrook Road to be obscured glazed up to a height of 1.7m which will serve to restrict views directly into neighbouring gardens. Suitably conditioned to ensure that no additional windows are inserted into the northern and southern flank will prevent the potential for overlooking of neighbouring sites. Overall it is not considered that overlooking would be of a degree that will cause harm to existing and future occupiers

7.11 Noise and disturbance

The proposed houses have generated objections in regard to noise and disturbance being greater than currently experienced from the existing garages use. The issue of disturbance from residential developments such as this have frequently not been supported at appeals where Inspectors have considered that noise from a residential use would not normally be so detrimental to neighbour amenity as to warrant a refusal of permission. Nor did it form part of the Council's reason for refusal in the recently dismissed appeals.

7.12 Suitability of accommodation.

7.13 Core Strategy policy CS 9 calls for the provision of well-designed housing and The DCLG Technical Standards and the London Plan policy 3.5 set out a number of required design criteria for new residential developments including room and space standards. All three of the proposed houses comfortably exceed Gross Internal minimum Area requirements set out in the London Plan.

7.14 SPP policy DM D2 requires, amongst other matters, proposals for all developments to ensure appropriate provision of outdoor amenity space whether public, private or communal which accords with appropriate minimum standards and is compatible with the character of the surrounding area. Paragraph 6.17 of the SPP requires the provision of a 50sqm private amenity space configured in a single usable space. Notwithstanding that none of the gardens in the appealed scheme (House 1, 41sq.m; Houses 2-4, 43 sq.m) complied with this minimum standard the Inspector considered that the appealed houses would benefit from a flat, relatively private garden of conventional shape and positioning with a layout that that would be physically capable of meeting the reasonable day to day needs and expectations of future occupants by accommodating clothes drying facilities, play equipment as well as seating and facilities for outdoor dining along with reasonable levels of circulation space. While acknowledging that it was no substitute for private amenity space the Inspector, did weigh in favour of the proximity of Morden Hall Park in justifying the short fall in minimum garden space. The Inspector considered that adopted minimum standards could be applied flexibly. The current scheme provides 55 sq.m for House 1 exceeding minimum standards & 46 sq.m for houses 2 & 3 and while falling marginally below the 50 sq.m minimum requirement would however exceed the amount of available amenity space proposed under the appealed scheme & a refusal in this respect could not be reasonably supported in planning terms.

7.15 Parking and Access

Core Strategy policy CS 20 and policy DM T2 in the Sites and Policies Plan require developers to demonstrate that their development will not adversely affect safety, the convenience of local residents or on street parking and traffic management. The proposal will introduce three new houses with just limited scope for one off-street parking space and Morden Road is a designated “red route” where vehicle stopping is prohibited. The Inspector in the appealed scheme considered given the very good Public Transport Access Level (PTAL) 6a rating that the site is ideally suited for a “car free” scheme and did not consider it necessary for future residents to be excluded from the adjacent CPZ by the means of a Unilateral Undertaking. The appeal site does not fall within a CPZ and neither is it conveniently located to the nearest provision along Dorset Road, so as to make it attractive for future occupiers to park in that location. The Council’s Transport planning section were consulted and raised no objection confirming that “As with the previous application, taking into consideration the very good connectivity by public transport (PTAL 6a rating) one parking space for 3 dwellings is considered acceptable, although turning a vehicle could prove difficult if residents of 216/218 choose to park in front of their own garages.

- 7.16 Refuge servicing would be via Morden Road with residents required to place their bins at back of footway, which is considered satisfactory. Similarly off-peak short stay parking is available nearby on Morden Road for deliveries”. The site is confined however and a condition requiring details of the storage of materials and construction vehicles etc. during the construction process is recommended. A condition requiring the car parking space to be provided prior to occupation is recommended along with a condition that the hardstanding be permeable to mitigate impacts of water runoff.

8 Sustainability

- 8.1 The applicant has confirmed that he is willing to accept a pre-commencement planning condition requiring confirmation that the development will achieve a CO2 reduction of not less than 19% improvement on Part L Regulations 2013 and wholesome water rates of no greater than 105 litres per person per day. In this instance the Council’s Climate Officer has confirmed that there are no foreseen barriers preventing the applicant meeting the above targets.

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.

11 CONCLUSION

11.1 The proposal will provide a new family sized houses for which there is an identified need within the borough and London at large. The layout

access and scale is considered acceptable and it is considered that the concerns of the Inspector have been satisfactorily been addressed In view of these factors officers consider that the proposals are acceptable and will not have a negative impact on the appearance and character of the local area or upon neighbour amenity and the proposal is therefore recommended for approval subject to appropriate conditions.

RECOMMENDATION

Grant Outline planning permission subject to planning conditions

Conditions

1. A2 Commencement of development (Outline)
2. A3 Submission of reserved matters (Outline) - Landscaping & appearance
3. A7 Approved Plans
4. B1 Materials to be approved
5. B5 Details of boundary treatment
6. C1 No permitted development extensions
5. C04 Obscured glazed (west facing first floor obscured glazed windows up to 1.7m above internal floor level)
6. C06 Refuse & recycling (implementation)
7. C8 No use of flat roof
6. D11 Construction Times
7. F1 Landscaping
8. F2 Landscaping implementation
9. F9 Hardstandings
10. H4 Provision of vehicle parking
- 11 Sustainable Design and construction – Pre-commencement No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve a CO2 reductions of no less than a 19% improvement on Part L Regulations 2013, and internal water usage rates of no greater than 105 litres per person per day.
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 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

12. Sustainable Design and construction – Pre-occupation

No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

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 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

13. No development shall take place, including any works of demolition, until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved

Statement shall be adhered to throughout the construction period. The Statement shall provide for: The parking of vehicles of site operatives and visitors; loading and Unloading of plant and materials; Storage of plant and materials used in constructing the development displays and facilities for public viewing, where appropriate; Wheel washing facilities; Measures to control the emission of dust and dirt during construction; A scheme for recycling/disposing of waste resulting from demolition and construction work.

Reason for condition: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

INFORMATIVE:

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).

[Click here](#) for full plans and documents related to this application.
Please note these web pages may be slow to load

Appeal Decision

Site visit made on 9 May 2017

by **Richard S Jones BA (Hons) BTP MRTPI**

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

Decision date: 14 June 2017

Appeal A Ref: APP/T5720/W/16/3166164

218 Morden Road, South Wimbledon, London SW19 3BY

- 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 Goldcrest Land (UK) Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P3254, dated 15 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is the demolition of the existing garages and redevelopment of the site to provide 4 x two storey residential Houses, including private amenity space, cycle parking and associated landscaping.
-

Appeal B Ref: APP/T5720/W/16/3166166

218 Morden Road, South Wimbledon, London SW19 3BY

- 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 Goldcrest Land (UK) Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P3252, dated 11 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is the demolition of the existing garages and redevelopment of the site to provide 4 x three storey residential Houses, including private amenity space, cycle parking and associated landscaping.
-

Decisions

Appeal A Ref: APP/T5720/W/16/3166164

1. The appeal is dismissed.

Appeal B Ref: APP/T5720/W/16/3166166

2. The appeal is dismissed.

Preliminary matters

3. I have a working draft Statement of Common Ground for each of the appeal schemes, which have not been signed by either party. I have not therefore considered them further.
 4. At the time of responding to the Council's appeal statement, the appellant provided a signed Unilateral Undertaking (UU) for each of the appeal schemes. The Council was offered opportunity to comment on each. No response was received.
-

5. The Council has subsequently confirmed that the third reason for refusal for both schemes incorrectly refers to Policy DM D20 of the Sites and Policies Plan and Policies Map (SPP) rather than Policy CS 20 of the LDF Core Planning Strategy (CPS). The appellant has been given opportunity to comment. No response has been received.

Main Issues

6. The main issues for both appeals are:
- the effect of the development on the living conditions of neighbouring properties with particular reference to outlook, privacy, light and sunlight;
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of external living space; and
 - whether a Section 106 Obligation is necessary to restrict future occupiers from obtaining parking permits.
7. A further main issue relating to Appeal B is whether the proposed development would provide acceptable living conditions for future occupants in terms of internal living space.

Reasons

Existing occupiers' living conditions

Appeals A and B

8. The appeal proposals relate to alternative designs for the same backland site situated to the rear of Nos 214 to 218 Morden Road and Nos 49 - 53 Daybrook Road, which is currently occupied by two rows of garages. The appeal site also runs directly alongside part of the garden areas of 55 Daybrook Road and 206 Morden Road. Consequently, with the exception of the Church at 214 Morden Road, the appeal site is surrounded on three sides by residential gardens.
9. Appeal A seeks to redevelop the site for four, two-bedroom, two-storey terraced houses. Appeal B seeks planning permission for four, three-bedroom, three storey terraced houses.
10. I acknowledge that in both cases there may be an overall reduction in the built footprint and less hardstanding and that the existing outlook onto the garages is not attractive. Nevertheless, the garages are relatively low level and subservient in scale thereby allowing surrounding residents to easily see above them both from their dwellings and garden areas. Moreover, the existing extent of ground level hardstanding would unlikely be appreciated or affect neighbouring occupiers.
11. I also appreciate that efforts have been made to reduce the bulk of both schemes, particularly in respect of Appeal A, with the removal of one storey. Nevertheless the schemes would introduce built form of significantly greater scale and massing and imposing presence than existing.
12. The garden area of No 55 Daybrook Road would be most affected, as the full two or three storey built form of House 4 would immediately abut its side

boundary. Here, the north east corner and blank side wall of even the two storey scheme would have a significant visual presence and its overall size and proximity would amount to a visually obtrusive, overbearing and oppressive structure which would dominate the outlook from that space in a manner which would be substantially worse than the existing situation. It follows that the harm would be significantly exacerbated by the three storey scheme of Appeal B.

13. I accept that the building would partly adjoin an existing shed in the rear part of the garden of No 55 and that the full depth of the building would be shared with the boundary to No 206. However, the majority of the building would be positioned alongside the garden of No 55 and notwithstanding the permanence of the existing shed, the access and approach to it would be dominated by the mass of the appeal schemes.
14. There would be some benefit to the occupants of No 55 by moving the existing built form further back into the appeal site. However, this would be minimal as in contrast to the appeal proposals the existing garages do not significantly protrude above the existing boundary wall. Consequently the existing garages have limited effect on the outlook from this garden area. Moreover, the effects of a 2m fence erected under permitted development rights would not be comparable to a two or three storey building.
15. Due to the lesser extent of the building immediately abutting the boundary of No 206 and the positioning of the trees within that garden, the effect on the occupiers of this property would not be as severe. This particularly applies to the three storey scheme which would step down in height at this point. Nevertheless, the harm would be material.
16. I accept that the overall scale of the two storey scheme is less than that of the surrounding residential properties, whilst the three storey scheme is of comparable scale. However, the comparison is with dwellings which front onto Morden Road and Daybrook Road, which are not backland in nature. It does not therefore follow that the same scale is appropriate in a backland position where there are many more competing and restricting aspects. Moreover, it would not be appropriate to use the commercial scale of the neighbouring car garage to justify the scale and massing for the proposed residential schemes with the associated harm I have described.
17. I acknowledge that no windows are proposed in the northern elevation of either scheme and that there has been a reduction in the glazing from the pre-application schemes. I also accept that the enclosures to the upper floor terraces of the three storey Appeal B scheme would prevent overlooking from the same. Nevertheless, despite the slightly oblique angles, the northernmost first floor bedroom windows of House 4 of Appeal B would look down the boundaries of the gardens of No 55 and No 206. Although those garden areas will already experience a level of mutual overlooking which is common to such areas, the appeal scheme would more obviously and more conspicuously announce the possibility of overlooking than that which presently takes place. It would not be appropriate to rely upon the conventional relative time of use of a garden and bedroom for the acceptability of overlooking as this would only be within the control of future occupants.
18. Whilst not sufficient on its own to warrant withholding planning permission, the loss of privacy in combination with the harm that would be experienced in

terms of outlook, would substantially reduce the attractiveness and enjoyment of both neighbouring garden spaces and No 55 in particular.

19. The same first floor windows for the Appeal A scheme would serve bathrooms and as such could be obscure glazed. Although this would overcome concerns regarding loss of privacy, my concerns regarding outlook for Appeal A would remain and this would be sufficient on its own to warrant withholding planning permission.
20. I have noted the appeal decision¹ referred to by the Council relating to No 35 Borough Road, however, the site plan submitted by the appellant demonstrates that layout of that scheme materially differs to that currently before me.
21. The next closest garden to the appeal site is that of No 214 Morden Road, but, as noted, this serves a church rather than a residential property. The proposals would not therefore cause unacceptable harm to users of that space. The gardens of Nos 216 and 218 Morden Road would be separated by their rear parking area and associated garages and would not be unduly affected. Moreover, the nearest parts of the rear gardens of Nos 49 to 53 would be separated to the main built form of the appeal proposals by the depth of the gardens of the appeal dwellings. Given also the viewing angles, unacceptable harm would not arise in terms of outlook or overlooking.
22. Given the separation between the appeal dwellings and the rear of the dwellings along Morden Road and Daybrook Road, no unacceptable harm would arise in terms of outlook or overlooking from within those dwellings. Moreover, the supporting Daylight and Sunlight Reports confirm that the neighbouring dwellings will continue to receive good levels of natural daylight and sunlight, above the Building Research Establishment Guidelines². I find no reason to disagree with these conclusions. However, because of the height and proximity of the proposals to the garden of No 55 in particular, it is inevitable that the proposals would result in some additional overshadowing but this would not be to an extent that would warrant withholding planning permission.
23. Any reduction in disturbance arising from the use of the existing garages would not outweigh the above stated harm to the living conditions of the occupiers of the neighbouring properties.
24. I therefore find that the proposal would amount to an unneighbourly form of development which would unduly diminish the living conditions of neighbouring residents, contrary to Policies 7.4 and 7.6 of the London Plan, CPS Policy CS 14 and SPP Policy DM D2. These policies seek, amongst other matters, to ensure appropriate levels of privacy, to both proposed and adjoining buildings and gardens and to protect existing development from visual intrusion.
25. The Council has confirmed that Policy DM D3 (alterations and extensions to existing buildings) is incorrectly referred to and no longer forms part of its first reason for refusal. I have not considered this policy further. The appellant makes reference to compliance with London Plan Policy 7.2 however, this relates to accessible and inclusive design and therefore has limited relevance to this main issue.

¹ Appeal Ref: APP/T5720/W/16/3156860

² Building Research Establishment Guidelines, Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011

Future occupiers' living conditions

26. London Plan Policy 3.5 states that housing development should be of the highest quality internally and externally. SPP Policy DM D2 expects, amongst other matters, proposals for all development to ensure appropriate provision of outdoor amenity space, whether public, private or communal which accords with appropriate minimum standards and is compatible with the character of surrounding areas. Paragraph 6.17 of the SPP explains that the council will seek a minimum garden area of 50m² as a single usable regular shaped amenity space.

Appeal A

27. The appellant states that the rear garden areas would be 41m² for House 1 and 43m² for Houses 2-4. These figures are not exactly the same as those provided by the Council but the differences are not significant. House 4 would also benefit from a 14m² front garden.

28. None of the Houses would therefore meet the 50m² requirement of SPP Policy DM D2 in a single amenity space. Nevertheless, all of the Houses would benefit from a flat, relatively private garden of conventional shape and positioning at the rear. Moreover, the appellant has provided a layout to demonstrate that the rear garden would be physically capable of meeting the reasonable day to day needs and expectations of occupants by accommodating clothes drying facilities, play equipment as well as seating and facilities for outdoor dining, along with reasonable levels of circulation space.

29. Whilst the spaces at the front of the dwellings cannot be considered **private** amenity space, they would, nevertheless, provide dedicated space for cycle storage and refuse storage, which would not therefore eat into the main rear garden space. The appeal site is also located opposite the extensive area of Morden Hall Park. I appreciate that this does not amount to private amenity space provision, but its relative ease of access and range of facilities is material and further weighs in favour of the appeal proposal on this issue.

30. The appellant has also made reference to the London Plan Housing Supplementary Planning Guidance (Housing SPG) Standard 26 which states that a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant. The appeal proposal would therefore more than meet the requirements of Standard 26. Although the Housing SPG does not form part of the development plan, it is nonetheless a material consideration which weighs in favour of the appeal proposal.

31. The Council has made reference to an appeal decision³ at 164 London Road, however the evidence provided by the appellant demonstrates that size and usability of that scheme is materially less than that currently before me. Similarly, the appellant's evidence in relation to the decision relating to 18 Arras Avenue⁴ demonstrates that the overall amount of outdoor amenity space would be materially less than the appeal scheme. I have also noted the appeal decision referred to by the Council at Wyke Road⁵. However, the plans submitted by the appellant show that the amenity spaces for that scheme were

³ Appeal Reference: APP/T5720/W/16/3158068

⁴ Appeal Reference: APP/T5720/14/2228863

⁵ Appeal Reference: APP/T5720/W/16/3149922

split to such a degree that they would not be of sufficient size or quality. Accordingly I do not find that the decisions referred to by the Council's support its position in the particular circumstances of this case.

32. I have also had regard to the other appeal decisions⁶ and planning permissions⁷ granted by the Council and other London Councils as referred to by the appellant. However, I have limited details of these schemes and therefore cannot be certain that comparable circumstances exist. In any case, I have determined the appeal on its own merits.
33. Therefore, in the particular circumstances of this case, I am satisfied the Appeal A scheme would provide an appropriate provision of outdoor amenity space and as such would provide acceptable living conditions for future occupants. Accordingly, I do not find unacceptable conflict with Policy 7.6 of the London Plan, CPS Policy CS 14 or SPP Policy DM D2, insofar as these policies seek to ensure appropriate provision of outdoor amenity space.

Appeal B

34. The Appeal B scheme would provide three bedroom accommodation and as such would likely be more attractive to families. The appellant states that the rear garden areas would be 40m² for House 1 and 41m² for Houses 2-4. Again, these figures are not exactly the same as those provided by the Council but the differences are not significant. An additional 10m² of amenity space would also be provided in the form of second floor terrace areas for each of the houses. House 4 would also benefit from a 14m² front garden.
35. In overall terms therefore the 50m² requirement of SPP Policy DM D2 would be met, although it would not be provided as a single amenity space as envisaged by SPP paragraph 6.17. Nevertheless, the appeal proposal would provide the majority of its amenity space by way of a flat, relatively private garden of conventional shape and positioning at the rear. Moreover, the appellant has also provided a layout to demonstrate that the rear garden would be physically capable of meeting the reasonable day to day needs and expectations of occupants by accommodating clothes drying facilities, play equipment as well as seating and facilities for outdoor dining, along with reasonable levels of circulation space. The rear gardens would also be supplemented by the terrace areas and the usability of the overall amenity space provision would not be unduly affected by its physical separation.
36. The same considerations set out above for Appeal A relating to dedicated cycle and refuse storage at the front of the property, the proximity of Morden Hall Park and the compliance of the scheme to Housing SPG Standard 26, also apply to Appeal B and in doing so, further weigh in its favour. I also draw the same conclusions for Appeal B as I have for Appeal A regarding the appeal decisions referred to by the Council and the appellant.
37. In terms of the internal accommodation, London Plan Policy 3.5 sets out the minimum space standards for new developments, adopted from the nationally described space standard⁸. The minimum standard for a three bedroom, six person, three storey dwelling is a gross internal floor area of 108m². The shortfall of Houses 2-4 would therefore be less than 1m² and in the particular

⁶ Appeal References: APP/T5720/W/16/3147821; APP/T5720/W/16/3147830; and APP/U5930/A/13/2204225.

⁷ Planning permission references: 16/P0004; 14/P4287; 14/P4288; and 15/P2177

⁸ DCLG. Technical housing standards - nationally described space standard. 2015

circumstances of the appeal proposal would not be sufficient to warrant withholding planning permission. House 1 would exceed the minimum space standards. I am satisfied therefore that the proposal would provide adequate internal living accommodation.

38. Nevertheless, the appellant has provided amended floorplans to illustrate that the third bedroom for Houses 2-4 would fall below 12m² and as such should be considered as a five person dwelling. The Council say that they have not seen these plans and are unable to comment on them. In any case, in my view the amendments would not materially affect the opportunity to provide accommodation for six persons. Therefore, whilst I am satisfied that the scheme is essentially that considered by the Council and on which interested people's views were sought, given my findings for the scheme as submitted to the Council, it is not necessary to consider whether or not the amended plans should be accepted.
39. Accordingly, I conclude that the Appeal B scheme would provide acceptable living conditions for future occupants and in this regard would not result in unacceptable conflict with Policies 3.5 and 7.6 of the London Plan, CPS Policy CS 14 or SPP Policy DM D2.

Parking

Appeals A and B

40. There is no scope within the appeal site for car parking and Morden Road is a designated 'red route', where vehicle stopping is prohibited. Nevertheless, the site has a very good Public Transport Access Level (PTAL) 6a rating and the Council acknowledge that the site is ideally suited to a 'car-free' scheme. I agree. However, the Council's third reason for refusal is that in the absence of a UU which would restrict future occupiers of the houses from obtaining parking permits in controlled parking zones (CPZ) which operate within the locality, the proposal would have a detrimental impact on the safety and convenience of other road users and the free flow of traffic.
41. The appeal site itself does not fall within a CPZ and neither is it conveniently located to the nearest provision along Dorset Street, so as to make it attractive for future occupiers to seek to park in that location. Limited evidence is provided by the Council as to why in these circumstances the alleged harm would arise. Also the Council did not respond to the opportunity to comment on the UU's provided by the appellant for both appeal schemes which would covenant to make the developments permit-free. Therefore on the basis of the evidence before me I do not find conflict with CPS Policy CS 20 or London Plan Policy 6.13, which state, amongst other matters, that permit-free developments in areas within CPZ's benefiting from good access to public transport, facilities and services and/or a town centre location, will be supported.
42. It follows that the UU's are not necessary to make the development acceptable in planning terms. As such, they would not accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. I have not therefore taken the UU's into account in reaching my decision.

Other matters

43. The Council consider that the principle of residential development at this site is acceptable and I find no reason to disagree.
44. Taken in isolation the design of the proposed dwellings are acceptable and as such would not be harmful the character and appearance of the area. Moreover, I take no issue regarding the density levels of the proposed scheme, which in accordance with London Plan Policy 3.4 would optimise housing output for this brownfield site. I also acknowledge the benefits of the provision of energy efficient homes. In addition, the site benefits from a highly sustainable location and it is likely that future occupants would make a positive, albeit modest contribution to supporting the local economy and the utilisation of local services. These are all positive aspects which contribute towards the environmental and economic dimension of sustainable development.
45. The proposal would also result in a boost housing supply and would add family homes to the housing stock. However, the effect on the living conditions of the occupants of neighbouring properties would outweigh the benefits I have identified such that the proposal would not, in overall terms, meet the social objectives of sustainable development. Accordingly, the proposal would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being sustainable development, it follows that no such presumption, as anticipated by paragraph 14 of the Framework, applies.
46. The second reason for refusal for both appeals comprises a note to the applicant, rather than a reason for refusing planning permission. I have noted the appellants' concern regarding the way in which the planning applications were handled by the Council with reference to paragraphs 186 and 187 of the Framework and the Council's response to the same. However, these are not matters for these appeals which I have determined afresh and on their planning merits.

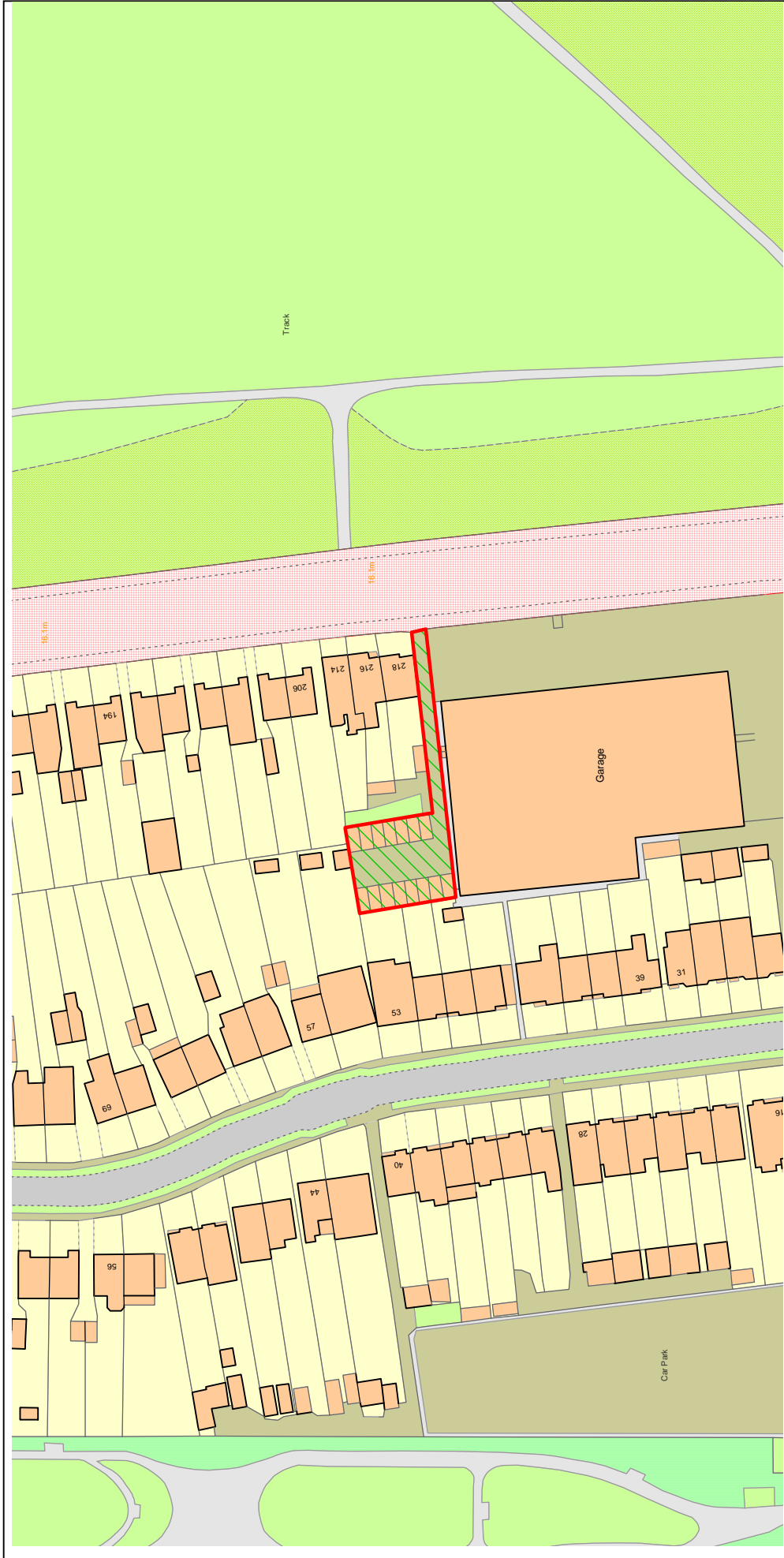
Conclusion

47. For the reasons explained, and taking all other matters into consideration, I conclude that the appeals should be dismissed.

Richard S Jones

INSPECTOR

NORTHGATE SE GIS Print Template



Text Details **RO 218 Morden Rd**

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PLANNING APPLICATIONS COMMITTEE 14 DECEMBER 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3697	04/10/2017
Address/Site	1 Amber Court, 100 Richmond Road, West Wimbledon, London, SW20 0PD
Ward	Raynes Park
Proposal:	ERECTION OF A TWO STOREY SIDE EXTENSION
Drawing Nos	000, 001, 002 and 003.
Contact Officer:	Ashley Russell (0208 545 4370)

RECOMMENDATION

Grant Permission subject to conditions.

CHECKLIST INFORMATION

- Heads of Agreement: No
- 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
- Number of neighbours consulted: 5
- External consultations: No
- Controlled Parking Zone: Yes (Monday-Friday, 8:30-18:30)

1. INTRODUCTION

- 1.1 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 land along the flank of 1 Amber Court, which comprises the rear corner dwelling in a small group of 6 three storey

mews-style dwellings at 100-104 Richmond Road.

- 2.2 The group of dwellings in Amber Court are situated on the south-western side of Richmond Road, with the host dwelling comprising a three storey end-of-terrace dwelling in the site's rear south-western corner.
- 2.3 Access to 1, 3 and 5 Amber Court, comprising the rear block of the two blocks that make up Amber Court, is achieved via a shared driveway and maneuvering area situated centrally between the groups of dwellings. The access comprises a 2.8m wide vehicle access path with a vehicle crossover to Richmond Road and is located along the site's north-western boundary adjoining 98 Richmond Road.
- 2.4 Surrounding development to the south (rear) and west (side) of the application site is predominately characterised by pairs of semi-detached dwellings ranging from two to three storeys in height and situated on large individual plots with well established gardens
- 2.5 To the east of the application site is a three storey block of flats with a vehicle access off Richmond Road leading to parking areas.
- 2.6 The area is suburban in character. The site is not situated within a conservation area.
- 2.7 A mixture of mature trees, none of which are protected by TPO's, and hedging exist adjacent to the application sites eastern boundary in the rear garden of 98 Richmond Road. This vegetation has evidently been pruned historically to restrict its canopy from encroaching directly on the application site.

3. **CURRENT PROPOSAL**

- 3.1 Planning permission is sought for the construction of a two storey side extension adjoining the dwellings south western side.
- 3.2 The extension would have a dual pitched roof form and measure 9.6 metres in depth, 2.1 metres in width and between 5.2 (eaves) and 7.9 (total) metres in height.
- 3.4 The external materials would comprise dark grey roof tiles, white UPVC windows and a brick finish with a rendered front façade at ground floor to match the existing dwelling.

4. **PLANNING HISTORY**

- 4.1 08/P0304 - ERECTION OF SINGLE-STOREY EXTENSIONS TO THE

SIDE – Granted permission, subject to conditions.

5. CONSULTATION

5.1 A site notice was displayed at the application site and notification letters were sent to neighbouring properties. Five (6) letters of objection were received during the public notification process, which raised the following concerns:

- Proposal will upset uniformity and symmetry of the buildings in Amber Court.
- Narrow access way to Amber Court will not cater for construction traffic.
- Private covenants across the property prohibit development of the type proposed.
- Concerns that not all properties in Amber Court were directly notified as part of the public notification process.
- Additional trees in the back garden of 98 Richmond Road have not been shown on the application plans.
- Potential impact on existing trees in the back garden of 98 Richmond Road, and subsequent loss of habitat, biodiversity and residential amenity.
- Spaciousness between groups of buildings is a key part of the development pattern of the area and will be undermined by the proposal.
- New elevated windows will reduce privacy to the neighbouring properties.
- Disruption to surrounding residents from construction noise.

Internal:

5.2 Tree Officer: No objections subject to suitable conditions. The applicant should provide an arboricultural impact assessment and tree survey in connection with the neighbouring trees and vegetation.

6. POLICY CONTEXT

6.1 London Plan (2016).

- 7.4 Local character
- 7.6 Architecture

6.2 Merton Core Planning Strategy (July 2011)

- CS13 Open Space, Nature Conservation, Leisure and Culture
- CS14 Design

6.3 Merton Sites and Policies Plan and Policies Map (July 2014)

- DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings
DM O2 Nature Conservation, trees, hedges and landscape features

7. PLANNING CONSIDERATIONS

- 7.1 Having regard to adopted policies, the planning considerations for an extension to an existing building, relate to:
- The impact of the proposed extension on the character and appearance of the host building along with the surrounding area.
 - The impact of the extension on biodiversity, trees, hedges and other landscape features of amenity value.
 - The impact of the extension upon neighbour amenity.

Character and appearance.

- 7.2 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and its surroundings.
- 7.3 The proposed side extension exhibits a dual pitched roof form which is sympathetic to the dual pitched form of the host dwelling. The proportions of windows on the front and rear facades of the extension maintain the proportions and typology of the ground and first floor windows on the subject dwelling, and are considered to be consistent with the surrounding character of the surrounding dwellings in Amber Court.
- 7.4 When consideration is given to the limited width of the extension (2.1 metres), the small inset of the front face of the extension by 210mm behind the principal façade of the host building, and the overall height being 2.3 metres below the ridge height of the host dwelling, the extension will appear as a suitably subordinate extension in contrast to the proportions of the existing building.
- 7.5 Owing to the location of the extension on the north-western side of the existing dwelling and the substantial mature vegetation which exists adjacent to the site in the rear garden of 98 Richmond Road, views of the extension will be largely limited to that achieved from the front and rear of the building.
- 7.6 When observed from Richmond Road, views of the front façade of the extension will be framed between the side two and three storey side gable walls of the properties at 2 Amber Court and 98 Richmond Road. As a result of the restriction of views between these properties, the substantial separation distance of approximately 35 metres between the front face of the side extension and the entrance of Amber Court, and the limited width

and height of the extension in comparison with the host dwelling, officers consider the extension would have a negligible impact on the existing street scene in Richmond Road.

- 7.7 The extension is substantially separated from the properties in Coombe Lane to the rear by distances in excess of 37 metres across established rear gardens. In this context officers consider that the limited width and height of the extension in comparison to the existing dwelling will result in negligible visual impact on those properties.
- 7.8 On the basis of the above, the proposed extension is considered to respect the appearance, scale, bulk, form, proportions, materials and character of the original building and its surroundings. It is therefore consistent with the intent of London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

Biodiversity, trees, hedges and other landscape features of amenity value.

- 7.9 Core Strategy policy CS13 and SPP Policy DMO2 seek to protect and enhance biodiversity, trees, hedges and other landscape features of amenity value.
- 7.10 It is noted that substantial mature trees and hedges are established adjacent the application site inside the south-eastern side boundary of the neighbouring property at 98 Richmond Road. Although none of these trees are subject of a Tree Preservation Order, they are considered to contribute positively to both the visual amenity and biodiversity of the surrounding area. The trees have evidently been pruned historically to restrict the canopies from overhanging the application site boundary.
- 7.11 The Council has previously given consideration to the retention and preservation of the health of the neighbouring trees in application reference 08/P0304, which granted planning permission for a single storey side extension of approximately the same footprint as the current two storey proposal. This approval was granted subject to conditions that required tree protection works and an arboricultural method statement to be provided to Council's satisfaction prior to the commencement of works.
- 7.12 Internal consultation with Council's Tree Officers on the current proposal have reaffirmed that an Arboricultural Method Statement outlining suitable tree protection measures should be required as part of the current development scheme. Subsequently, approval of the current application is recommended to carry pre-commencement conditions which require an Arboricultural Method Statement and Tree Protection Measures to be provided to Council's reasonable satisfaction prior to the commencement of any works on the site.

Neighbouring Amenity.

- 7.13 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.14 The proposed extension is separated from the adjoining dwellings in the southern (rear) half of Amber Court by the existing dwelling. The front facing kitchen and bedroom windows will face the shared communal driveway in Amber Court, and will not result in any further impact on surrounding privacy that that presently experienced from the existing upper level bedroom and hallway windows situated on the front façade of the dwelling.
- 7.15 The proposed rear facing study window at first floor is considered to be sufficiently separated from the dwellings at the rear in Coombe Lane (37.5m separation), and not to result in any further loss of visual privacy to those properties than presently experienced as a result of the existing rear facing lounge windows situated at first floor.
- 7.16 Impact on the amenity of the neighbouring property to the north-west at 98 Richmond Road is considered to be limited given the situation of the proposed extension where it is substantially screened by the existing mature trees and hedges located inside the neighbouring property.
- 7.17 The effect of existing vegetation in screening views of the rear garden at 98 Richmond Road from the upper level side facing bathroom window proposed is acknowledged. However, it is recommended that a condition of approval be imposed which requires this window to be obscure glazed so as to ensure that privacy is maintained in the event that trees in the garden at 98 Richmond Road are removed or substantially pruned back at any time in the future.
- 7.18 In consideration of the location of the extension being situated in the narrow gap between the existing three storey dwelling and neighbouring trees and hedging of comparable height to the existing building, it is not considered that the proposal would result in any greater loss of sunlight to neighbouring properties than that which is presently experienced.
- 7.19 It is noted that concerns regarding the potential impact of construction noise and traffic on the living conditions of surrounding residents in Amber Court have been raised during the public consultation process. It is considered that the impact on surrounding residents may be adequately managed with the use of a suitable Construction Method Statement condition.

7.20 On the basis of the above, and in the absence of any other identified impact on surrounding properties, it is considered that the proposal would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise. It is therefore determined that the proposal satisfies SPP policy DM.D2.

8. CONCLUSION

8.1 The scale, form, design, positioning and materials of the proposed two storey side extension is not considered to have a detrimental effect on the appearance of the area, the host building or on neighbouring amenity. Impact on trees may reasonably be mitigated by condition as can the short term impacts arising from construction activity. Officers therefore consider that the proposal complies with the principles of policies DMD2, DMD3 and DM.02 of the Merton SPP 2014, CS 13 and CS 14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2016.

8.2 It is therefore recommended to grant permission subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Grant Permission Subject to Conditions

1. A1 - Time Limit.
2. A7 - Approved Plans.
3. B3 - Materials as specified.
4. C03 - Obscure Glazing: Side Bathroom window.
5. F05 - Arboricultural Statement and Tree Protection Measures.
6. F06 - Foundation design details.
7. H09 - Construction Vehicles.

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



Text Details **1 Amber Court, 100 Richmond Rd**

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**PLANNING APPLICATION COMMITTEE
14 DECEMBER 2017**

APPLICATION NO. DATE VALID

17/P2807 205/07/2017

Address/Site 18 Ridgway Place, Wimbledon SW19 4EP

Ward **Hillside**

Proposal: Demolition of existing dwelling house and erection of a pair of semi-detached houses together with off-street parking and associated landscaping.

Drawing Nos 677/030 P2, 032 P2, 040 P2, 042 P2 and Design and Access Statement

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 – 11
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

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 two-storey detached dwelling house situated on the east side of Ridgway Place. There is an integral garage and off street parking accessed from Ridgway Place. The surrounding area is residential in character comprising a variety of different architectural styles. The application site is not within a conservation area. However the rear of the site abuts the boundary with the Merton (Wimbledon West) Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The current application involves the demolition of the existing dwelling house and the erection of a pair of semi-detached dwellings, with off-street parking and associated landscaping works.
- 3.2 The proposed building would be set back from the street frontage by 5.5 metres. The pair of houses would be 12.5 metres in width and 16 metres in overall length (including front bay windows and single storey section at the rear). At first floor level the proposed houses would be 12.5 metres in length (including the first floor rear bay windows), whilst the second floor would be 11.5 metres in length. The building would be set away from each side boundary of the site by 1.2 metres. The proposed building would have an eaves height of 5.8 metres and would have a pitched roof with an overall height of 9 metres.
- 3.3 Internally, at ground floor level each house would have an entrance hall, reception room, wc/utility rooms and a combined living/kitchen dining room. At first floor level two bedrooms, bathrooms and study would be provided. At second floor level two further bedrooms would be provided within the roof space. Light and ventilation would be provided by front dormer windows and roof lights to the side elevations of the roof. A traditional design approach has been adopted for the proposed houses with feature bay windows and dormer windows and pitched roofs.
- 3.4 Off street parking would be provided for each house within the front curtilage, together with refuse and recycling facilities and each house would have a landscaped rear garden.

4. **PLANNING HISTORY**

- 4.1 In October 2009 planning permission was granted by the Planning Applications Committee for the demolition of the existing dwelling house and erection of a pair of semi-detached houses with off-street parking (LBM Ref.09/P1808). The permission was subject to a S.106 Agreement.
- 4.2 In June 2009 a planning application was submitted for the demolition of the existing dwelling house and erection of a pair of semi-detached houses with off-street parking (LBM Ref.09/P1241). However, the application was withdrawn on 17/08/09.

- 4.3 In March 2014 planning permission was granted by the Planning Applications Committee for the demolition of the existing dwelling house and erection of a pair of semi-detached houses with off-street parking (LBM Ref.12/P0987). The planning permission was subject to a S.106 Agreement in respect of affordable housing and an education contribution.

5. **CONSULTATION**

- 5.1 The application has been advertised with Conservation Area site and press notice procedure and letters of notification to occupiers on neighbouring properties. In response 18 letters of objection have been received. The grounds of objection are set out below:-

-The scale and density of the development is too dense in relation to the plot. The proposed semi-detached houses have a higher roof line and would be excessively wider and deeper at all levels than the existing building.

-No justification has been given for the removal of trees.

-If permission is granted a condition should be imposed so that the flat roof of the single storey section cannot be used as a terrace.

-The occupier of 16 Ridgway Place states the proposal is overdevelopment of the site and proposed windows in the kitchen would overlook number 16.

-The proposed houses are far deeper than the existing building on the site.

-What is being proposed is a three storey development rather than two storey with lofts as elsewhere in the road.

-The bulk and massing of the buildings are completely out of proportion to surrounding buildings and higher and deeper.

-The development would affect neighbours on either side and trees at the rear of the site.

-the proposal will result in the loss of another on-street parking bay compounding parking problems in the area.

5.2 Amended Plans

Following discussions with officers the plans were amended to reduce the potential visual impact of the rear part of the house, with the first floor section at the rear being reduced in length. A reconsultation has been undertaken and any further representations will be report to committee.

6. **POLICY CONTEXT**

6.2 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)

6.3 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), DM T1 (Sustainable and Active Transport) and DM T4 (Car Parking and Servicing Standards).

6.4 London Plan (March 2015)

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

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of demolition, design, together neighbour amenity, parking, tree and sustainability issues.

7.2 Demolition of Existing Building

The demolition of the existing house has previously been approved by LBM planning permission Ref.12/P0987 and there are no objections to the demolition of the existing house in connection with the redevelopment of the site for residential use.

7.3 Design Issues

Although the proposed pair of semi-detached houses would be constructed of modern materials, the pair of houses would have a traditional form with gabled roofs and lead clad dormer windows and feature chimney stacks. There is a mixture of architectural style in the vicinity of the application site and the adopted design is considered to be acceptable in this location and the proposal accords with policies CS14 and DM D2.

7.4 Neighbour Amenity

The amended proposal is considered to be acceptable in neighbour amenity terms. The proposed pair of houses has been reduced in length at first floor level on the rear elevation and the relationship between the proposed houses and neighbouring properties at 16 and 20 Ridgway Place is considered to be acceptable. Although front dormer windows are proposed the dormers are of small scale and similar front dormers have been incorporated into the recently approved development at 28/30 Ridgway Place. The current proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.5 Parking

One off-street car parking space would be provided for each dwelling within the front curtilage. The parking provision is considered to be acceptable and accords with policies CS20 (Parking) and DM T1 (Sustainable and Active Transport).

7.6 Trees

The proposal does not involve the removal of any trees. It is also proposed to landscape both the front and rear gardens of the proposed development. The proposal is therefore considered to be acceptable in terms of policy DM O2

7.7 Sustainability Issues

The Government removed the requirement for compliance with the Code for Sustainable Homes on 26 March 2015, as part of the Deregulation Act 2015. However, in the absence of any other replacement guidance, the Code for Sustainable Homes standard has been adopted for this development. Policy CS15 of the Code for Sustainable Homes Level 4 required all new developments to achieve Code level 4. Policy DM H4 of the Sites and Policies Plan states that a proposal to demolish and rebuild a single dwelling will be required to enhance the environmental performance of the new development beyond minimum requirements. The policy requires that Carbon Dioxide emissions to be limited in line with Code for sustainable Homes level 5. Notwithstanding that the Government removed the requirement of compliance with the Code for Sustainable Homes; the architect has stated that by using passive means for achieving energy efficiency will be the starting point with low U values for the external fabric of the building, improved air tightness, reduced thermal bridging and making effective use of resources and materials, minimizing water and CO2 emissions.

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 amended design for the proposed pair of semi-detached houses is considered to be acceptable in design terms and the proposed development would not affect neighbour amenity. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

and subject to the following conditions:-

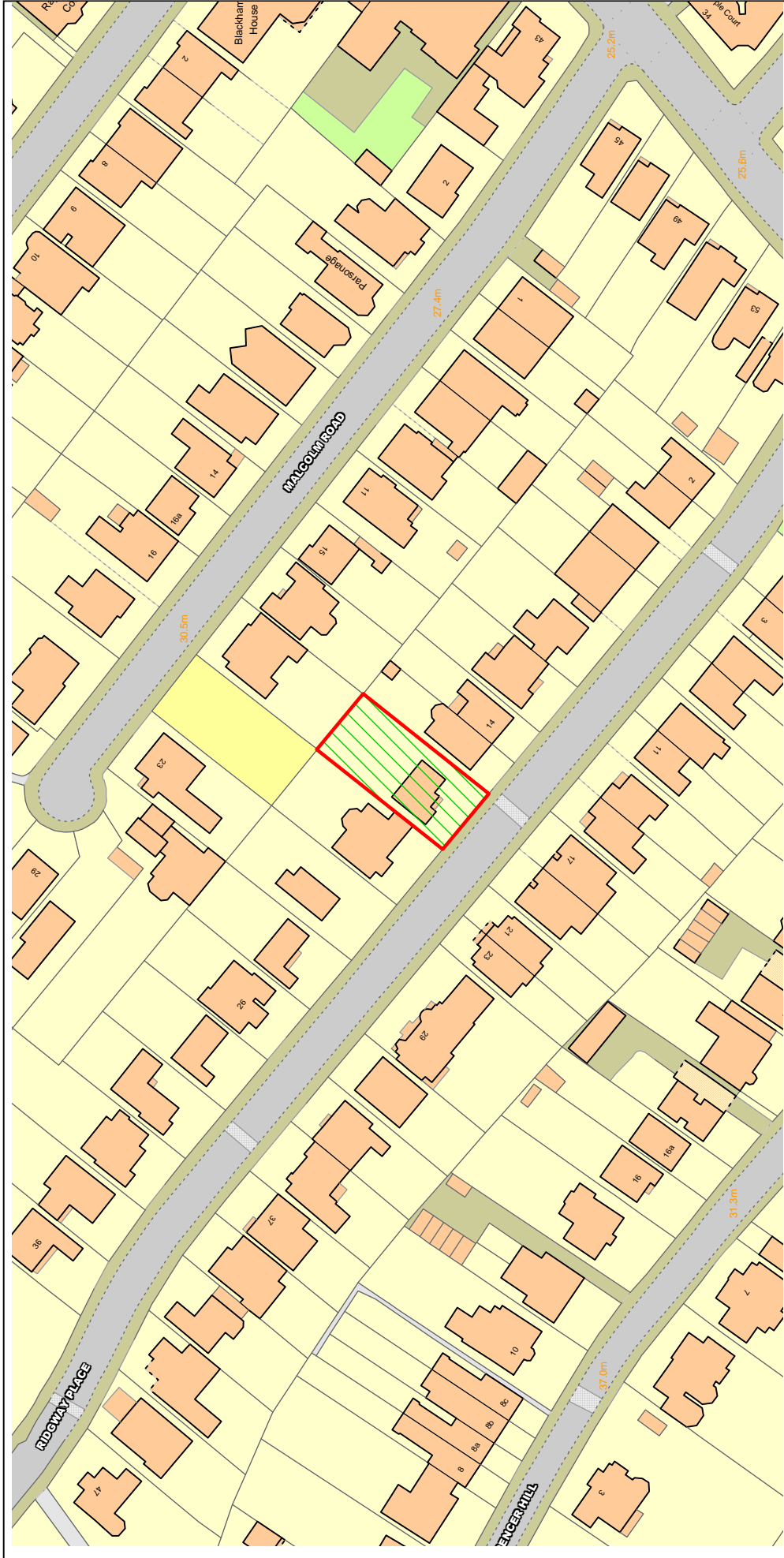
1. A.1 Commencement of Development
3. A.7 Approved Plans
2. B.1 (Approval of Facing Materials)
3. B.4 (Site Surface Treatment)
4. B.5 (Boundary Treatment)
5. C.2 (No Permitted Development Doors/Windows)

6. C.4 (Obscure Glazing –Side Elevations)
 7. C.7 (Refuse and Recycling-Implementation)
 8. D.9 (External Lighting)
 9. D.11 (Construction Times)
 10. F.1 (Landscaping Scheme)
 11. F.5 (Tree Protection)
 12. F.8 (Site Supervision-Trees)
 13. H.7 (Cycle Parking Implementation)
 14. H.9 (Construction Vehicles)
 15. INF.1 Party Wall Act
 16. INF.8 Construction of Vehicular Access
 17. INF.12 Works Affecting the Public Highway
-

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PLANNING APPLICATIONS COMMITTEE 14 DECEMBER 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P2937	03/08/2017
Address/Site	10 St. Mary's Road, Wimbledon, SW19 7BW
Ward	Village
Proposal:	Demolition of existing garden shed and erection of office in rear garden.
Drawing Nos	601/X01 (Site location plan), 601/P13 rev A
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 – 11
- 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 recently erected detached residential dwelling on the north east side of St. Mary's Road in Wimbledon. The rear garden of the

property has an L shape following the acquisition of a portion of the rear garden of the neighbouring property at number 8 St. Mary's Road, following a previously arranged purchase. The topography of the area comprises of a downward slope from north to south towards Church Hill, with the application site at a higher elevation relative to the neighbour at number 8.

- 2.2 The site is not located within a conservation area although it is close to the Merton (Wimbledon North) conservation area. The surrounding area is predominantly residential and characterised by detached properties of a similar scale.

3. **CURRENT PROPOSAL**

- 3.1 The current application is for the erection of a detached flat roofed single storey outbuilding in the rear garden, comprising of a garden room and study. The outbuilding will have dimensions of 2.5 metres (height), 3.85 metres (depth) and 5.72 metres (width). The structure will be erected near the rear boundary with timber decking integrating a recessed external hot tub (Jacuzzi) and planting to the boundary.
- 3.2 In accordance with the permission granted for the redevelopment of the dwelling on the site (reference 13/P3848), permitted development rights have been withdrawn and therefore an application is required for this office.

4. **PLANNING HISTORY**

- 4.1 15/P3783 – Application for a s.73 variation of condition 2 (approved plans) in relation to LBM planning permission 13/P3848 (dated 13/03/2014) for the construction of a replacement house (revisions in respect of (i) siting of building 1.8 metres further into the rear garden and away from the front boundary – retrospective and (ii) incorporation of changes previously granted under 14/P3534 for increase size of master bedroom, 1.5 square metre increase in floor area and alteration of roof slope to 55 degree pitch. Granted 22/06/2016.
- 4.2 14/P3534 – Application for variation of condition 2 (approved plans) attached to planning permission LBM ref: 13/P3848 (dated 13/03/14) at 10 St Mary's Road, Wimbledon. Granted 01/12/2014.
- 4.3 14/P3476 – Application for discharge of conditions 5 and 6 attached to LBM planning application 13/P3848 dated 13/03/2104 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 20/10/2014.
- 4.4 14/P2702 – Application for discharge of conditions (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 13/03/2104 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 27/08/2014.

- 4.5 13/P3848 – Demolition of existing dwellinghouse and erection of a new detached four storey house (with basement and accommodation in the roof) with associated hard and soft landscaping and boundary wall with entrance gate. Granted 13/03/2014.
- 4.6 13/P1014 – Demolition of existing dwellinghouse and erection of a new detached four storey house (including basement level) with associated hard and soft landscaping and boundary wall with entrance gate. Refused 04/06/2013.

Refusal reasons:

- 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.

- 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.

5. **CONSULTATION**

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

Seven objections to the proposals were received following the initial notifications on the following grounds:

- Development is out of keeping with the character of area
- Withdrawal of permitted development rights
- Misrepresentation of visual appearance of context

- Unacceptable increase in the living area of the house
- Overdevelopment on plot
- Potential damage to protected neighbouring trees to the rear of the site
- Noise and light intrusion
- Overlooking and intrusion on privacy resulting from relatively higher vantage point of application site

5.2 A representation was received from the Belvedere Estates Residents Association raising concerns on the following grounds:

- loss of amenity space to the main house,
- adverse impacts on the existing trees,
- impact on the amenity of neighbours with respect to light intrusion and noise

5.3 Tree Officer Comments:

- No arboricultural objection is seen to the proposed development, and the submitted arboricultural report sets out steps for the protection of trees both within and adjacent to the development during the course of site works.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

The relevant policies with the Adopted Core Strategy (July 2011) are CS13 (Open space, nature conservation, leisure and culture) and CS14 (Design).

6.2 Sites and Policies Plan (July 2014)

The relevant policies contained within the adopted Merton Sites and Policies Plan (July 2014) are DM D2 (Design Considerations in all developments) and DM D3 (Alterations and extensions to existing buildings).

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are design, the impact on the adjoining conservation area, tree protection issues and impacts on neighbouring amenity

Design and Impact on Neighbour Amenity

7.2 The application site in common with properties in the surrounding area benefits from a large plot that allows for large rear gardens. The proposed outbuilding is sited adjacent to the rear boundary of the site. With respect to its built form and massing, the proposed outbuilding is considered to be modest in scale and not to result in an unduly dominant or overbearing presence to the neighbouring properties. In design terms the structures are deemed to be subordinate to the main dwelling with no adverse detracting in

visual terms from its setting. The potential impact is further mitigated by the siting of the structures which are not directly adjacent to the any of the neighbouring buildings.

- 7.3 The outbuilding as proposed are considered as modest in their scale and the proposed usage will be consistent with and incidental to character of the main building as a single residential dwelling. As such it is not considered that the proposals would comprise of overdevelopment of the site.
- 7.4 In order to safeguard the amenity of neighbours, a condition will be added to this permission requiring the approval of boundary treatments, external lighting arrangements and details of the landscaping of the rear garden and the pool area.

Tree Protection Matters

- 7.5 The applicant has provided an arboricultural impact assessment dated 16 November 2017, along with a tree protection plan with respect to trees on the site and the adjacent plot. There were no objections from council tree officers and they have recommended conditions regarding tree protection and site supervision.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 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 concerns of the neighbours with respect to overdevelopment and the impact on trees have been noted. However it is considered that the proposals are of an acceptable design and at a sufficiently modest scale as to not be an overbearing or unduly dominant presence to the adjoining neighbours. The council is also satisfied that the proposals would not have adverse impacts on the health of the existing trees on the neighbouring plots adjacent to the site and that the proposed protection measures will be adequate. The latter shall be monitored by conditions.
- 9.2 Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

and subject to the following conditions:-

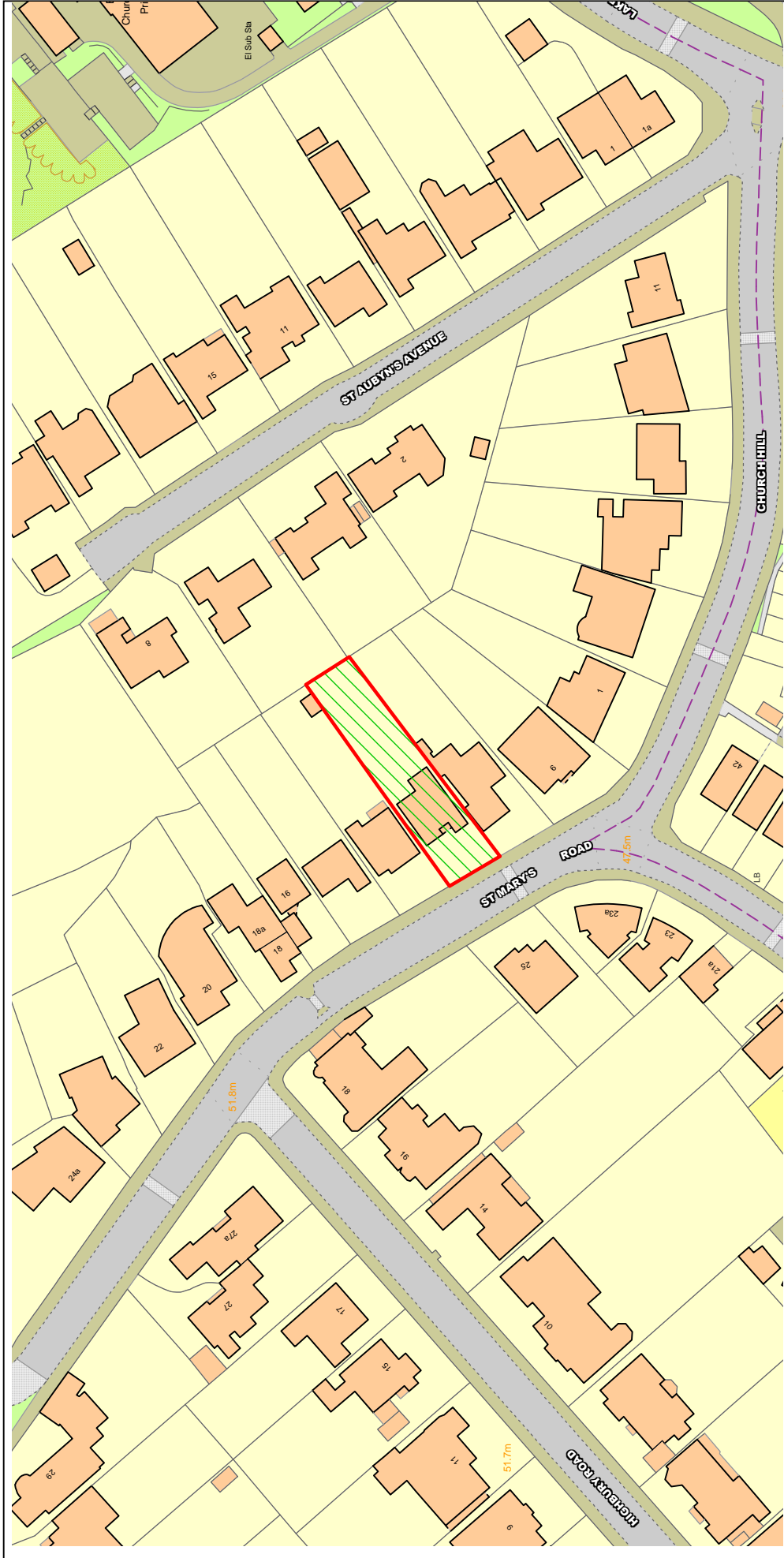
1. A.1 Commencement of Development
2. A.7 Approved Plans

3. B.1 (External Materials to be approved)
 4. B.5 (Boundary Treatment)
 5. D.10. (Construction Times)
 6. F.1 (Landscaping)
 7. F.2 (Landscaping)
 8. F.5. (Tree Protection)
 9. F.8. (Site supervision (Trees))
-

[Click here](#) for full plans and documents related to this application.

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PLANNING APPLICATIONS COMMITTEE **14 DECEMBER 2017**

APPLICATION NO.	DATE VALID
17/P2952	19/09/2017
Address/Site:	Park Gate House, 356 West Barnes Lane, New Malden KT3 6NB
Ward:	West Barnes
Proposal:	Construction of an additional floor (3 rd Floor) to provide 3 x new self-contained flats.
Drawing No's:	110 – 'Proposed Ground Floor (Extension App)', 111 – 'Proposed First Floor Extension App', 112 – 'Proposed Second Floor Extension App', 207 – 'Proposed Third Floor Layout', 230 – 'Proposed Front (West) Elevation Planning', 231 – 'Proposed Rear (East) Elevation Planning', 208 – 'Proposed Roof Plan', 240 – 'Existing & Proposed Short Sections' and 000 – 'Location Plan'.
Contact Officer:	Ashley Russell (020 8545 4370)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION

- Head 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: 24
- Press notice: No
- Site notice: Yes
- External consultations: No
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 The application is being brought before the Planning Applications Committee due to number of objections received following consultation.

The application has also been 'called in' at the request of Councillor Brian Lewis-Lavender and Councillor Gilli Lewis-Lavender.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a three storey office building on the southern side of West Barnes Lane in Motspur Park, with associated car parking accessed via an undercroft to the front elevation. Historically, the site had been used as a petrol station.
- 2.2 The site is bound to the west by a railway corridor with a small access road to an electric substation. To the east, the building is adjacent to a terrace comprising retail uses on the ground level and residential units on the upper level which is designated as a Secondary shopping frontage for Motspur Park. A shared access lane is located along the rear boundary of the site which provides vehicular access to the surrounding properties, and that separates the site from the rear gardens of houses fronting Marina Avenue.
- 2.3 The site has been the subject of prior notification applications under Class O of the Town and Country Planning General Permitted Development Order, most recently for the change of use to provide 24 self-contained units (17/P1498 – Prior Approval Granted).
- 2.4 The site is a five minute walk from Motspur Park station which provides train services to Dorking, Guildford and London Waterloo and is on the K5 bus route linking Morden, Raynes Park, Kingston Richmond and Ham.
- 2.5 The application site is located outside of a Controlled Parking Zone, however it is noted that parking bays in the immediate vicinity on West Barnes Lane itself are restricted to 1 hour parking, with no return within 2 hours during daytime (8.30 a.m to 6.30 p.m) from Monday to Saturday.
- 2.6 The property is not located within a conservation area. The application site is within Flood Zone 2.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the construction of one additional storey to the building to provide 3 additional self-contained dwellings.
- 3.2 The proposed additional floor is centrally located within the existing flat building roof, and would have a flat sedum roof form which is 3.3 metres in height above the existing roof surface.
- 3.3 The additional floor would be located 1.9 metres behind the front parapet of the existing building, and would feature 3 glazed balustrades

to accommodate the front balconies of the proposed flats fronting West Barnes Lane.

- 3.4 The rear façade of the proposed additional floor will be 2.7 metres inside the rear facing parapet of the existing building, with the sides of the proposed new floor ranging between 3.7 and 6.0 metres inside the side of the existing building.
- 3.5 The floor area of the proposed flats is as follows:

Flat No.	Bedroom/ Spaces	GIA Proposed (m2)	GIA Required (m2)	Amenity Space Required (m2)	Amenity space provided (m2)
Flat 1	2b, 3p	64	61	20	21.7
Flat 2	2b, 3p	61	61	20	16.9
Flat 3	1b, 2p	56	50	15	11.8

- 3.6 The external materials of the proposed new floor will comprise horizontal grey metal wall cladding, metal clad soffits and fascias, and double glazed aluminium windows and doors.

4. PLANNING HISTORY

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

MER334/84 ERECTION OF A 3-STOREY OFFICE BUILDING WITH 25 CAR PARKING SPACES INCLUDING FENCING AND LANDSCAPING Grant Permission (subject to conditions) 19-07-1984

MER204/86 - REMOVAL OF CONDITION NO. 5 OF MER 334/84 REQUIRING CERTAIN WINDOWS TO BE PERMANENTLY GLAZED WITH OBSCURE GLASS Refuse permission

Reason for refusal: The removal of condition No. 5 of MER 334/84 would be contrary to Policy P9.30, of the approved Merton Borough Plan resulting in an unneighbourly form of development, prejudicial to the amenities of the occupiers of adjoining residential properties by reason of overlooking and loss of privacy.

87/P0768 ERECTION OF SINGLE STOREY EXTENSION OF 22.3 SQ M FOR STORAGE USE AT REAR OF EXISTING OFFICE BUILDING Grant Permission (subject to conditions) 13-08-1987

15/P3888 PRIOR APPROVAL FOR THE PROPOSED CHANGE OF USE OF EXISTING OFFICE SPACE (CLASS B1a) TO RESIDENTIAL (CLASS C3) Prior Approval Granted 14/12/2015

16/P0233 - PRIOR APPROVAL FOR THE PROPOSED CHANGE OF USE OF EXISTING OFFICE SPACE (CLASS B1a) TO RESIDENTIAL (CLASS C3) CREATING 19 x SELF-CONTAINED FLATS - Prior Approval Granted

16/P1868 – ADDITION OF TWO STOREY EXTENSION TO EXISTING BUILDING INVOLVING REMOVAL OF MANSARD AND RE-CLADDING OF ELEVATIONS TO PROVIDE SEVEN NEW SELF-CONTAINED DWELLINGS IN ADDITION TO THE 19 SELF-CONTAINED FLATS WITHIN GROUND, FIRST AND SECOND FLOORS PERMITTED UNDER PRIOR APPROVAL REF: 16/P0233. WORKS INCLUDE AMENDMENTS AND ADDITIONS TO FENESTRATION OF BUILDING - Refused Permission.

Reasons for refusal:

The proposed additional third and fourth floor by virtue of its massing, form, scale, height and design would constitute an obtrusive, overly large and incongruous form of development that would be out of keeping with, and detrimental to, the visual amenity and character of the West Barnes Lane streetscene, and would be harmful to the amenity of neighbours in terms of loss of privacy. Therefore, the proposal would be contrary to London Plan policies 7.4 and 7.6, Merton LDF Core Planning Strategy policy CS14 and Merton SPP policies DMD2 and DMD3.

The proposed new 2-bedroom flats would be below minimum floorspace standards representing a sub-standard form of accommodation contrary to Policy CS.14 of the Merton Core Strategy 2011, Policy DM D2 of the Merton Sites and Policies Plan (2014), London Plan 2015 Policy 3.5 and Standard 24 of London Housing Supplementary Planning Guidance 2016.

The application site is located in an area of high demand for on-street car parking spaces. Due to the creation of 7 additional flats in an area of existing car parking pressures with no dedicated off-street parking spaces for the new flats, the proposal would have a negative impact on parking stress in the area. In the absence of a legal undertaking securing a financial contribution towards the delivery of an on-street car club bay in the immediate vicinity of the site, the proposal would be contrary to policy CS20 of the Merton LDF Core Planning Strategy (2011).

16/P3135 - ADDITION OF ONE STOREY EXTENSION TO EXISTING BUILDING INVOLVING REMOVAL OF MANSARD AND RE-CLADDING OF ELEVATIONS TO PROVIDE SIX NEW SELF-CONTAINED DWELLINGS IN ADDITION TO THE 19 SELF-CONTAINED FLATS WITHIN GROUND, FIRST AND SECOND FLOORS PERMITTED UNDER PRIOR APPROVAL REF: 16/P0233. WORKS INCLUDE AMENDMENTS AND ADDITIONS TO FENESTRATION OF BUILDING – Refused Permission.

Reasons for refusal: The proposed additional third floor in conjunction with the alterations to the elevations of the buildings, would result in an overly large and incongruous form of development that would be out of keeping with, and detrimental to the visual amenities of the West Barnes Lane streetscene. The proposals would be contrary to London Plan policies 7.4 and 7.6, Merton LDF Core Planning Strategy policy CS.14 and Merton SPP policies DM D2 and DM D3.

Appeal Reference: APP/T5720/W/17/3170138 – Applicant appeal against refusal of application 16/P3135 – Appeal dismissed (Appeal decision letter appended to this report).

17/P1498 - PRIOR APPROVAL FOR CHANGE OF USE FROM OFFICE SPACE (CLASS B1) TO RESIDENTIAL (CLASS C3) TO CREATE 24 x 1 BED FLATS WITH 19 PARKING SPACES – Prior approval granted.

17/P2951 - REPLACEMENT OF EXISTING WINDOWS WITH DOUBLE GLAZING. 2 X NEW WINDOWS AND 3 X NEW DOORS ON THE WESTERN ELEVATION. 2 X NEW WINDOWS AND MODIFICATIONS TO 3 X GROUND FLOOR DOORS ON THE EASTERN ELEVATION OF THE EXISTING BUILDING – Granted permission, subject to conditions.

5. CONSULTATION

5.1 The application was advertised by means of neighbour notification letters and a site notice.

5.2 There were 6 objections from local residents raising concerns relating to:

- Development is out of character with existing development of mainly two storey dwellings in the surrounding area.
- Impact on privacy of surrounding residents.
- Blocking of natural light to surrounding residential properties.
- Lack of parking spaces for new flats and impact of increased traffic near the adjacent level rail crossing in West Barnes Lane.
- Increased demand on local sewer and drainage networks from the creation of additional flats.
- Resulting building height and bulk is incongruous with the street scene in West Barnes Lane.
- Light pollution to surrounding residents from occupation of the proposed flats during night-time hours.
- Noise impacts on surrounding residents due to scale of residential occupation.
- Potential future compulsory purchase of the application site as a result of future HS2 Crossrail works affecting the adjacent rail-line and level crossing.

5.3 Councillor Gilli Lewis-Lavender & Councillor Brian Lewis-Lavender
Noted that many of the residents have raised objections to this application and have called in the application for determination by planning committee.

5.4 Councillor Mary-Jane Jeanes – When application 16/P3135 was refused the following reason was given:

The proposed additional third floor in conjunction with the alterations to the elevations of the buildings, would result in an overly large and incongruous form of development that would be out of keeping with, and detrimental to the visual amenities of the West Barnes Lane streetscene. The proposals would be contrary to London Plan policies 7.4 and 7.6, Merton LDF Core Planning Strategy policy CS. 14 and Merton SPP policies DM D2 and DM D3.

In the Appeal Decision, Inspector Jennifer Vyse comes to the same conclusion: points 10 to 14 and 18, 19. The current application is also for an additional third floor and should therefore also be refused, even though its outline has been altered and made a little bit smaller.

Internal consultations.

5.5 Environmental Health - No objection. Suggested that an informative be included in the decision advising that matters of site contamination have previously been considered under Prior Approval reference 17/P1498 a report having been submitted with the application by Argyll Environmental – SAS_119419727_1_1 dated 28th March 2017.

5.6 Transport Planning – The site is located in an area with a PTAL of 1b, which is considered to be poor. 19 car parking spaces were previously agreed by the Council for 24 dwellings on June 2017 for planning application reference 17/P1498. Although the site has a low PTAL rating of 1b there is a bus stop directly outside the site and Motspur Park train station is a 5 minute walk away. As the increase in vehicle generation from the three additional units is minimal the 19 car spaces provided is considered adequate for the current proposal. The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles at the following level:

- 1 per studio and one bed dwellings; and
- 2 per all other dwellings

The proposal would require an additional 5 cycle spaces resulting in a total of 29 spaces which should be secure and undercover.

The proposal is unlikely to have a significant impact on the surrounding highway network. No objection to the proposed development subject to car and cycle parking spaces, as shown, being implemented and maintained.

5.7 Flood Risk officer No objections.

5.8 Climate Change – As a minor application, the scheme will need to achieve:

- a 19% improvement on Buildings Regulations 2013 Part L and submit SAP output documentation to demonstrate this improvement.
- internal water usage rates not in excess of 105 litres per person per day

The submitted energy statement (dated 15 Sept 2016) indicates that the proposed development should achieve, on average, a 20.7% improvement in CO2 emissions on Part L 2013. This meets the sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011).

While no internal water consumption calculations have been submitted for the development, these may be dealt with by way of condition. Recommend that Merton's Standard Sustainable Design and Construction (New Build Residential- Minor) Pre-Occupation Condition is applied to the development.

External consultations.

5.9 Network Rail (following consultation on application 16/P3135) Requested the inclusion of an informative outlining that that the proposal, both during construction and after completion of works, does not encroach into or damage Network Rail property.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012):
Part 7 Requiring Good Design

6.2 London Plan (2015)
3.3 Increasing housing supply;
3.4 Optimising housing potential;
3.5 Quality and design of housing developments.
5.3 Sustainable design and construction.
6.9 Cycling
7.4 Local character
7.6 Architecture

6.3 Merton LDF Core Planning Strategy (2011)
CS4 (Raynes Park)
CS8 (Housing Choice)
CS9 (Housing Provision)
CS11 (Infrastructure)
CS13 (Open Space, Nature Conservation, Leisure and Culture)
CS14 (Design)
CS15 (Climate Change)
CS18 (Active Transport)
CS19 (Public Transport)

CS20 (Parking, Servicing and Delivery)

6.4 Merton Sites and Policies Plan (2014)

The relevant policies in the Merton Sites and Policies Plan (2014) are:

DM D1 (Urban Design and the Public Realm)

DM D2 (Design considerations in all developments)

DM D3 (Alterations and extensions to buildings)

DM EP 2 (Reducing and mitigating against noise)

DM EP 4 (Pollutants)

DM T2 (Transport impacts of Development)

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations include assessing the principle of development, design and appearance of the proposed building, the standard of the residential accommodation, the impact on residential amenity and impact on car parking and traffic generation. Notwithstanding that each application must be considered on its merits, the latest proposals also present an opportunity to consider whether the development addresses effectively the concerns that formed the basis of the Council's reason for refusal on the 2016 scheme and reflected in the Planning Inspector's decision letter to dismiss the appeal.

7.2 Principle of Development

Core Planning Strategy Policy CS9 encourages the development of additional dwellings within residential areas in order to meet the London Plan targets. The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings locations with good public transport accessibility.

7.3 The site has a PTAL rating of 2 which is considered to be poor, however is located within close proximity to Motspur Park Station. Forming part of the Motspur Park local commercial centre, the building is surrounded by a mixture of residential and commercial development. The building is subject to Prior Approval in relation to conversion from office to residential units (24 units).

7.4 The proposal would provide 3 additional flats in an area that is well connected to rail services and local services, helping to provide a mix of dwelling types within the local area and making a further contribution to housing targets. Officers consider that the principle of the extension to the building for the purpose of additional flats is acceptable.

7.5 Design and Appearance.

London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and its surroundings.

- 7.6 The existing building is located at a prominent corner location adjacent to the rail lines, at the western end of the Motspur Park shopping parade. The building is of a different style to the adjoining terrace shopping parade, and the centre column of the building at the corner already sits above the height of the adjoining terraces.
- 7.7 The character and visual impact of an additional floor being situated on Park Gate House has previously been considered in application reference 16/P3135 and subsequent appeal reference APP/T5720/W/17/3170138. In dismissing the appeal on the previous scheme, the inspector noted that “the overall height of the majority of the existing building is roughly commensurate with that of the adjacent shopping parade”. The Inspector went on to say, “however, its existing appearance and bulky form is already at odds with the more traditional form and appearance of the shopping parade in West Barnes Lane and other buildings in the surrounding locality. In particular, when viewed from street level in West Barnes Lane, the boxy profile of the top floor of the existing building has an uneasy relationship with the adjacent pitched roof and is already a prominent and visually jarring feature in the street scene”. The Inspector subsequently determined that the additional floor, as proposed in application reference 16/P3135, “would result in a steeply sloping structure close to and on top of all other elevations of the building, and as a result would increase the already significant bulk of the existing building, appearing to loom up from the street resulting in an overly dominant and overbearing form”.
- 7.8 By contrast with the previous scheme considered in application reference 16/P3135 and the subsequent appeal, the proposal in this application comprises an additional floor constructed as a central podium within the existing building footprint. Rather than occupying the full depth and almost full width of the host building roof as previously proposed, the additional storey will now be in-set on all sides from the outer perimeter of the existing roof by distances ranging from 1.9 to 6.0 metres. The overall height of the additional floor will be 2.2 metres above the existing parapet of the main building fronting West Barnes Lane, sections of which will incorporate new glass balustrades to serve the balconies of the proposed flats.
- 7.9 It is considered that the newly proposed scheme will present a significantly reduced visual impact when compared with that previously proposed in application reference 16/P3135. When viewed from West Barnes Lane the structure of the newly proposed 3rd floor will be situated behind the existing central parapet which houses services and a stairwell over-run of the existing building. The space between the existing building footprint and the additional level will now be occupied by open balcony areas which service the newly proposed flats, and which are largely obscured behind the main parapet of the existing building frontage.

- 7.10 The location of the additional level 4.3 metres inside of the existing north-eastern side of the existing building significantly reduces the visual impact of the proposal when viewed in side profile from the southern side of West Barnes Lane in front of the existing group of two storey shop fronts.
- 7.11 The flat roof form of the proposed additional level is consistent with the flat roof form of the existing building and considered to be suitably low profile and subordinate to the main building. Similarly the grey wall and roof cladding is considered to suitably blend with the colour of the existing mansard-style roof colour of the existing building at 2nd floor.
- 7.12 On the basis of the above considerations the design of the proposed additional level is considered to achieve an understated height, massing, scale and form that would result in negligible further impact on the street scene in West Barnes Lane than that already created by the existing building. As a matter of judgement officers consider that the proposals would not conflict with the objectives of policies CS.14 of the Core Strategy and DMD2 and DMD3 of the Sites and Policies Plan.
- 7.13 Neighbour Amenity
London Plan Policy 7.6 (Architecture) requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. SPP policy DMD2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise.
- 7.14 The Inspector raised concerns regarding the impact of the appeal proposals on occupiers of neighbouring properties in Marina Avenue. The Inspector noted, “The existing three storey appeal building is already seen as having quite a dominant presence in views from the nearer of the Marina Avenue properties. In such close proximity, the addition of a further storey of accommodation would, in my view, exacerbate that impact, with the resultant building having an overbearing, if not overwhelming visual impact for nearby residents”.
- 7.15 The massing of the proposed extension would be significantly reduced in comparison with the appeal scheme. At 3.3 metres in height above the flat roof of the existing building, and noting its presentation as a podium inset within the existing building footprint, officers consider that the additional level will be suitably understated. As a matter of judgement and balancing the needs to provide additional housing with the need to safeguard neighbour amenity, it is considered that the latest proposals materially reduce the visual impact that the appeal extension would have had and would not result in adverse visual impact affecting the amenity of surrounding properties in Marina Avenue. Along with with the reduced impact on views from West

Barnes Lane arising from the changes to the proposals since the appealed scheme, officers consider that the proposals would not conflict with the objectives of policies CS.14 of the Core Strategy and DMD2 and DMD3 of the Sites and Policies Plan.

- 7.16 The existing building is a three storey building that is undergoing conversion to residential units. At its closest, the distance between the southern elevation of the building closest to the shared access way at the rear and the single storey rear extension of the nearest adjoining dwelling on Marina Avenue would be 26.1m, and the distance to the main rear elevation of the houses on Marina Avenue is 29.7m. Due to the angled shape of the subject building, the remainder of the building has even greater separation distances from the nearest residential properties in Marina Avenue.
- 7.17 With respect to the nearby residential properties in Marina Avenue at the south of the application site, it is noted that the proposed additional level will sit 2.1 metres inside the outer edge of the existing building footprint, and will present only communal hallway windows to this elevation which are nominated to be obscure glazed. The sedum roof which will occupy the area of existing roof between the new building and existing building edge at the rear is proposed to allow maintenance access only and not to be utilised for outdoor amenity space. On this basis it is considered that the proposal is unlikely to result in an additional impact on the amenity of neighbouring properties in Marina Avenue in terms of noise or loss of visual privacy.
- 7.18 It is acknowledged that in the previous appeal, the inspector found that there would be a material harm to the living conditions of nearby residents dwellings in Marina Avenue as a result of a perceived loss of privacy from previously proposed side roof terraces and windows with views into the adjacent rear gardens and windows. However, the currently proposed scheme no longer incorporates any side terraces situated on the southern side of the building, and all south and south-eastern facing rear windows proposed are noted as obscure glazed hallway windows.
- 7.19 The proposal will not alter the building's car parking area, therefore not giving rise to additional noise impacts from on-site parking.
- 7.20 The building is located north of the residential dwellings on Marina Avenue, hence the impact of overshadowing from the proposal is considered to be minimal. As part of the previous application LBM Ref: 16/P1868 for an additional two storeys to the building, the applicant submitted a daylight/overshadowing assessment. This study indicated that the construction of two additional storeys on the building would cast shadows that are very much the same for both the existing and proposed building forms, with any shading limited to the rear of properties along West Barnes Lane which are used for retail purposes and not considered to be detrimentally affected by this casting of

shadow. The gardens and habitable rooms of the adjoining dwellings to the south would overall continue to maintain reasonable access to light and the overshadowing of the gardens would not be substantially altered by the proposal. Given the present scheme has been reduced to a single additional storey constructed as an inset podium, it is considered that the findings of this study remain relevant (in fact would have a lesser impact than the previous scheme). Consequently the proposal would not have a detrimental impact on adjoining properties in terms of loss of light and overshadowing.

- 7.21 Based on the above, it is not considered that the proposal as amended would be harmful to the amenities of adjoining occupiers in accordance with SPP policy DMD2.
- 7.22 Standard of Accommodation
Policy DM D2 and DM D3 of the Site and Polices Plan states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- 7.23 Policy 3.5 of the London Plan 2016 states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in Table 3.3 of the London Plan.
- 7.24 The proposed flats all meet the minimum gross internal floor area requirements of the London Plan, as shown in the Table provided in Section 3. Both the single and double bedrooms comply with the London Plan room size requirements (7.5m² and 11.5m² respectively). The layout of the flats is considered to provide adequate daylight and outlook for future occupiers.
- 7.25 Policy DM D2 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The London Plan states that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person flatted dwellings. All of the flats have been provided with private terraces that meet or exceed this requirement, as shown in the Table provided in Section 3.
- 7.26 It is considered that all rooms will maintain reasonable outlook, access to daylight and sunlight, and ventilation. It is therefore considered that the proposed flats would provide a satisfactory standard of accommodation in accordance with the above policy requirements.

- 7.27 Parking and Servicing
Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.28 The site has a PTAL of 1b, however is located within close proximity to Motspur Park Station and adjacent to a TFL bus route. The car parking provision will provide a total of 19 spaces for 27 flats (including those created under Prior Approval). The development is not located within a CPZ.
- 7.29 Since the earlier decision to refuse permission, a further prior approval decision has been issued increasing the number of units in the existing former office building from 19 to 24 with 19 parking spaces. Notwithstanding this decision, LBM Transport Officers have advised that, as the increase in vehicle generation from the three additional units is minimal, the 19 car spaces provided are considered adequate for the current proposal. Having regard to the TfL report on car ownership in London (Roads Task Force – Technical Note 12) The proposals in combination with the flats permitted under the Prior Approval decision would benefit from parking spaces equating to a percentage of the overall number of units (70%) greater than the percentage of households with access to a car across the whole of Merton (64%) and comparable to the percentage of households in outer London in areas with a PTAL score of 1b (74%).
- 7.30 The proposal is unlikely to have a significant impact on the surrounding highway network. Officers would note that the appeal application was not refused on the grounds of insufficient car parking and the impact this may have on parking pressure or the functioning of the highway network. Given that the proposals are for three fewer units than the appealed scheme it would be unreasonable to introduce the absence of additional car parking as a ground for refusal.
- 7.31 Cycle Storage
Core Strategy Policy CS18 and London Plan policy 6.9 call for proposals that will provide for cycle parking and storage.
- 7.32 The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles at the following level:
- 1 per studio and one bed dwellings; and
 - 2 per all other dwellings
- Based on the above, the proposal would require an additional 5 cycle parking spaces compared with that previously approved in prior approval application 17/P1498. This results in a total of 29 spaces which should be secure and undercover on the application site. The applicant has designated areas for the secure storage of cycles at

ground floor. It is recommended that a condition of approval be incorporated that a minimum of 29 secure cycle spaces be provided prior to occupation of the development herein approved.

7.31 Refuse Storage and Collection

Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.

7.32 A dedicated refuse store is to be provided within the car park to service the new flats and is within the recommended distances for bin stores as outlined in the Manual for Streets and the LBM's Waste and Recycling Storage Requirements Guidance Note. The proposal is therefore considered to comply with the above policies.

7.33 Sustainable Design and Construction

London Plan Policy 5.3 requires that new dwellings address climate change adaptation and mitigation. Policy CS15 of the Core Strategy 2011 requires that developments make effective use of resources and materials minimises water use and Co2 emissions.

7.34 LBM Climate Change Officers have reviewed the submitted energy statement and note that the submitted SAP calculations / energy statement indicates that the proposed development should achieve a 20.7% improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011).

7.35 Whilst no internal water consumption calculations have been submitted for the development, LBM Climate Change Officers have indicated that the required standards would be capable of being met through the inclusion of LBM's standard pre-occupation conditions of approval.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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. CONCLUSION

9.1 The proposal would provide three additional flats to the existing building which has prior approval for conversion to residential flats, in an area with good access to rail services and local services thereby making more effective use of land and helping to meet housing targets. The proposed additional level is considered to achieve an understated height, massing, scale and form that would result in a limited impact on

the street scene in West Barnes Lane and as a matter of judgement overcomes the previous reason for refusal. The proposal is not considered to result in adverse amenity impacts on neighbours and by reason of the deletion of roof terraces to the rear and side and the deletion of habitable rooms to the rear overcomes the previous reason for refusal. The design of the flats meets minimum standards required for Gross Internal Area, and is considered to provide an acceptable standard of accommodation for future occupiers. The proposals is 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; 'Proposed Ground Floor (Extension App) – 110', 'Proposed Front (West) Elevation Planning – 230', 'Proposed Roof Plan– 208', 'Proposed Rear (East) Elevation Planning – 231', 'Proposed Second Floor (Extension App) – 112', 'Proposed First Floor (Extension App) – 111' and 'Existing & Proposed Sections – 240'.

- 3) B1 External Materials to be Approved

- 4) C04 Obscured Glazing (Fixed Windows)

Before the development hereby permitted is first occupied, all new third floor windows in the 'Proposed Rear (East) Elevation Planning' (Drawing 231) shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter.

- 5) C07 Refuse & Recycling (Implementation)

- 6) D10 External Lighting

- 7) D11 Construction Times

- 8) H07 Cycle parking to be implemented (minimum 29 spaces)

- 9) No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development

- the erection and maintenance of security hoarding including decorative -displays and facilities for public viewing, where appropriate
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason; To safeguard the amenities of the area, the occupiers of neighbouring properties and the protection of wildlife 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, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

10) Sustainable Design and Construction (New Build Residential - minor) (Pre-Occupation Condition)

No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

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 2015 and Policy CS15 of Merton's Core Planning Strategy 2011

11) Other than the areas shown as roof terraces on the approved plans (Drg 207) no part of the flat roofs, both for the building as existing and the extension as proposed, shall be used for purposes other than maintenance or in case of an emergency. Reason. To safeguard the amenities of neighbouring occupiers to avoid overlooking and loss of privacy and to comply with adopted policy DM.D3.

12) Non-Standard Informative (Land contamination).

Matters of site contamination have previously been considered under Prior Approval reference 17/P1498 a report having been submitted with the application by Argyll Environmental – SAS_119419727_1_1 dated 28th March 2017.

13) Non-Standard Informative (Sustainable Design & Construction Information).

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND:**
- Water Efficiency Calculator for New Dwellings; **OR**
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

14)NPPF Informative

[Click here](#) for full plans and documents related to this application.

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Appeal Decision

Site visit made on 6 June 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/T5720/W/17/3170138

Park Gate House, 356 West Barnes Lane, New Malden KT3 6NB

- 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 Stonegate Homes against the decision of the Council of the London Borough of Merton.
 - The application No 16/P3135, dated 28 July 2016, was refused by a notice dated 23 January 2017.
 - The development proposed is described on the application form as an '*extension to existing building, removal of mansard and re-cladding of elevations to provide six new self contained dwellings. Amendments and additions to fenestration.*'
-

Decision

1. For the reasons that follow, the appeal is dismissed.

Procedural Matters

2. The red line on the application plan does not correspond with the development proposed as it only includes part of the existing building. I have, however, proceeded on the basis that the application relates to the whole of the existing building, extending up to the adjacent shopping parade and including all of the parking area to the rear.

Main Issues

3. These relate to the effect of the development proposed on the character and appearance of the surrounding area and its effect on the living conditions of nearby residents, having particular regard to privacy and outlook.

Background

4. An application for prior approval for conversion of this three storey former office building to 19 self-contained flats was approved by the Council in 2016 (Application No 16/P0233). At the time of my site visit, work was underway on that approved conversion scheme.
5. The planning application the subject of this appeal proposes an additional storey of accommodation on top of the existing building in conjunction with the already approved works. The plans were amended prior to determination of the application by the Council, to show the additional accommodation as having a mansard type form in elevation. In addition, the plans are annotated to show the existing brickwork overlaid with a brick slip system in a pale buff colour, with the additional storey to be clad in mid-grey standing seam metal. The proposed terrace areas along the western façade are shown as being separated by 'bay' windows, with three additional terraces being introduced on other

facades to provide amenity space for each of the six additional flats proposed. In addition, the existing high level windows at first and second floor on the far southern façade (facing the nearest Marina Avenue properties) are shown as being retained, with the windows of the additional accommodation proposed to the same elevation to be fixed shut and obscure glazed.

6. The Council consulted on the amended plans and its decision was based on the revisions. My decision is, similarly, based on the scheme as amended.

Reasons for the Decision

Character and Appearance

7. The Government attaches great importance to the design of the built environment. In particular, Section 7 of the National Planning Policy Framework (the Framework) requires that new development should add to the overall quality of the area, referring to the need to respond to local character and history, and to reflect the identity of local surroundings. It also confirms that it is proper to seek to promote or reinforce local distinctiveness and to address the integration of new development into the built environment.
8. Policies 7.4 and 7.6 of the London Plan, policy CS14 of the Core Strategy¹ and policies DM D2 and DM D3 of the SPP² seek, among other things, to promote or reinforce local distinctiveness, encouraging high quality innovative design that respects and enhances the character of the wider area and reinforces a sense of place and identity. As such, they reflect national policy as set out in the Framework and continue to attract due weight.
9. This part of West Barnes Lane comprises a mix of shops and commercial premises, a public house, a local train station, school and residential accommodation. It has a pleasant suburban village feel and is characterised generally by two storey buildings, a number of which have second floor accommodation within the roof space. Most have pitched roofs over, with some characterised by white and black beamed mock Tudor frontages and gable features.
10. The appeal building occupies a prominent corner position adjacent to the railway line and level crossing, at the western end of the Motspur Park shopping parade. The parade comprises a largely two storey terrace with retail/commercial uses on the ground floor with accommodation above, beneath a pitched roof that is punctuated by gable features.
11. The appeal building, as existing, comprises three floors of what was previously office accommodation and sits slightly forward of the adjacent parade. The top floor has a flat roof with a tile hung slightly sloping façade, giving the impression from ground level of a mansard roof. The footprint of the building turns a corner such that its western elevation faces the adjacent railway line, the building and the railway line being separated by a narrow service road. At the point where the building addresses the corner, it is slightly taller, that part of the building accommodating a communal stairwell and lift.
12. The overall height of the majority of the existing building is roughly commensurate with that of the adjacent shopping parade. However, its appearance and bulky form is at clear odds with the more traditional form and

¹ London Borough of Merton LDF Core Planning Strategy : adopted July 2011

² Merton Sites and Policies Plan: 9 July 2014

appearance of the parade and other buildings in the immediate locality. In particular, when approached along West Barnes Lane from the northeast, the boxy profile of the top floor has an uneasy relationship with the adjacent pitched roof and, to my mind, is seen as a prominent and visually jarring feature in the street scene.

13. The development proposed would involve replacing the slightly sloping front elevation to the existing top floor with walling with a vertical plane, aligned with the lower floors. More significantly, the addition of an extra floor of accommodation would increase the overall height of the building well above that of the adjacent parade buildings. The part of the building that addresses the front corner would also be increased in height, to align with the top of the proposed additional storey. A corresponding stairwell tower of the same height is also shown at the southwestern end of the building.
14. I recognise that the additional storey would be set back a short distance from the boundary with the adjacent shopping parade. Nevertheless, the addition would result in a steeply sloping structure close to and on top of all the other elevations, including the street elevations. As a consequence, the building would, in my view, be seen to loom up from the street, comprising a bulky, overly dominant and overbearing form of development that would fail to respect or have proper regard to the scale of the adjoining two-storey shopping parade and other buildings in the locality. I find nothing in the proposed design, including the proposed alterations to the elevations and fenestration that would complement or enhance the character or appearance of the wider setting. Even taking account of the already incongruous appearance of the existing building, there would be material harm to the character and appearance of the area, contrary to the provisions of the relevant development plan policies and the Framework.

Living Conditions

15. Local residents raised a number of objections both at application and appeal stage which are not reflected in the Council's reason for refusal, including outlook and privacy for occupiers of properties on Marina Avenue. That they were not part of the reason for refusal does not preclude them from being a main issue, with the appellant, who is professionally represented, having had the opportunity to deal with the representations made.
16. Dealing first with the matter of privacy, the officer's report indicates that some 30 metres separates the main wall of the nearest property and the south elevation of the appeal building (reducing to some 26 metres between the single storey extension to the rear of the nearest property and the appeal building). The Council's SPG 'Residential Extensions, Alterations and Conversions' (November 2001) suggests a minimum separation of 25 metres between new dormer windows at second floor level and facing windows at a neighbouring residential property. However, the development proposed would introduce additional windows at third floor level which, it seems to me, could necessitate a separation greater than the suggested 25 metres. That said, I note that the windows in the south elevation of the building, which would directly face the rear of the nearest Marina Avenue properties, are shown as being fixed shut and obscure glazed. That would remove opportunities for direct overlooking from those windows.
17. However, windows to habitable rooms and a roof terrace are proposed on the

angled, more easterly/southeasterly facing elevation and the south facing return at the far end of the building. During my site visit, I took the opportunity to view the residential properties from the edge of the existing flat roof on the appeal building on each of the 'rear' elevations. Notwithstanding the slightly oblique angle in part, and the greater separation distance involved, I am in no doubt that there would, at the very least be a perception of overlooking, given the clear views from the proposed windows and roof terrace into rear gardens, rear patio /decking areas and rear facing windows.

18. The appeal building is separated from the rear gardens of the Marina Avenue properties by a rear access road. The existing three storey appeal building is already seen as having quite a dominant presence in views from the nearer of the Marina Avenue properties. In such close proximity, the addition of a further storey of accommodation would, in my view, exacerbate that impact, with the resultant building having an overbearing, if not overwhelming visual impact for nearby residents.
19. To conclude on this issue, I have found that there would be material harm to the living conditions of nearby local residents in terms of loss of privacy and visual impact. There would be conflict, in this regard, with policies DM D2 and DM D3 of the SPP which, among other things, seek to ensure the provision of quality living conditions and privacy for existing residents as well as protecting them from visual intrusion.

Other Matters

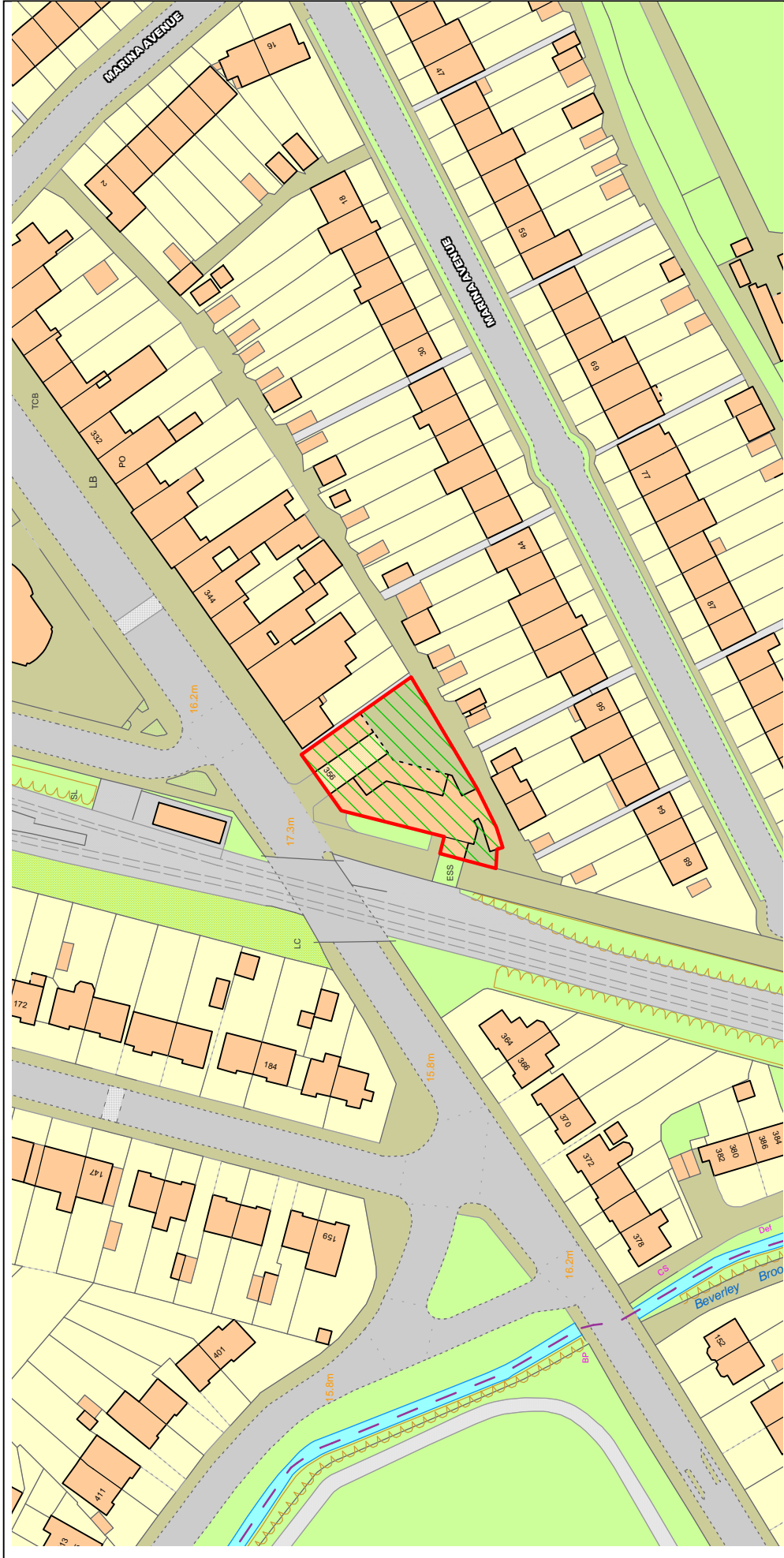
20. Other objections raised by local residents in relation to loss of light/overshadowing, highway safety and parking, noise and disturbance etc are dealt with in the officer's report and I have no reason to take a different view from the conclusions set out therein, namely that there would be no material harm in these regards.
21. The officer's report indicates that the appeal site lies within Flood Zone 2. Whilst residential development can be acceptable in Flood Zone 2, the Government's Planning Practice Guidance makes it clear that a sequential risk based approach should be taken to the location of new development. That approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk, the aim being to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) where possible. Had the appeal been acceptable in all other regards, I would have required further information in relation to the sequential test.

Conclusion

22. I have found that there would be material harm in terms of the impact of the appeal scheme on the character and appearance of the area. There would also be harm to the living conditions of nearby residents in terms of loss of privacy and visual impact. I recognise that the appeal site is well connected to the rail network, with easy access to local services. As such, there is no objection in principle to the development proposed. However, any benefits in this regard are clearly outweighed by the harm that I have identified. Accordingly, for the reasons set out above, I conclude that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR

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PLANNING APPLICATIONS COMMITTEE
14 DECEMBER 2017

APPLICATION NO. DATE VALID

17/P3691 02/10/2017

Address/Site: 49 Whitford Gardens, Mitcham CR4 4AB

Ward Figges Marsh

Proposal CONVERSION OF EXISTING DWELLINGHOUSE TO FORM 1 x 3 BED FLAT AND 1 x 1 BED FLAT, INVOLVING THE DEMOLITION AND RELACEMENT OF SINGLE STOREY REAR EXTENSION, ERECTION OF FIRST FLOOR REAR EXTENSION AND REAR ROOF EXTENSION.

Drawing No's 001, 002 REV B.

Contact Officer Cameron Brooks (020 8545 3297)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION

- S106: permit (parking) free and cost to Council of all work in drafting S106 and monitoring the obligations.
- 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 - 17
- Press notice - No
- Site notice - Yes
- External consultations: Nil
- Number of jobs created N/A

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee due to the level of objection received.

2. SITE AND SURROUNDINGS

- 2.1 The site is a mid-terrace house located on the east side of Whitford Gardens, a no through road near Mitcham town centre. The house has not been extended but in common with other houses on the terrace it has a distinctive shared single storey rear outrigger and there is a shared passageway from the rear gardens to the street front. The site is not in a conservation area but is in a Controlled Parking Zone (MTC). The site has a Public Transport Accessibility Level of 3 where 1 is poor and 6 is very good.

3. CURRENT PROPOSAL

- 3.1 The application is for the conversion of existing dwelling house to form 1 x 3 bed flat and 1 x 1 bed flat. The proposal involves the demolition and replacement of the single story rear outrigger, erection of first floor rear extension and roof extension.

Ground floor unit

- 3.2 Under the current proposal, the ground floor extension will have a flat roof and contain a one bedroom, two person flat. The private entrance will be from a common hall to the front of the property. The proposed single storey extension would have the following dimensions: 2.8m along northern boundary and 0.3m along the southern boundary, 5.7m wide and 3m high. The current proposal has attempted to address previous reasons for refusal (refer to planning application 17/P2058) on an earlier scheme by reducing the scale and bulk of the ground floor extension. Previously the ground floor proposals extended approximately 5m along the northern boundary.

First and second floor unit

- 3.3 The current proposal has attempted to address previous reasons for refusal (17/P2058) on an earlier scheme by no longer proposing an extension at first floor level. Under the current proposal, the first and second floors will form a two storey three bedroom, four person family dwelling. A mansard style rear roof extension has been proposed. A second private entrance for the upper floor flat will be accessed from the ground floor common hall, leading to a stair to the first floor accommodation. The proposed rear roof extension would have the following dimensions: 3m high, 4.4m deep and 6.35m wide.
- 3.4 Each flat will have a separate external side entrance to a private rear garden area. No off street parking has been provided. Bin and two covered cycle parks will be located within the rear gardens for both units.

Flat No.	No. of beds	No. of persons	No. of storey's	Required GIA	Proposed GIA	Compliant
1	1	2	1	50m ²	50.8m ²	Yes
2	3	4	2	84m ²	87.4m ²	Yes

3.5 Private amenity space would be provided for the ground floor unit with an outdoor area of approximately 28.8m² and 46m² for the family unit. The outdoor gardens will be accessed via a shared access path along the northern boundary. Each private outdoor garden area has two covered cycle parks and space for refuse storage.

4. PLANNING HISTORY

4.1 17/P2058 - CONVERSION OF EXISTING DWELLINGHOUSE TO FORM 1 x 3 BED FLAT AND 1 x 1 BED FLAT, INVOLVING THE DEMOLITION AND RELACEMENT OF SINGLE STOREY REAR EXTENSION, ERECTION OF FIRST FLOOR REAR EXTENSION AND REAR ROOF EXTENSION – REFUSED ON THE FOLLOWING GROUNDS:

The proposals by reason of scale, bulk, massing, design, materials and layout; are considered to represent a visually intrusive, overly dominant and unneighbourly form of development that would a) fail to respect and complement the design and detailing of the original building and character of the wider setting of the local area and b) fail to protect the amenity of neighbouring occupiers from visual intrusion and loss of outlook. The proposals would therefore be contrary to Sites and Policies Plan policies, DM D2 and DM D3, policies CS 9 and CS.14 in the Merton Core Strategy 2011 and policies 3.5, 7.4 and 7.6 of the London Plan 2016.

4.2 11/P2643 CONVERSION OF EXISTING HOUSE TO FORM 2 X ONE BEDROOM FLATS, INCORPORATING DEMOLITION OF EXISTING AND RELACEMENT OF A NEW SINGLE STOREY REAR EXTENSION – REFUSED ON THE FOLLOWING GROUNDS:.

The proposed conversion of a 3 bedroom single family dwelling to two 1 bedroom flats, would result in the failure to re-provide a family sized unit, resulting in the loss of a small family dwelling, and result in a cramped and unsatisfactory environment to the detriment of the amenities of future occupiers. The proposals would be contrary to policies CS.8, CS.14 of the Merton LDF Core Planning Strategy (2011) and policy 3.5 of the London Plan (2011).

5. CONSULTATION

5.1 17 neighbours were consulted on the scheme as originally submitted: 5 individual letters of objection were received:

- The extra units would result in an increase demand on parking, additional traffic, extra stress on local facilities (medical services, schools and social services) and loss of community.
- Excessive development has led to flooding in the area.
- The conversion provides limited living space.
- Proposal is just for profit with no regard to the community, especially young families.
- Works would cause disruption.
- The rear extension would potentially cause a loss of light.
- The character of the area will be eroded.
- The proposal does not meet the criteria of the London Plan.

5.2 Transport Planning. The site has a PTAL score of 3 and is in a controlled parking zone. The proposed development does not provide off street parking, therefore the two new residential units should be designated 'permit' free secured through a section 106 agreement; cycle parking provision shows 4 spaces. London Plan standards would require it to have (a maximum of) 3 spaces; Refuse storage for the proposed units are shown in the rear garden adjacent to the cycle storage. The carry distance is less than 20m of an adopted highway.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2012)

Section 6 – Delivering a wide choice of high quality homes.

Section 7 – Requiring good design including optimising the potential of a site to accommodate development.

6.2 London Plan (2015)

Relevant policies include:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.11 Affordable Housing Targets
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 8.2 Planning Obligations

6.3 Merton Local Development Framework Core Strategy (2011)

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan (2014)

Relevant policies include:

- DM H3 Support for affordable housing
- DM D1 Urban Design
- DM D2 Design considerations
- DM D3 Alterations and extensions to existing buildings
- DM EP 2 Reducing and mitigating noise
- DM T3 Car parking and servicing standards

6.5 Supplementary planning considerations.

London Plan Housing SPG – 2016

Technical housing standards - nationally described space standards
March 2015

7.0 PLANNING CONSIDERATIONS

The main issues for consideration are:

- The principle of development
- Design and appearance
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, parking and cycle storage
- Refuse storage and collection
- Sustainability
- Developer contributions/obligations.

7.1 Principle of development

Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.

7.2 Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. It is noted that in accordance with Core Strategy

policy CS14, the development would not result in the loss of a family sized unit.

7.3 Given the development seeks to add an additional residential unit, increasing density, the principle of development is considered to be acceptable, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

7.4 Design and appearance

Officers consider that the applicant has addressed previous concerns regarding the scale and visual impact of the proposals (refer to 17/P2058) which proposed extensions on all three levels and was considered to be overbearing when viewed from neighbouring properties on Whitford Gardens and Albert Road. The applicant has reduced the depth of the single storey rear extension (from 5m to 2.85m deep) and removed the first floor rear extension. The proposed loft extension will remain unchanged. It is also noted that the extensions will be located to the rear of the subject site and not be visible from the street. On the basis of the above, it is considered that the proposed extensions to the existing outbuilding will respect the appearance, scale, bulk, form, materials and character of the existing building on the application site as well as its surroundings. It is therefore considered to be consistent with the intent of London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

7.5 Impact upon neighbouring amenity

The proposal has taken into consideration previous reasons for refusal (refer to 17/P2058), reducing the scale of the extensions. Given the scale, bulk and materials proposed, it is not considered the proposed extensions would result in an undue loss of daylight and sunlight or loss of privacy. The proposal is therefore considered to be acceptable in terms of policy DM D2.

7.6 Standard of accommodation.

Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016).

Table 1

Flat No.	No. of beds	No. of persons	No. of storey's	Required GIA	Proposed GIA	Compliant
1	1	2	1	50m ²	50.8m ²	Yes
2	3	4	2	84m ²	87.4m ²	Yes

- 7.7 As demonstrated by Table 1 above, both units meet London Plan space standards. All habitable rooms are serviced by windows/roof lights which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. All bedrooms meet the minimum requirements of the London Plan/Nationally described space standards.
- 7.8 In accordance with the London Housing SPG, the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 bedroom flats with an extra square metre provided for each additional bed space. The ground floor family unit would be provided with 28.8m² of private amenity space. The upper floor 3 bedroom unit will also have access to private amenity space of 46m². Garden space would exceed adopted standards for flat, with the garden for the larger unit almost up to the Council's garden space standard for family houses.

Transport and parking.

- 7.9 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.10 The proposed development does not provide off street parking. However the subject site is located within a Controlled Parking Zone (CPZ), therefore the two new residential units should be designated 'permit' free secured through a section 106 agreement. Subject to completing a S106 undertaking to ensure the units are ineligible for permits, it is considered the proposal would not result in an undue impact on parking pressure in the area.

Refuse storage and collection

- 7.11 Appropriate refuse storage has been provided in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.

Cycle storage

- 7.12 Cycle storage is required for new development in accordance with London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18. 4 cycle storage spaces have been provided which are considered to be suitable.

Sustainability

- 7.13 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.14 As per Core Strategy policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building

Regulations 2013 and water consumption should not exceed 105 litres/person/day. The applicant has confirmed that the development will achieve the above requirements. It is therefore recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Developer Contributions

- 7.15 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. CONCLUSION

- 8.1 Officers consider that the development would provide good quality living accommodation for future occupants. The proposal would not have a detrimental impact on highway safety or parking pressure. The proposal would result in additional residential units and increased density in line with planning policy. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to the completion of a S106 agreement/completion of a S106 unilateral undertaking and planning conditions.

1. CPZ permit exemptions for occupiers of the flats;
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations ;
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

And the following Conditions:

- 01 A1 Commencement of Development
- 02 A7 Construction In Accordance With Plans
- 03 B3 The Materials To Match existing The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

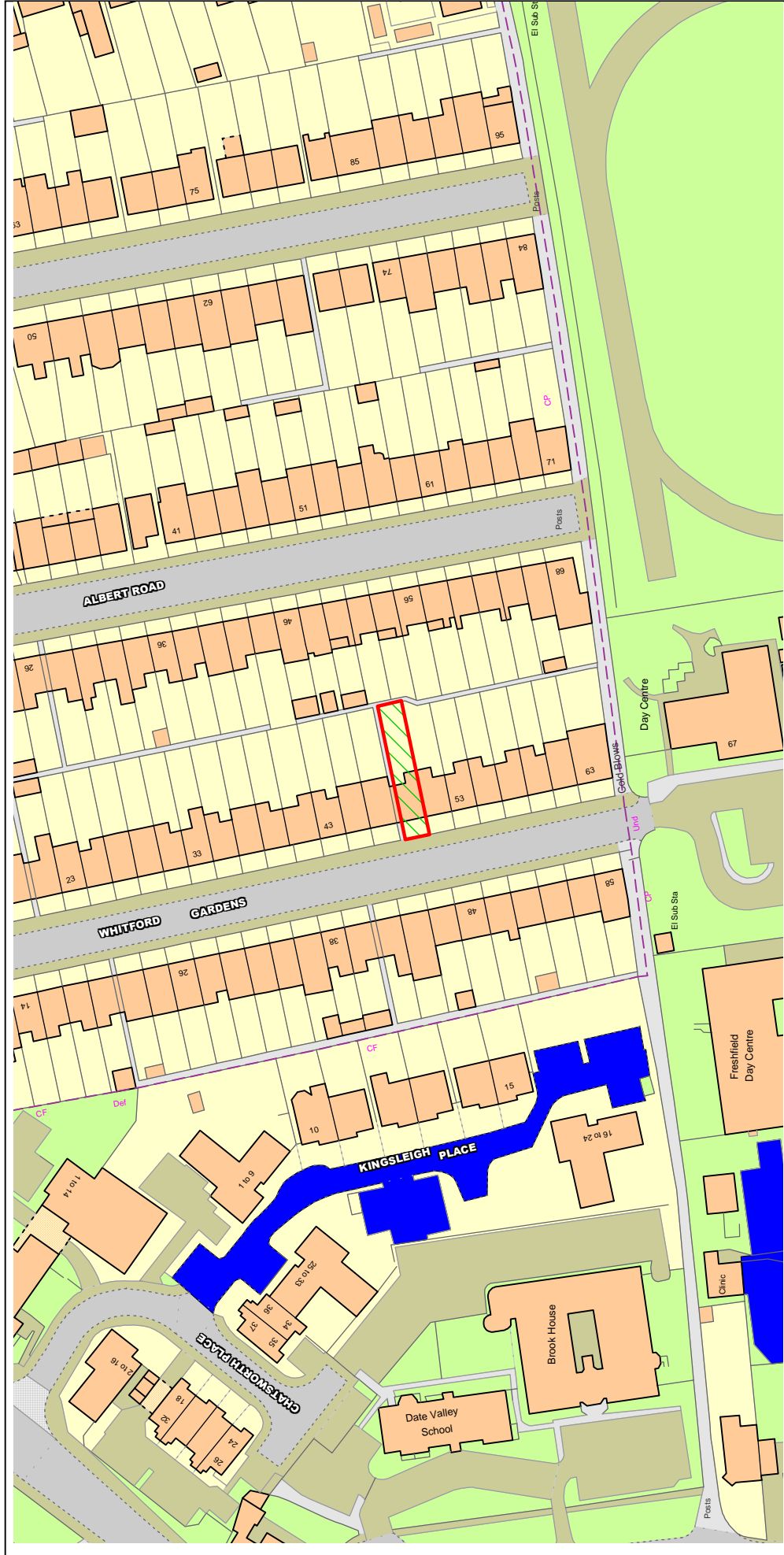
04. C8 No Use of Flat Roof Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
 05. H6 Cycle parking to be implemented
 - 06 Non Standard Condition No part of the development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve a CO2 reductions of not less than a 19% improvement on Part L Regulations 2013, and water consumption rates of no greater than 105 litres per person per day.
-

[Click here](#) for full plans and documents related to this application.

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**PLANNING APPLICATIONS COMMITTEE
14 DECEMBER 2017**

APPLICATION NO.

DATE VALID

17/P2440

20/06/2017

Address/Site Land rear of 1 York Road, South Wimbledon SW19 8TP

Ward Trinity

Proposal: Redevelopment of the site to be by the erection of a part single, part two and part three storey block comprising 372.9m² of B1 office floor space arranged over lower ground and ground floor levels and 1 x one bedroom and 2 x two bedroom flats above and erection of a two storey block comprising 3 x duplex apartments arranged over lower ground, ground and first floor levels together with associated parking and landscaping works.

Drawing Nos Site location plan, B300145P-200, 201B, 202A, 203B, 204B, 205, 206, 207A, 208A, 209B, 210A, Planning, Design and Access Statement, Basement Impact Statement, SUDS Feasibility Report and Flood Risk Assessment.

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: Permit fee
- 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:

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 vacant site previously occupied by workshop buildings, situated on the north side of York Road. To the east of the site are rear gardens of two storey houses in Haydon's Road, to the north of the site are two storey houses on Effra Road and to the west is Ashbury Place, a development of 6 two storey mews houses. The rear elevations of numbers 5 and 6 Ashbury place abut the site boundary. Opposite the site are two storey business units in York Road. The application site is not within a conservation area.

3. **CURRENT PROPOSAL**

- 3.1 The current application involves the redevelopment of the site to by the erection of a three storey block comprising 372.9m² of B1 office floor space arranged over lower ground and ground floor levels and 1 x 1 bed and 2 x two bedroom flats at first and second floor levels and erection of a two storey block comprising 3 x duplex apartments arranged over lower ground, ground and first floor levels together with associated parking and landscaping

3.2 Block A

The block situated towards the front of the site would comprise a part single/part two and part three storey building (with accommodation at basement level). The proposed building would be 18 metres in length and 12.5 metres in width and would have an overall height of 9 metres. Block A would be set back from the site frontage by 20 metres and the rear elevation would abut the boundary with properties in Asbury Place.

- 3.3 Internally, at lower ground and ground floor levels 372.9m² of B1 Office floor space would be provided divided into four units. The units at lower ground floor level having windows fronting onto a light well running along the front elevation of the building. At first and second floor levels 1 x 1 bedroom and 2 x 2 bedroom flats would be provided with each flat comprising a combined living/kitchen/dining. Each flat would have a balcony to the front elevation (5.2m² for the one bedroom unit and 9.5m² for the two bedroom units).

3.4 Block B

The block would be sited towards the rear of the site and would comprise a terraced building (with accommodation at basement level) comprising three duplex apartments. At lower ground floor level each unit would have an en-suite bedroom at basement level with light provided by light wells to the front elevation. At ground floor level a combined living/kitchen/ dining area whilst at first floor level a further bedroom and study would be provided. Each unit would have a small rear balcony (8m²) screened from the rear by a 1.7 metre high obscure glazed screen.

- 3.5 The development has been designed in a contemporary style echoing an industrial/warehouse design. The buildings would be constructed in facing brickwork and render and would have traditional styled windows and projecting balconies.
- 3.6 Access to the site would be from York Road and two parking spaces would be provided, together with a turning area. A secure cycle store would also be provided.
- 3.7 The current application is similar to application LBM Ref.16/P0735 which proposed 4 x 2 bedroom flats and 2 x B1 Office units within a three storey building and erection of a two storey building accommodating three x duplex apartments together with 2 x car parking spaces and 12 cycle parking spaces that was dismissed on Appeal on 29 March 2017 (Appeal Ref.APP/T5720/W/16/3161322). The current application has been submitted in order to address the reasons for refusal and the Planning Inspectors comments.

4. **PLANNING HISTORY**

- 4.1 In November 2007 planning permission was refused for the redevelopment of the site by the erection of a three storey building comprising 12 flats with communal roof garden and 2 x class B1 office units (LBM Ref.07/P2548). A subsequent Appeal was dismissed on 15 July 2008 (Appeal Ref.APP/T5720/A/08/2064321). The Inspector considered that there main considerations were the effect of the proposed development on small-scale employment units within the borough; whether the proposal would ensure a satisfactory standard of accommodation for future occupiers of the development; and the effect on the neighbouring occupiers' living conditions in terms of loss of light and privacy. The Inspector noted that the site lay outside the Boroughs major employment locations but remained subject to policy E.6 that sought to maintain scattered employment sites which provide significant levels of employment. The Inspector considered that the small element of B1 space would not adequately compensate for the potential number of jobs that could be accommodated if the extent permission was implemented. The Inspector found the proposal to conflict with policy E.6.
- 4.2 In terms of the standard of residential accommodation to be provided, the Inspector acknowledged that the main bedrooms to flats 8 and 12 would have insufficient light and outlook, however considered the overall standard of accommodation would be satisfactory in terms of natural daylight and that in the main, floor areas would be adequate for furniture and storage. With regard to neighbours living conditions, the Inspector considered that the proposed buildings, in particular the three storey flats, would not be unduly large or so intrusive so as to appear overbearing or cause any appreciable loss of light to any neighbouring habitable rooms. Sufficient separating distance would also be maintained to avoid any significant adverse impact from noise. The Inspector was satisfied that the proposal would create no more intrusive impact than either the former or permitted uses of the buildings.

4.3 The Inspector concluded that the proposals would include a satisfactory standard of accommodation for future occupiers and would not cause harm to neighbouring residents' living conditions however this must be balanced against the need to retain a supply of land and premises for employment use. The supply of new housing and provision of an open space do not outweigh the loss of a significant amount of employment land.

4.4 In November 2008 planning permission was refused for the erection of eight flats and four B1 office units within a three storey building and two B1 office units within a two storey building together with associated car parking and cycle parking (LBM Ref.08/P3098). Planning permission was refused on the grounds that:-

'The proposed development would result in the loss of employment land and would be detrimental to the provision of employment floorspace in the Borough and would be contrary to Policy E.6 (Loss of Employment Land Outside designated Industrial Areas) of the Adopted Merton Unitary Development Plan (October 2003) and

The site is located in defined Flood Zone 3 and the applicants have failed to submit a Flood Risk Analysis contrary to PE.5 (Risk from Flooding) of the London Borough of Merton UDP October 2003 and PPS 25 – Development and Flood Risk and

The proposed development would, by virtue of its height, bulk, massing, site coverage and siting constitute an overdevelopment of the site, that would be detrimental to the amenities of the occupiers of the neighbouring properties contrary to Policies BE.15 (New Buildings and Extensions, daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE.16 (Urban Design) and BE.22 (Design of New Development) and HS.1 (Housing Layout and Amenity) of the Adopted Merton Unitary Development Plan (October 2003)'.

4.5 The applicant appealed against the Council's refusal of planning application LBM Ref.08/P3098 (Appeal Ref.APP/T5720/A/09/2100051) and the Planning Inspector allowed the appeal on 29 September 2009.

4.6 In November 2013 planning permission was refused for the erection of 1 x 3 storey building and 1 x 2 storey building to create 9 x 1 bedroom flats with associated landscaping (LBM Ref.13/P2888). Planning permission was refused on the grounds that:-

'The proposed development would result in the loss of employment land, for which insufficient justification has been given, detrimental to the provision of employment floor space in the Borough. As such, the proposed development would be contrary to policy E.6 of the Adopted Merton unitary development Plan (October 2003) and policy CS12 of the adopted Merton Core Planning Strategy (July 2011) and

The proposed residential accommodation would, by virtue of its lack of private amenity space for three of the proposed two bedroom units, and substandard

amenity space for three of the proposed two bedroom units, suitable for family accommodation, and lack of natural light to the units within the three storey block, would constitute an unsatisfactory standard of accommodation, contrary to policy HS.1 of the Adopted Merton Unitary Development Plan (October 2003) and the Councils' New Residential Development SPG and

The proposed three storey block, would by virtue of its height bulk, massing and site coverage, constitute an over development of the site, that would be detrimental to the outlook and privacy of the occupiers of the neighbouring properties, particularly 1A and 1B York Road, contrary to policies BE.15, BE.16, BE.22 and HS.1 of the Adopted Merton Unitary Development Plan (October 2003) and policy CS14 of the Adopted Merton Core Planning Strategy (July 2011), and the Council's New Residential Development SPG'.

Other reasons for refusal were lack of information on flood risk, lack of financial contribution towards affordable housing and loss of privacy from windows in two storey block.

- 4.7 In August 2016 planning permission was refused under delegated powers for the redevelopment of the site by the erection of a three storey block comprising 372m² of B1 office floor space arranged over lower ground floor levels and 4 x two bedroom flats above and erection of a two storey block comprising 3 x duplex apartments arranged over lower ground, ground and first floor levels together with associated parking and landscaping works (LBM Ref.16/P0735). Planning permission was refused on the grounds that:-

'The proposed three storey block (Block 'A') would, by virtue of its height and location on the rear boundary with numbers 1A and 1B York Road constitute and excessively large and overbearing development to the detriment of the outlook and daylight/sunlight to the occupiers of those properties contrary to policy CS14 of the Adopted Merton Core Planning Strategy (July 2010) and policy DM D2 of the Adopted Merton sites and Policies Plan (July 2014)'.

- 4.8 The applicant appealed against the Council's refusal of planning permission (Appeal Ref.APP/T5720/W/16/3161322) and the Planning Inspector dismissed the appeal on 29 March 2017. The Inspector in paragraph 15 of the Appeal decision letter stated that 'I conclude that the proposal would have an unacceptable harmful effect upon the living conditions of neighbouring occupiers. It would be contrary to policy Core Strategy policy CS14 and SPP policy DM D2, where they seek to protect residential amenities. It would also not meet the aims of paragraph 17 of the NPPF.
- 4.9 The current application has been submitted in order to overcome the reasons for refusal.

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 28 letters of objection have been received. The grounds of objection are set out below:-

- The three storey building would be out of character.
- There is no need for commercial floorspace.
- Lack of parking.
- Poor site access.
- The current application has not addressed the reasons for refusal of the previous scheme (LBM Ref.16/P0735) of the Planning Inspector's comments.
- the development would be oppressive and unacceptable overdevelopment of the site.
- Basement construction may affect neighbouring properties.
- The proposal would have a negative impact upon the area.
- Balconies of block B would cause overlooking.
- Incongruous design.
- Lack of amenity space.
- Loss of light to neighbouring properties.
- No justification for basement accommodation.
- Potential for flooding.
- There is a need for family housing and not flats.
- There are currently empty commercial properties in York Road and there is no local need.
- The proposal will result in loss of light to properties in Ashbury Place.
- The three storey block is too high.
- Parking is a real issue in the area and the proposal should be rejected on parking grounds.
- there is no affordable housing.
- Three or four family sized houses should be built on the site.
- The proposal would result in overshadowing of neighbouring properties.
- Would reduce the quality of life in the area.
- The commercial building would overlook the garden of 1A York Road.
- The current proposal has not addressed the impact of the scheme upon 1A and 1B York Road.
- The current scheme is little different from the previous proposal.
- Access is too narrow for emergency vehicles.
- Parking is insufficient for 6 units and commercial floorspace.
- There would be no objections to a single apartment block or a few houses with parking for all the homes.

5.2 The Wimbledon Society

The current proposals do not address the issues that caused the previous application to be rejected. One of the buildings is still three storeys in height. The new buildings extend almost to the perimeter of the site on all sides with a narrow access route. The effect of this would be a dominant form of development that would be detrimental to neighbour amenity. Privacy is also a key issue. The new properties have balconies facing adjacent properties. Although high opaque screens are proposed, this may not allay privacy concerns of local residents. Access to the site is also poor and the development lacks amenity space. The Wimbledon Society believes that the proposal represents over development of the small site and that the application should be refused.

5.3 Effra Road Tenant's Association

The proposal lack of amenity space and the residential block would affect light to properties in Effra Road and the proposed development does not reinforce or respect the character of the local area. The association state that they would be in favour of a development similar to Barton Mews where a factory once stood. This has been turned into family housing.

5.2 Transport Planning

The site has been subject to a number of planning applications ranging from 8 to 12 flats plus commercial floor space. In terms of accessibility by public transport the site has a PTAL score of 2. However, following subsequent refusals/appeals the Inspector did not cite transport/parking impacts as an issue therefore the principal of this scale of development has been established, as was the principal of a car free development. It is therefore unlikely that transport planning could justify grounds for refusal. The addition of two parking spaces is not expected to have any adverse impacts on highway conditions. York Road is within a Controlled Parking Zone and therefore commuters/workers for the business units would not be able to park on street. There would need to be dedicated visitor cycle parking provided for the commercial units. The residential cycle parking is rather remote from block B and it is therefore suggested that a segregated block for cycle parking is provided for each block rather than a communal block.

5.3 Amended Plans

Following discussions with officer's the scheme has been amended in the following ways:-

- Neighbours have not been consulted. (officer comment: checks have been done and all relevant letters have been sent. In addition a site notice was posted at the site)
- The glazed screen on the western boundary has been replaced with a conventional wall.
- Cycle storage spaces are all located at the front of the site.
- The height of block 'B' is only 800mm higher than the scheme allowed on Appeal.
- Amenity space has been provided in front of each unit in block 'B' and front balconies removed.
- The rear elevation of block 'B' has been revised to incorporate brick detailing and the height of the rear terrace wall would be 1.8 metres above finished floor level.

5.4 In response to the reconsultation a further 13 letters of objection have been received. The grounds of objection are set out below:-

- The revisions to the scheme do not address neighbours concerns. Access to the site is restricted and there is no car parking. Ashbury Place is a well laid out development with sufficient parking. The proposed development would be crowded and cramped.
- Two parking spaces are not sufficient.
- The style of the proposed building is totally incongruous with any buildings in the area.
- There is a need for family housing but not offices.

- There would be no objections to a few houses or a small single block of flats.
- The development would affect light to 1A York Road.
- The location of the rubbish bins would be adjacent to gardens of houses in York Road.
- Access to the site is restricted and could be a problem for emergency vehicles.
- The height bulk, massing and site coverage of the development and lack of amenity space has no regard for the neighbourhood that it is set in.
- There has been no change to block A and the changes to block B are minimal with the balconies to the front removed.
- The current application does not address the reasons for refusal of the last application.
- The proposal would compound parking problems in the area.
- The proposed development would result in loss of privacy the properties in Haydon's Road.
- The developer has not listened to local residents.
- There are empty business premises in York Road and there is no demand for further office units.
- The Wimbledon Society state that the revisions do not change their objections to the proposal.

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 (July 2011) 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), 7.4 (Local Character) and 7.6 (Architecture).
- 6.4 Mayor of London's London Plan Housing Supplementary Planning Guidance (March 2016) and Housing Standards, Minor alterations to the London Plan (March 2016).

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations are the previous planning history of the site, particularly the three appeal decisions, design, provision of employment floorspace, standard of residential accommodation, neighbour amenity, basement construction, parking, sustainability issues and developer contributions

7.2 Planning Appeal Decisions

There have been three appeals against the Councils refusal of planning permission for the redevelopment of the site. The appeal against the refusal of planning application LBM Ref.07/P2548 for the redevelopment of the site by the erection of two buildings containing 12 flats and two B1 office units (APP/T/5720/A/08/2064321) was **dismissed** on 14 July **2008**. Although the Inspector dismissed the Appeal, the Inspector noted in paragraphs 11 and 12 of the decision letter that 'In my opinion, the proposed buildings, in particular the three-storey flats would not be unduly large or intrusive so as to appear overbearing or cause any appreciable loss of light to neighbouring habitable room windows'. The Inspector however considered the 150m² of commercial floorspace to be inadequate. (Details of the application are attached as Appendix 1).

7.3 Planning application LBM Ref.08/P3098 proposed two separate blocks, one block containing 372.9m² of commercial floorspace over lower and ground floors and four self-contained residential units over first and second floors and a two storey block comprising three duplex apartments split over lower ground, ground and first floors with associated amenity space car parking and landscaping. The Inspector **Allowed** the appeal on 29 September **2009** (Appeal Ref.APP/T5720/A/09/2100051). The Planning Inspector noted the comments made by the Inspector in connection with application 07/P2548 and considered that the proposed scheme 'would not cause significant harm to living conditions in any of the neighbouring dwellings, by reason of overbearing proximity, or loss of natural light or outlook. That includes its relationship with the rear of houses at 1A and 1B York Road and dwellings in Ashbury Place'. The Inspector also considered that the internal layout of the residential units was acceptable and the proposed employment floorspace would make a significant contribution to the supply of employment land in the Borough. A planning application to extend the time to implement the Appealed scheme was refused under LBM Ref.12/P2620 on the grounds that the internal floorspace of the flats did not comply with the then current standards. (Details of the application area attached as Appendix 2).

7.4 Planning application LBM Ref.16/P0735 proposed redevelopment of the site By the erection of a three storey block comprising 372.9m² of commercial floorspace over lower ground and ground floors and four self-contained flats over first and second floors and two storey block comprising three duplex units split over lower ground, ground and first floors, together with associated amenity space, parking and landscaping works. The subsequent appeal was **dismissed** on 29 March **2017** (Appeal Ref. APP/T5720/W/16/3161322). The Inspector considered that block A would considerably increase the sense of enclosure to gardens in Ashbury Place and be an oppressive and overbearing form of development. The Inspector also considered that the balcony screens at the rear of block B whilst preventing direct overlooking from and to the proposed development, the use of obscure glazing would not address the potential for a harmful perception of overlooking. (Details of the application are attached as Appendix 3).

7.5 Design Issues

The design of the current scheme has been influenced by the scale, bulk and massing of the scheme allowed on Appeal on 29 September 2009 (Appeal Ref.APP/T5720/A/09/2100051) following the refusal of application LBM Ref.08/P3098). A contemporary design approach has been adopted for the proposed development with the buildings having an industrial/warehouse appearance and would appear as a 'mews style' development. The current proposal has amended the design of the south elevation of block 'A' to incorporate a 'set back' at first and second floor levels of 3m and 8m respectively, which has reduced the visual bulk of the building when viewed from numbers 1A and 1B York Road. The design of Block 'B' located at the rear of the site has also been revised with small amenity areas provided in front of each unit and the balconies removed and a 1.8 m rear wall provided to screen the rear terraces. The internal layout of the unit in block 'B' adjacent to the boundary with Ashbury Place has been revised so the nearest window adjacent to Ashbury Place at first floor level is to a bathroom the building 'set back' at first floor level, to align with the houses in Ashbury Place. The balconies initially proposed for block 'B' have also been removed. The amended proposal is considered to be acceptable in design terms and complies with polices CS14 and DM D2.

7.6 Provision of Employment Floorspace

The current proposal would provide 372.9m² of employment floors pace compared to the 347m² of the previously appealed scheme (LBM Ref.08/P3098). In allowing the Appeal, The Inspector considered that 347m² of commercial floor space then proposed was acceptable. The current proposal would provide more commercial floor space than the previous scheme and the application is also supported by policies DM E3. The proposed employment floor space provision is therefore considered to be acceptable.

7.7 Standard of Residential Accommodation.

The current application proposes 6 residential units rather than 8 x 1 bedroom units previously allowed on appeal. The current application proposes 1 x 1 bedroom and 2 x two bedroom flats in block A and 3 x duplex apartments in block B.

The gross internal floor area and amenity space provision for each unit is set out below.

Block A		GFI	Amenity Space
Flat 1	1 bedroom	56.8m ²	5.2m ²
Flat 2	2 bedroom	88.8m ²	9.5m ²
Flat 3	2 bedroom	86.8m ²	9.5m ²
Block B			
Flat1	2 bedroom	108.9m ²	9.1m ²
Flat 2	2 bedroom	109.9m ²	9.1m ²
Flat 3	2 bedroom	107.7m ²	9.1m ²

The Mayor of London's minimum floor space standards specify a minimum of 70m² for a two bedroom, 2 person unit therefore the gross internal floor area of each unit exceeds the minimum standard set out in policy 3.5 (Quality and Design of Housing of the London Plan).

7.8 Neighbour Amenity

The proposed development would have a similar foot print, height and massing and siting to the scheme allowed on Appeal. The Planning Inspector considered the impact of a mixed use development upon neighbour amenity in his Appeal decision letter dated 29 September 2009 (APP/T5720/A/09/2100051). The Inspector having considered the previous Planning Inspectors comments in relation to Appeal (Ref.APP/T5720/A/08/2064321) noted that the envelope of the two new buildings would be substantially the same as the previously appealed scheme. In the Appeal decision letter, The Inspector, like the previous Inspector found that the proposed scheme would not cause significant harm to the living conditions of neighbouring dwellings, by reason of any overbearing proximity, or loss of natural light and outlook. That included the relationship between 1A and 1B York Road, and the dwellings in Ashbury Place. However, the Council accept that the proposal would have a minimal impact upon properties in Ashbury Place, the height, bulk and siting of block 'A', abutting the rear garden boundary with numbers 1A and 1B York Road would be oppressive due to the due to the 9 metre height of the flank wall which would be 5.8 metres from the rear windows of 1A and 1B York Road. Indeed the minimal separation distance between block 'A' and 1A and 1B York Road was one of the reasons for refusal of application LBM Ref.13/P2888 on 21 November 2013.

7.9 In order to address previous concerns regarding the impact of the bulk of building 'A' upon the occupiers of 1A and 1B York Road, the building has been 'set back' at first and second floor levels by 3m and 8m respectively. There would also be no windows within the south elevation facing towards numbers 1A and 1B York Road. The proposal is now considered to be acceptable in terms of its impact upon 1A and 1B York road.

7.10 The design of 'Block B' has also been amended with the internal layout of the house adjacent to Ashbury place being revised so that at first floor level a bathroom would be provided so that the nearest window to the boundary would be obscure glazed. At first floor level the house adjacent to Ashbury Place has been 'set back' to align with the house in Ashbury Place and front balconies removed from houses in 'Block B'. These changes have reduced potential overlooking and/or loss of privacy to occupiers of residential properties in Ashbury Place.

7.11 The concerns of a resident regarding possible contamination due to the sites previous use for manufacture of electrical components is noted and the applicant has stated that they would undertake a detailed survey the site prior to construction and the requirement for a survey on the condition of the site would be subject to a planning condition. The proposal is therefore considered to be acceptable in terms of policy DM D2.

7.12 Basement Construction

The applicant has submitted a Basement Impact Statement for the proposed development. The Council's structural engineer has examined the submitted report and the accompanying Flood Risk Assessment. The Council's Flood Risk Engineer has raised no objections to the proposal subject to conditions being imposed requiring the submission of a detailed basement construction method statement and details of a sustainable drainage scheme in accordance with policy DM F2.

7.13 Parking

The Council's Transport planning section have no objections to the proposed development subject to the development being designated 'permit free' secured through a S106 Agreement. A planning condition regarding provision of cycle parking would also be appropriate in this instance.

7.14 Sustainability Issues

On 25 March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.15 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code level 4 equivalent. Where there is an existing plan policy which references the Code for sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

7.16 In light of the government's statement and changes to the national planning framework it is recommended that if planning permission were to be granted, conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

7.17 Developer Contributions

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. However, the Mayor of London's and Merton's Cil would still 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 amended proposed is considered to be acceptable in design terms due to the introduction of 'set backs' at first and second floor levels of block 'A'. The revised design of Block 'A' has addressed the reasons for refusal of the previous application (LBM Ref.16/P0735) and the proposal would provide six new residential units and employment floor space on a currently vacant site. Although the application site has a PTAL of 2 the previous Planning Inspectors have not cited lack of parking as a reason for refusal. York Road is a controlled parking zone that it is recommended that the development be designated 'permit free' secured through a S.106 Agreement. 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. 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 Commencement of Development
2. A.7 Approved Plans
3. B.1 External Materials to be Approved
4. C.2 No Additional or Enlarged Window or Door Openings
5. C.6 Refuse and Recycling (Details to be Submitted)
6. C.9 Balcony Screening
7. D.10 External Lighting
8. D.11 Hours of Construction

9. F.1 Landscaping Scheme
10. F.2 Landscaping
11. H6P Details of Cycle Parking
12. H9P Construction Vehicles
13. 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.

14. 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.

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).

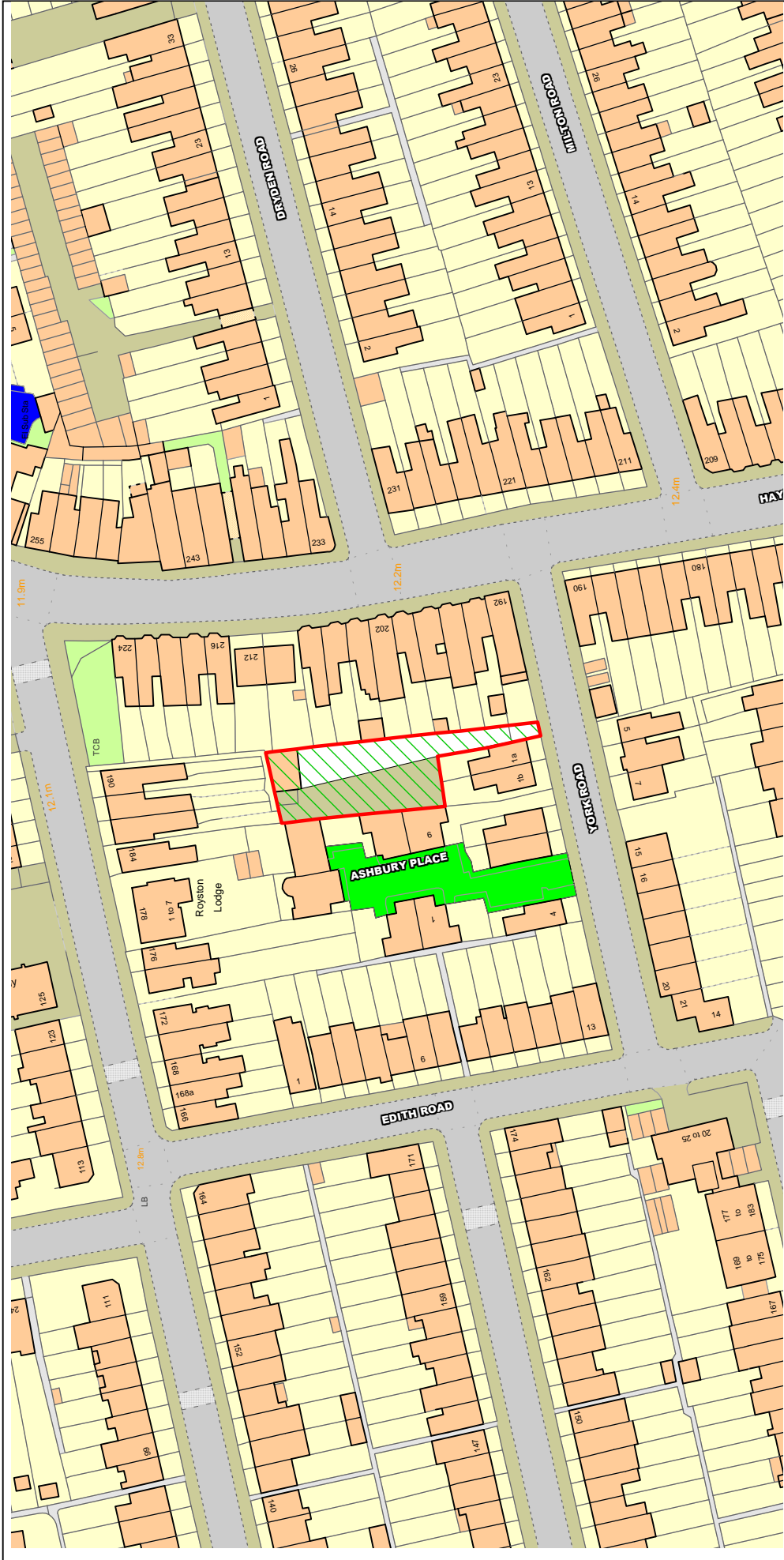
22. INF1 Party Wall Act
23. INE7 Hardstandings
24. INF8 Construction of Vehicle Access

[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

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NORTHGATE SE GIS Print Template



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Committee: Planning Applications

Date: 14 December 2017

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

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 viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

<https://democracy.merton.gov.uk/ieListMeetings.aspx?Committeed=155>

DETAILS

Application Numbers: **16/P3796**
Site: 45C Crusoe Road, Mitcham CR4 3LJ
Development: Conversion of ground floor into 3 x 1 bed and 1 x 2 bed flats
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th November 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **16/P4383**
Site: 2 Greenwood Road, Mitcham CR4 1PE
Development: Demolition of garage and erection of 1 x detached dwellinghouse
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th November 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **16/P4581**
Site: 17 High Street, Wimbledon SW19 5DX
Development: Demolition of infill building and erection of three storey block comprising ground floor commercial and 4 x residential flats on first and second floors
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 10th November 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **16/P4627**
Site: 190 Merton High Street, London, SW19 1AX
Development: Erection of second and third floors to create 2 x 2 bed flats and partial conversion of ground floor from business to residential
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 5th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1352**
Site: 3 Kingswood Road, London SW19 3ND
Development: Rear roof extension raising ridge height by 250mm and installation of 2 x roof lights to front roof slope
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 16th November 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0704**
Site: 12 Wool Road, West Wimbledon SW20 0HW
Development: Erection of two storey side extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 24th November 2017

[Link to Appeal Decision Notice](#)

[Link to Appeal Costs Decision](#)

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.

Committee: Planning Applications Committee

Date: 14th December 2017

Agenda item:

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 Ray Littlefield: 0208 545 3911
Ray.Littlefield@merton.gov.uk

Recommendation:

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 staffing levels in the Planning Enforcement Section.

It should be noted that this section currently comprises of:

The Deputy Planning Enforcement Manager (full time).

Two Planning Enforcement Officers (full time) Two Tree Officers (one full time one part time).

The Planning Enforcement Manager resigned in February 2017 and this position is not being filled as the team has been reduced from four to three Planning Enforcement Officers in the recent round of savings.

Current Enforcement Cases:	682	¹ (667)	New Appeals:	(0)	(0)
New Complaints	37	(38)	Instructions to Legal	1	(1)
Cases Closed	22		Existing Appeals	5	(5)
No Breach:	15		<hr/>		
Breach Ceased:	7		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	41	(43)
Total	22	(20)	% Determined within time limits:	93%	
New Enforcement Notices Issued			High Hedges Complaint	0	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	4	(1)
New Enforcement Notice issued	0	(0)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0	(0)			
Total	0	(0)			
Prosecutions: (instructed)	1	(1)			

Note (*figures are for the period 9th November 2017 to 5th December 2017*). 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

- **9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats without planning permission. The service of a planning enforcement Notice has now been authorised.

18 Warminster Way, Mitcham, CR4 1AD. The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would have taken effective on 27th April 2017. An appeal has now been lodged, and is in progress. Awaiting appeal site visit date

1 Cambridge Road, Mitcham, CR4 1DW. The council issued a S215 notice on 21st August 2017 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 took effect on the 21st September 2017. Prosecution proceedings are now being considered.

Some Recent Enforcement Actions

- **28 Byards Croft.** On 8th May 2017 the Council issued an Enforcement Notice requiring the demolition of detached out building. The Notice came into effect on 16th June 2017 with a compliance period of one month, unless an appeal is lodged. No appeal has been lodged. The Enforcement Notice has now been complied with.
- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement 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 is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- **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, rainwater goods, masonry, chimney render repairs, 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 Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action. The property has again been occupied by squatters. Steps have been taken to remove them.

- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice was expected at the end of March 2017. Site visit to be undertaken to check for compliance.

3.00 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council was notified of an appeal. The compliance period is two calendar months. The appeal site visit will be held on 29th January 2018
- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Waiting for the inspectorate decision.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice was submitted. The appeal site visit will be held on 29th January 2018.
- **12A Commonside West.** On 06/03/17 the council issued an enforcement notice against the unauthorised erection of a single storey rear outbuilding. The notice would have come into effect on 15/4/17. An appeal has now been lodged and a start date has now been given.

Appeal statement has been submitted to the inspectorate. Appeal site visit is to be held on 12th December 2017.

- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Awaiting for the inspectorate decision.

- **3.2 Appeals determined**

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. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17. The Structure is still present. No compliance, awaiting prosecution.

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. The appeal was dismissed on 10/1/17 and the appellant had three months to comply. The structure was removed as required by the given date of by 26th July 2017.

Land at 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 was submitted. 11th April 2017 Appeal dismissed and Notice upheld. The compliance date was 12th May 2017, however an acceptable scheme has now been approved.

2 and 2A Elms Gardens, Mitcham. An enforcement notice was issued on 12th January 2017 against the erection of a single storey bungalow at the rear of the property. The notice would have come into effect on the 18th February 2017 but an appeal has been submitted. The Appeal start date was 19th March 2017 and a statement has been sent. The planning appeal site visit is to be held on 1st September 2017. It was found on the appeal site visit that the building had been altered and could no longer be considered by the inspector to be a “bungalow” and as such the enforcement Notice referring to a “bungalow” was quashed by Decision letter dated 27th September 2017. The Council is now considering

issuing a new enforcement Notice referring to the building as 3 garages.

36A Cromwell Road, SW19 – Following a complaint about a **high hedge** at this address, the council served a Remedial Notice on the owner to reduce the hedge to the specified height of 3.9 metres. The subsequent appeal was dismissed and the effective date for the Notice has been re-set to 1 September 2017. The owner has 3 months to carry out the specified work. After that time, the council can decide what form of enforcement action is appropriate for this case.

3.3 Prosecution cases.

- **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 prosecution documents have been forwarded to Legal Services for further action. This case is to be re-allocated to a new officer.
- **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 came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.
- **55-61 Manor Road, Mitcham.** An enforcement notice was issued 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 no notification of an appeal was 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. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017. However the Notice was not complied with and prosecution proceedings have now been instigated. A prosecution statement in consultation with the legal services is now in progress.

3.4 Requested update from PAC

None

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

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