

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)  
Najeeb Latif (Vice-Chair)  
Laxmi Attawar  
David Chung  
David Dean  
Russell Makin  
Simon McGrath  
Peter Southgate  
Marsie Skeete  
Dave Ward

#### Substitute Members:

Stephen Crowe  
Daniel Holden  
Edward Foley  
Rebecca Lanning  
Dennis Pearce  
Carl Quilliam

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

**Date:** 19 July 2018

**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](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3356

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# Planning Applications Committee

## 19 July 2018

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| 1 | Apologies for absence   |         |
| 2 | Declarations of Pecuniary Interest  |         |
| 3 | Minutes of the previous meeting   | 1 - 6   |
| 4 | Town Planning Applications<br>The Chair will announce the order of Items at the beginning of the Meeting.<br>A Supplementary Agenda with any modifications will be published on the day of the meeting.<br>Note: there is no written report for this item |         |
| 5 | Land at 1A Kenley Road, Merton Park, SW19 3JJ<br>Application number: 18/P1356 Ward: Merton Park<br><br>Officer Recommendation: GRANT Planning Permission subject to conditions  | 7 - 22  |
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| 7 | Lee House, 2 Lancaster Avenue, Wimbledon SW19 5DE<br>Application number: 17/P1602 Ward: Village<br><br>Officer Recommendation: GRANT Planning Permission subject to completion of a S.106 Agreement and conditions<br><br>ITEM WITHDRAWN FROM AGENDA      | 33 - 46 |
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## **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.

## **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](mailto: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](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

28 JUNE 2018

(7.15 pm - 9.00 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),  
Councillor Najeeb Latif, Councillor Laxmi Attawar,  
Councillor David Dean, Councillor Russell Makin,  
Councillor Simon McGrath, Councillor Peter Southgate and  
Councillor Dave Ward

ALSO PRESENT Councillor Andrew Howard, Neil Milligan , Tim Bryson,  
Jonathan Lewis, Sarath Attanayke, Lisa Jewell

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Chung, his substitute was Councillor Dennis Pearce.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

In the interest of openness and transparency several Councillors asked for it to be recorded that they had won tickets to the Wimbledon Tennis Championships, held at the All England Tennis Club, in a ballot. The Chair explained that Councillors winning these tickets still had to pay the full price of the tickets themselves.

Councillors declaring that they had won tickets:

Councillor Simon McGrath

Councillor Najeeb Latif

Councillor Laxmi Attawar

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 7 June 2018 were 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 and

Order of the meeting – The Chair announced that the items would be taken in the following order 5,7,6, 8 and 9

### 5 CENTRAL HOUSE, 1C ALWYNE ROAD, SW19 7AB (Agenda Item 5)

Proposal: Change of use from Offices (Class B1) to Health Clinic (Class D1)

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

Officers re-iterated the points made in their Report, that the operation and safety of the imaging equipment (x-ray, MRI and ultrasound) are issues governed by the Ionising Radiation Regulations 2017 (IRR17). Compliance with these regulations is Mandatory and is the responsibility of The Health and Safety Executive (HSE) and the Care Quality Commission. Therefore the operation of this equipment is not a material planning consideration. However Officers did assure the Committee that the proposal did include protective wall shielding that would form a box within the room. Therefore no window in this room would be exposed to any emissions from the equipment.

Members questioned the description of the Clinic as a 'Community Facility' when it was privately operated. Officers explained that it was designated as use class D1 which does cover a variety of uses including private clinics.

Officers answered questions on the marketing of the site, and explained that evidences showing that the site had been marketed as Offices since 2015 was supplied with the application.

Some members were concerned about the lack of parking around the application site. Other Members pointed out that there was a Car Park nearby and that the site had good access to public transport. Members also noted that the proposed use was less intensive than if it was used as offices.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 ALL ENGLAND CLUB, GRAND DRIVE, SW20 9NB (Agenda Item 6)

Proposal: Hybrid application for All England Lawn Tennis Club tennis facility: Planning permission in full for 16 x external grass tennis courts, 3 x acrylic tennis courts within permanent air dome, associated landscaping including Sustainable Urban Drainage Systems, car parking, amendment to access arrangements; and Outline planning permission (with appearance, landscaping and layout reserved) for replacement two storey clubhouse and new outbuilding for maintenance purposes.

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

In answer to a Members question officers replied that the land is described as designated open space. In approaching this application Officers have weighed up the benefits and dis-benefits, and consider that the proposal does bring benefits, but there is some encroachment on open land. Members then asked if a specific number of hours can be set aside for community use each week. Officers suggested that this should be discussed with the Greenspaces Team and relevant Children Schools and Families officers. Members also asked if all Mitcham Schools could be included in the available sessions at the application site, and suggested that all Merton Schools should be approached once.

Members stated that residents had concerns regarding parking on the site. Officers replied that Officers could seek robust fencing along Grand Drive, they also pointed out that the Grass Courts would not be used in the winter months which would relieve the pressure on parking.

Members asked about the extra entrance and exit on Cannon Hill Drive and noted that these were linked to the new maintenance facility that was required for the very sophisticated machinery that will be needed to maintain the new facilities.

## RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions and S106 legal agreement

### 7 14 Highbury Road, Wimbledon, SW19 7PR (Agenda Item 7)

Proposal: Erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows together with associated internal alterations and construction of basement beneath part of rear garden.

The Committee noted the officer's report and presentation and information in the Supplementary Agenda. The Planning Team Leader drew Members' attention to the Flood Risk Officer comments in the Supplementary Agenda. The Planning Team Leader also informed the Committee that Historic England had commented and had recommended an archaeological protection condition that would become Condition 19.

The Committee received verbal representations from two Objectors, from the applicant's Agent and from Ward Councillor Andrew Howard.

The Objectors made points including:

- Neighbours do not object to some development on this site, as they have extended their own homes
- But this proposal is huge and out of scale with the house, creating 4000 ft<sup>2</sup> underground
- The proposed extension is 6m in depth and rises above ground floor level
- If allowed it would be the biggest underground development in Wimbledon
- The proposal would affect trees in the Conservation Area
- The proposal would not meet the requirements of Merton policy DMD2 and is greater than 50% of the area of the garden
- The new extension should not be considered as part of the garden
- There is a lack of detail and accuracy in some of the information provided
- Don't want to stop neighbours from extending but the size of this basement is unprecedented and almost commercial
- Neighbours are worried about flood risk given the local hydrology
- This is a massive excavation that may cause instability in the area

- There is the potential for noise in the Conservation Area from the air conditioning units that will be required by the basement
- There is a risk to the mature trees in neighbours gardens from the excavations.

The Applicant's Agent made points including:

- The House is a listed building, apart from the removal of the contemporary garage none of the proposed development would be seen from the street
- The proposal is similar to other recently approved schemes in the area
- The Council's tree officer does not believe the development will cause harm
- The Council's Design and Conservation Officer has no problems with the proposal
- The Council's Engineers have approved the proposals
- We do fully understand the concerns of neighbours but Merton Council safeguards are stringent and this development meets them all
- In light of neighbours concerns the basement size has been reduced and is now well under 43% of the garden
- Other neighbours have built large extensions and basements, this application is not unusual in Wimbledon

The Ward Councillor Andrew Howard made points including:

- I represent both the applicant and objectors
- What is needed is a clear determination
- Both sides have made articulate representations
- Concerned about very recent amendments, is a deferral for more time required?

Officers explained that as the recent amendment was to reduce the length of the basement it was thought that a re-consultation was not necessary.

Members were concerned that figures were not shown on the Plans and asked officers what the actual percentage of the garden area was equal to the Basement. Officers replied that they did not know why figures were not available. They calculated that the percentage coverage was 44%. The Committee noted that the agent to the application said that this figure was less than 43%, whereas objectors thought it as greater than 50%.

Officers confirmed that the dimensions of the proposed swimming pool were 25m long by 4.1m wide. The depth of the basement is 4m deep with the pool being a further 1.4 m deep.

Officers confirmed that the Tree Officer had requested that root protection areas be included and assessments be undertaken, and that she was content that these measures would ensure that no trees were harmed by the excavation. Only one mature tree was to be lost to the development Officers said that they expected to see trees planted within the new landscaping.



Members noted that conditions had been included to mitigate and monitor noise and vibration to neighbouring properties during construction. Officers did not believe that conditions could be added to require monitoring of ground movement after construction was complete. It was the Officers view was that a Party Wall agreement would cover this aspect.

Officers replied to Members questions about the construction of the basement saying that the Council Engineers had considered this and were satisfied. Officers explained how a pump system would be used to allow water in and then pump it out.

Members were concerned regarding the Flood Risk Officers' comments, contained in the Supplementary Agenda. They noted that the Flood Risk Officer says that there is a slight concern that due to the significant size of the basement there is very limited 'natural' ground left in which surface water may infiltrate. Officers replied to this by saying that there would be no development until the applicant had submitted the further details required by the Flood Risk Engineer, this was required by condition.

Members asked what would happen If problems were encountered with the basement construction once works had begun. Officers replied that they had not experienced this with any other basement constructions

Members made comments including:

- It is a relatively large development and thank you to Officers for putting stringent controls on the development. The Council's experts all agree that the development will not cause problems
- The proposal is vast, it may affect neighbours housing and it is overdevelopment
- It is one large development too many for the area
- Think that there should be a condition on long term monitoring in neighbours houses
- The development is not fair on neighbours and is unneighbourly
- Extension seems bigger than single storey, not convinced by the drawings and concerned that they are not to scale

The Committee voted on the motion to approve the application but this was lost, and the application was thus refused.

Officers asked Members to provide their reasons for refusal. Some Members disagreed whether or not this was necessary, but Members gave Officers reasons for refusal subject to the usual resolution that the exact wording was delegated to the Director of Environment and Regeneration. Officers requested that the Chair and Vice-Chair should be asked to approve the final version of the reasons for refusal

## RESOLVED

The Committee agreed to:

1. REFUSE Planning Permission for the following reasons:
  - The size of the proposed basement is disproportionate to the size of the house
  - The proposal represents overdevelopment in a Conservation Area
  - The size of the proposed basement too large and is unneighbourly.
  
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

## 8 PLANNING APPEAL DECISIONS (Agenda Item 8)

The Committee noted the report on Planning Appeal Decisions

## 9 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 9)

The Committee noted the report on Planning Enforcement

## PLANNING APPLICATIONS COMMITTEE 19 JULY 2018

**APPLICATION NO.**                      **DATE VALID**  
18/P1356                                      20.03.2018

**Address/Site**                      Land at 1A Kenley Road, Merton Park, SW19 3JJ

**(Ward)**                                      Merton Park

**Proposal:**                              Demolition of the existing garage and the erection of a single storey dwellinghouse

**Drawing Nos;**                      Site location plan and drawings; A(20)\_E01 Rev B & A(20)P01 Rev B

**Contact Officer:** Leigh Harrington (020 8545 3836)

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### **RECOMMENDATION**

Grant planning permission subject to conditions.

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### **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: 16
- Press notice – No
- Site notice – Yes
- External consultations: Nil
- Archaeological Priority Zone – No
- Controlled Parking Zone - Yes
- 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      The application site is an L shaped area of former garden space located at the rear of 84 Mostyn Road although the site has been described as 1A Kenley Road. It is currently occupied by a single storey detached garage with access out onto Kenley Road. The area is characterised by interwar suburban

residential development with a number of detached garages being situated along this stretch of Kenley Road. The site is not located within a Conservation Area, an Archaeological Priority Zone or a flood risk area and has a PTAL of 2 (Low).

### **3. CURRENT PROPOSAL**

- 3.1 The proposal involves demolition of the existing 3.59m high garage and the erection of a new detached 1 bedroom dwelling house with access via Kenley Road.
- 3.2 This is the sixth application for a house on this site and this application has been amended since its original submission following the advice of officers. Access to the property would now be through a pedestrian gate set within a close boarded fence that reflects the existing boundary treatment on the site. Refuse and secure cycle storage would be provided each side of the front courtyard. The front door opens into an open plan combined living/dining/kitchen area with windows facing the courtyard. The bathroom would be centrally located with the double bedroom set to the rear with sliding doors leading out to the rear garden.
- 3.3 Externally the house would be finished in black timber cladding with a 3.65m high fibre slate roof that has now been revised so that it has two elements, a gable to the Kenley Road elevation with hipped end to the rear and a gable facing the amenity space and hipped section to the rear of that both, separated from each other by glazed panels. The house has been 'pulled away' from the neighbour's garden at 86 Mostyn Road by 2m and the site offers 60sqm of garden space.

### **4. PLANNING HISTORY**

- 4.1 17/P4077 Planning permission refused for the demolition of the existing garage and the erection of a new detached 1 bedroom dwelling house with access via Kenley Road.

**Reason. The size, siting and design of the proposed dwellinghouse would result in a negative impact on the amenity of future occupants in terms of poor outlook, a lack of sunlight and daylight resulting in an over reliance on artificial light and a substandard outdoor amenity space, whilst appearing unduly dominant and out of context and character with the existing Mostyn Road/Kenley Road urban landscape and would be contrary to policies 7.4 and 7.6 of the London Plan 2016, policies CS 13 & CS14 of the Merton LDF Core Planning Strategy (2011), policy DM D2 of the Merton Sites and Policies Plan (2014).**

- 4.2 16/P2484 Planning permission refused and appeal dismissed for the demolition of the existing garage outbuilding and the erection of a new 1 bedroom house.

**Reason.** The size, siting and design of the proposed dwellinghouse would result in a negative impact on the amenity of neighbouring residents in terms of visual intrusion, loss of privacy, increased noise and disturbance whilst appearing unduly dominant and out of context and character with the existing Mostyn Road/Kenley Road urban landscape and would be contrary to policies 7.4 and 7.6 of the London Plan 2015, policies CS 13 & CS14 of the Merton LDF Core Planning Strategy (2011), policy DM D2 of the Merton Sites and Policies Plan (2014).

- 4.3 15/P2866. Planning permission refused for the demolition of the existing garage and the erection of a new detached 2 bedroom dwelling house.

**Reasons.** The proposed dwellinghouse by reason of its size, siting and design would result in a poor internal layout with poor outlook and poor levels of sunlight to the detriment of the amenities of future occupiers, and with the potential to impact negatively on the amenities of neighbouring residents in terms of noise, disturbance and visual intrusion, appearing unduly dominant and out of context and character with the existing pattern of development in Mostyn Road/Kenley Road and would be contrary to policies 7.4 and 7.6 of the London Plan 2015, policies CS 13 & CS14 of the Merton LDF Core Planning Strategy (2011), policy DM D2 of the Merton Sites and Policies Plan (2014) and Standard 3.1.1 of the London Housing SPG 2012.

And

**The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).**

- 4.4 15/P0043. Application for demolition of garage and erection of new 2 bed dwellinghouse withdrawn by applicant
- 4.5 12/P0626 Planning permission granted for erection of a single storey side and rear extension.
- 4.6 12/P0624 Lawful development certificate issued for the erection of a hip to gable roof extension and rear dormer roof extension with 2 x rooflights to front roof slope.
- 4.7 11/P3534 Planning permission refused for the erection of a two storey side extension, rooflights on the front and side roof slopes, rear dormer roof extension and a single storey rear extension.

**Reasons. The proposed two storey side extension by reason of design, size and siting, would be harmful to the visual amenities of the area and the appearance of the streetscene, arising from the loss of an important visual break between neighbouring pairs of dwellings, contributing to a potential terracing effect, and by failing to respect the detailing of the host dwelling or complementing the character of this part of the Mostyn Road streetscene. The proposals would therefore be contrary to policies BE16, BE22 and BE.23 of the Unitary Development Plan (October 2003) and the Council's SPG - Residential Extensions, Alterations and Conversions (November 2001).**

- 4.8 08/P3267 Planning permission refused for demolition of existing garage and construction of a new 2 storey, 3 bedroom house on land to the rear of 82 and 84 Mostyn Road with one off street parking space accessed from Kenley Road. Refused and appeal dismissed.

**Reasons The proposed house, by reason of design, siting, bulk and massing, would;**

**(a) by visually incongruous and fail to respect the design, siting and materials of surrounding buildings or complement the character of the adjoining townscape and would detract from the visual amenities of the Kenley Road streetscene; and**

**(b) would be unduly dominant and visually intrusive resulting in the loss of outlook to the detriment of the amenities of the occupants of 82, 84 and 86 Mostyn Road.**

**And**

**The proposals would therefore be contrary to policies BE.15, BE.16 and BE.22 of the Merton Unitary Development Plan (2003).**

**The proposed development would generate additional pressure on educational facilities in the area. In the absence of a legal agreement securing a financial contribution toward education provision the proposal would fail to offset its impact, and would be contrary to policies C.13 of the Adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance: Planning Obligations (2006).**

- 4.9 08/P0654 Application for erection of 3 bedroom house in rear garden fronting Kenley Road with one off street parking space. Withdrawn by applicant.

## 5. CONSULTATION

5.1 The application has been advertised by means of a site notice and letters sent to 16 neighbouring occupiers. In response to the consultations on the originally submitted plans objections were received from 11 neighbouring occupiers raising the following concerns:

- Overbearing due to scale, siting and materials.
- It will be higher than the existing garage and therefore visually intrusive.
- Out of character with the 1920s & 30s brick built houses.
- Materials are modern and unattractive with negative impact architecturally.
- Gates will allow views of the building.
- Risk of flooding; although not in a flood zone it will reduce the capacity for water drainage.
- Foundations will cause damage to tree roots.
- This will set a precedent.
- Increase residential density and reduce garage capacity.
- Impact this already congested section of Kenley Road.
- Pose a risk of subsidence for neighbours.

5.2 The John Innes Society.

- We agree with the (Planning) Inspector; adding a dwelling on this site would appear at odds with this part of Kenley Road and have a harmful impact on the character and appearance of the area.
- It would conflict with the requirement to respect the local context and enhance local character with regards to the massing of surrounding buildings and existing street patterns.
- The Inspector said another house would be likely to affect the living conditions of neighbouring properties and both they and future occupiers of the proposal would suffer loss of privacy, noise and disturbance.
- There are no gates on this application and so it will be visible from the street.
- The proposed house is so cramped it will not provide satisfactory living standards.
- This application is no better than the previous refusals.

5.3 The revised design was re-consulted upon and 8 neighbours responded;

- Although not visible from the street it is still visible from our first floor windows
- Will put additional stress on street parking
- The small size means it won't make a noticeable difference to housing capacity but will be to considerable detriment of neighbours
- Bringing the house forward just makes it more conspicuous

5.4 The John Innes Society.

- The revisions make no difference to the previous reasons for refusal.

- Moving footprint closer makes it more conspicuous
- Plans make even more unsatisfactory living conditions; it's less a house and more a bed in a shed.
- The garden should be permeable
- There should be a condition requiring the proposals to be permit free.

5.5 Trees officer. No objection to the proposals subject to the inclusion of conditions requiring the provision of a replacement tree and landscaping details to be approved.

5.6 Merton Parking Services were consulted and advised that demand for permits in CPZ zone MP1 was such that 1 or even 2 vehicles would make no noticeable difference to parking capacity and resultant pressure in the CPZ.

## **6 POLICY CONTEXT**

### 6.1 NPPF 2012.

Section 6. Delivering a wider choice of high quality homes.

Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Section 7. Requiring good design.

Paragraph 60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

### 6.2 London Plan 2016.

Relevant policies: 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).

### 6.3 Merton Core Planning Strategy 2011.

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



#### 6.4 Merton Sites and Policies Plan 2014

Relevant policies. DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM F1 (Flood risk management), DM EP 2 (Reducing and mitigating noise), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

#### 6.5 Other guidance. DCLG Technical standards 2015

### **7. PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this case relate to the principle of development, the scale and design of the new house, the impact on occupier and neighbour amenity, parking

#### 7.2 Principle

The National Planning Policy Framework 2012, London Plan 2016 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. The Council's Core Strategy policy CS13 provides a more detailed framework for assessing this form of infill development stating (CS.13 (e)) Any proposals for new dwellings in back gardens must be justified against the: local context and character of the site, biodiversity value of the site, value in terms of green corridors and green islands, flood risk and climate change impacts

7.3 Currently Policy CS. 9 within the Council's Adopted Core Strategy and policy 3.3 of the London Plan state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025 with the Draft London Plan seeking a significant increase in this figure. Thus, while proposal will provide a small new family house boosting the supply of housing, more detailed consideration of the proposals is required, with adopted policy criteria and other considerations addressed below.

#### 7.4 Local context and character and impact on the street scene.

Single storey outbuildings, some of which are visible in the context of the streetscene, are a characteristic of this suburban area. The existing garage is 3.59 m high to the ridge and the replacement house would be 3.65m to the ridge and therefore only 6cm higher than the existing situation. This amended proposal would now be set back behind a close boarded fence of the same height as the existing fencing along this section of Kenley Road. Consequently it is considered that when viewed from the street, although 2m closer to the pavement and 2.45m wider than the existing garage the proposed house will be sufficiently screened from view so as not be visually intrusive or have a negative impact on the street scene or character of the wider area.

7.5 Whilst previous applications have been refused and appeals dismissed because of the impact on the street scene, in those instances either the proposed house was two storey or the provision of off street parking meant that the house was readily visible from the street. By reducing the height to only 6cm higher than the garage and being set behind fencing officers consider that the applicant has addressed previous concerns relating to impact on the street scene.

7.6 Local context and character and design.

London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP policies DM D1 and DM D2 require well designed proposals to utilise materials and design that will respect the siting, rhythm, materials and massing of surrounding buildings as well as complementing, responding to and reinforcing, local architectural character, locally distinctive patterns of development as well as the character and local distinctiveness of the adjoining townscape. Whilst para 60 of the NPPF seeks to promote local distinctiveness it also advises not to attempt to impose architectural styles or stifle innovation.

7.7 The new house has been designed to sit as low as possible on the site to reduce its visual impact and the roof design has been amended in order to break up the roof form to give the impression of two outbuildings rather than one larger structure. The proposed materials are considered to reflect the modern design of the proposal whilst lending themselves to creating an outbuilding feel to the design so that it would sit better in its location than something of a more traditional bungalow design. Officers consider that these factors serve to minimize the visual impact of the proposals whilst providing a well designed attractive dwellinghouse.

7.8 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.

7.9 Loss of light;

The amended scheme has now moved the proposals 2m away from the boundary with the neighbours at 86 Mostyn Road and arranged the roof design so that it slopes away from both that neighbouring garden and the garden at 1 Kenley Road. These factors are considered by officers to address previous concerns relating to visual intrusion, loss of light and overshadowing.

7.10 Loss of privacy;

The proposal is for a one storey house enclosed by 2m high fencing and therefore there would be no overlooking of neighbouring properties. Whilst the Inspector previously raised concerns relating to potential overlooking that was in relation to a proposal with rooms at first floor level, those circumstances do not relate to the application now before members.

#### 7.11 Noise and disturbance

Although the John Innes Society state that the Inspector decided the proposals would cause harm from noise and disturbance the decision letter actually states “Given the proximity of the appeal site to Kenley Road, and the potential for domestic activities within the existing land and buildings of the area, harmful levels of noise and disturbance are unlikely to arise”. Officers consider it would be unreasonable to resit the proposals on the basis of increased noise and disturbance.

#### 7.12 Standard of accommodation.

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. This 60 sqm. proposal provides a 1 bedroom 2 person unit which exceeds the minimum required Gross Internal Area requirements of 50 sq.m. for such a property. SPP policy DM D2 requires the provision of a 50 sq.m. private amenity space configured in a single usable space and this proposal provides 60 sq.m. of amenity space. Previous iterations of the proposals involved subterranean gardens and gardens below the minimum standard. This proposal satisfactorily addresses those previous issues.

#### 7.13 Biodiversity and Trees.

Core strategy policy CS13 and SPP policy DM O2 seek to protect landscape features such as trees and for biodiversity to be considered when assessing proposals for development on gardens. Within the site the Council’s arboricultural officer has recommended a replacement tree be provided to improve amenity and privacy on site. Conditions are also recommended that would require a tree protection scheme for the two street trees whereby they would be enclosed in box hoardings during the construction phase. It is also recommended that a condition be imposed requiring an arboricultural Impact Statement be approved detailing an inspection trench for the root system and if needed details of a foundation system that ensured no harm to the tree root system.

#### 7.14 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. Originally the scheme involved providing an off street parking space but that meant leaving the front of the site open to the street and thereby more noticeable. The amended scheme currently before members removes the parking space. There were objections from neighbours that this proposal would add to parking issues and traffic congestion in the area. However parking services have confirmed that parking permits in the area are under subscribed and an early morning site visit by officers determined that there were six empty resident bays within 100m of the site. Consequently it is considered that the proposals will not

make a noticeable impact on parking or traffic in the area nor is there any justification in making the proposals permit free.

7.15 Flood risk

London Plan (policies 5.12, 5.13) and Merton's development management policies DM F1 and F2 require schemes not to increase the risk of flooding in an area and to be designed so that they are resilient to the impacts of surface water flooding. The site is located in Flood Zone 1 and is therefore not in an area at risk from flooding rivers or surface waters. The councils flood risk manager raised no objections to the proposals subject to a condition requiring details of a drainage strategy to be approved.

**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.

8.2 In order to ensure that the development is policy compliant a condition to that effect requiring 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 is recommended.

**9. CONCLUSION**

9.1 The proposal will provide a new house for which there is an identified need within the borough and London at large. Applications have been refused previously because of concerns relating to the impact of the proposals on the character and appearance of the local area and the impact on neighbour amenity. The design of the proposal has been amended so that the new house would be largely screened from the street by the close boarded fencing and the roof devised to look like two small buildings with the consequence that the impression is that of garage or similar outbuildings to reflect the existing situation rather than a dwellinghouse. The house has been positioned to reduce the impact on neighbour amenity with the roof design being such that it slopes away from the neighbours further reducing any impact on the amenity whilst the ground level positioning of the windows mean that privacy issues of are no longer considered harmful to neighbour amenity.

9.2 There are not considered to be any issues relating to flooding and there is adequate capacity for on street parking in the vicinity.

9.3 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, parking or flood risk and the proposal is therefore recommended for approval subject to appropriate conditions.

**RECOMMENDATION. Grant planning permission subject to planning conditions.**

1. (Standard A1 Commencement of works).
2. (Standard A.7 In accordance with plans); Site location plan and drawings; A(20)\_E01 Rev B & A(20)P01 Rev B
3. (Standard B1 External materials to be approved); No construction shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, windows and tiles (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason; To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2015 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014
4. (Standard B5 Boundary treatments to be approved); No construction shall take place until details of all boundary walls or fences including methods for the temporary security of the site during construction are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason; To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.
5. (Standard D11 Construction Times) No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
6. (Standard H9 Construction Vehicles). The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles, loading /unloading and storage arrangements of construction plant and materials during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason; 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 Policies Plan 2014.

7. C6 Refuse storage details to be approved and implemented.
8. H6 Secure cycle storage details to be approved and implemented
9. Tree Protection: No development other than demolition shall occur until a Tree protection & Arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of hoardings to be erected around the mature Horse Chestnut tree & the adjacent Indian Horse Chestnut sapling opposite the site, details of a hand dug inspection trench to evaluate the extent of the root network and, if deemed necessary by the LPA, methods for the construction of a foundation system to ensure the protection of those tree roots. These protection methods shall be retained and maintained for the duration of the building works.  
Reason: To protect and safeguard the existing retained trees 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 policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;
10. F1 Landscaping. (Amended) No construction shall take place until full details of a landscaping and planting scheme including the provision of a replacement garden tree has been submitted to and approved in writing by the LPA and these works shall be carried out as approved before the occupation of the building hereby approved unless otherwise agreed in writing by the LPAS. The details shall include on a plan, full details of the size, species, spacing, quantities and location of the proposed plants, together with any hard surfacing and means of enclosure.
11. F2 Landscaping. Implementation
12. No permitted development (extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission, including the erection of any outbuildings shall be carried out without planning permission first obtained from the Local Planning Authority. Reason; The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
13. External lighting. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason; To safeguard the amenities of the area and the occupiers of neighbouring

properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

14. Hardstanding The hardstanding hereby permitted (to the front of the house) shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use. Reason; To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Policies Plan 2014.

15. H 3 Reinstatement of dropped kerb

16. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the LPA. 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 13m<sup>3</sup>) and control the rate of surface water discharged from the site to greenfield runoff rates (no more 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; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption authority and any other arrangements.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

17. 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 CO<sub>2</sub> 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

**Informatives:**

1. 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
  
2. 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'
  
3. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. 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).
  
4. Planning permission does not confer or imply to confer approval for the applicant or anyone appointed by the applicant to carry out works on the highway. The applicant is advised to notify in writing, and secure approval from, the Council as Local Highway Authority in advance of installing the tree protection hoardings required by Condition 9.
  
5. NPPF informative.

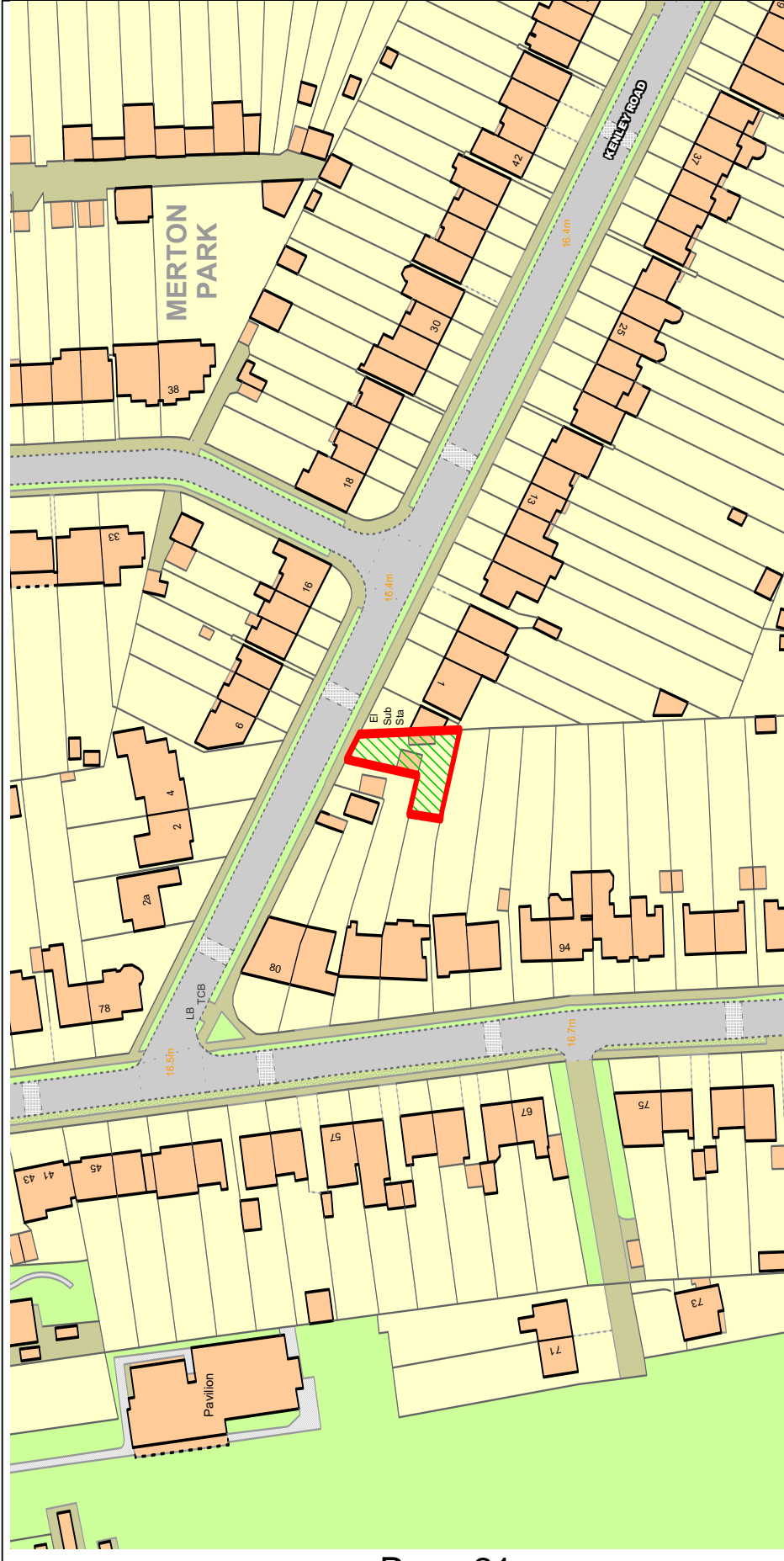
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**PLANNING APPLICATIONS COMMITTEE**  
**19 July 2018**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
18/P2076	15/05/2018
<b>Address/Site</b>	Flat 1, 237 Kingston Road, Wimbledon, SW19 3NW
<b>Ward</b>	Merton Park
<b>Proposal:</b>	Erection of single storey rear extension
<b>Drawing Nos</b>	201 Rev D, 202 Rev D, 203 Rev D, 204 Rev D and 205 Rev O
<b>Contact Officer:</b>	Stuart Adams

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**RECOMMENDATION**

**Grant Permission subject to conditions.**

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**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: 17
- External consultations: No
- Controlled Parking Zone: Yes (5F)

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 site comprises a 3.5 storey, detached building located to the northeast side of Wilberforce Way, which is sub-divided into flats.
- 2.2 The lower ground floor is partially subterranean.
- 2.3 The garden is at a higher level than the ground floor of the building, with a small area of patio to the immediate rear of the building and then a step up into the garden (the difference in levels between the ground floor and the garden is approximately 0.5-0.7m).
- 2.4 The neighbouring property, No.235, has an outbuilding to the rear of the garden and a small shed to the immediate rear of the dwelling (adjacent to the shared boundary with the application site).
- 2.5 The neighbouring property, No.239, has a hard surfaced external amenity space to the immediate rear of the building (approximately 2m in depth). This area is enclosed by close board fencing and beyond this is a parking area.
- 2.6 The area is suburban in character.
- 2.7 The site is within the Wilton Crescent Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 Planning permission is sought for the erection of a single storey extension to the rear elevation. The extension would have a flat roof design with a part-angled side elevation (east). The extension would have the following maximum dimensions: depth of 4.5 m, width of 6.2 m and height of 2.5 m.
- 3.2 The proposed extension would be set into the ground, and thereby providing an internal step down to the finished floor from the existing flat floor level.
- 3.3 Since the original submission, the application has been amended to further reduce the height of the extension.

## 4. **PLANNING HISTORY**

- 4.1 MER781/83 - Application for established use certificate. in respect of use of property as eight flats (235 & 237). Grant Established Use Certificate 04-11-1983.

- 4.2 17/P2879 - Erection of single storey rear extension - Refused on the 29/01/2018 for the following reasons:

The proposed single storey extension would, by virtue of its width, depth, height, proximity to the neighbouring property above and roof form, result in material harm to the amenities of the occupiers of the residential flat above the application site, Flat No.3, 237 Kingston Road, Wimbledon, SW19 3NW, by way of loss of outlook, contrary to Policies DMD2 and DMD3 of the Sites and Policies Plan 2014.

&

The proposed single storey extension would, by virtue of its bulk, scale and width, result in a disproportionately large addition which would not be sympathetic to the form of the existing building contrary to Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 & DMD3 of the Sites and Policies Plan 2014.

- 4.3 18/P0626 - Erection of single storey extension within the rear garden – Refused on 11/04/2018 for the following reasons:

The proposed single storey extension would, by virtue of its width, depth, height, proximity to the neighbouring property above and roof form, result in material harm to the amenities of the occupiers of the residential flat above the application site, Flat No.3, 237 Kingston Road, Wimbledon, SW19 3NW, by way of loss of outlook, contrary to Policies DMD2 and DMD3 of the Sites and Policies Plan 2014.

&

The proposed single storey extension would, by virtue of its bulk, scale and width, result in a disproportionately large addition which would not be sympathetic to the form of the existing building contrary to Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 & DMD3 of the Sites and Policies Plan 2014.

## 5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to consultation, 7 letters of objection received. The letters raise the following points:
- Width, height, depth and scale would cut out light;
  - Effect the re-sale value of neighbouring property;

- Out of character;
- Visually overbearing;
- will be an eyesore from neighbouring properties;
- likely damage from building machinery;
- drainage issues;
- construction process would disrupt the lives of neighbouring properties;
- wider than the existing house;
- loss of a garden view from flat above;
- disproportionate addition.

## 6. **POLICY CONTEXT**

### 6.1 Merton Core Planning Strategy (July 2011)

CS13 Open space, nature conservation, leisure and culture  
 CS14 Design

### 6.2 Adopted Merton Sites and Policies Plan (July 2014)

DMD2 Design considerations in all developments  
 DM D3 Alterations and extensions to existing buildings  
 DMD4 Managing heritage assets

### 6.3 London Plan (2016)

7.4 Local character  
 7.6 Architecture  
 7.8 Heritage assets and archaeology

#### Other guidance:

The National Planning Policy Framework 2012

John Innes: Merton Park and Wilton Crescent Conservation Areas - Design Guide 1994.

## 7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are the design/visual impact on the Conservation Area and the impact on neighbouring amenity, and also considering the planning history.

### 7.2 Planning History

7.2.1 A previous planning application (17/P2879) was taken to planning committee for decision on the 18th January 2018. Members of the

planning committee refused the single storey rear extension for the following reasons:

7.2.2 The proposed single storey extension would, by virtue of its width, depth, height, proximity to the neighbouring property above and roof form, result in material harm to the amenities of the occupiers of the residential flat above the application site, Flat No.3, 237 Kingston Road, Wimbledon, SW19 3NW, by way of loss of outlook, contrary to Policies DMD2 and DMD3 of the Sites and Policies Plan 2014.

&

7.2.3 The proposed single storey extension would, by virtue of its bulk, scale and width, result in a disproportionately large addition which would not be sympathetic to the form of the existing building contrary to Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 & DMD3 of the Sites and Policies Plan 2014.

7.2.4 The formal minutes of the committee meeting state that members of the planning committee had concerns with the following:

" The property is in a Conservation Area and this extension impacts on the frontage and unbalances the house.

" The building currently remains in its original proportions, this proposal would impact negatively on the original building, and is against policies DMD2 and DMD3

" That the amenity of the first floor residents would be affected, where they now see a drop outside their window the development would replace this with a roof.

" They also commented that the proposal was a very unsympathetic extension that was disproportionate and out of balance with the original building.

7.2.5 Further to the above, application 18/P0626 was refused under delegated powers for a similar form of development.

7.2.6 In comparison to the previous refused schemes, the applicant has pushed part of the extension away from the main building. This has created a light well area and a new link in the middle of the extension providing access between the main building and the proposed extension. The new link section would have a reduced height and the width of the extension has been reduced by 1.2 m. the depth of the extension has also been reduced by 0.5 m. Further, the overall height has been reduced due to the lowering of the finished ground floor level into the ground.

7.2.7 The planning history is a material consideration in this case and the key test is whether the current proposal has overcome the previous reasons for refusal and is acceptable in its own right.

### 7.3 Visual impact/design and Conservation Area

7.3.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2015), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

7.3.2 Policy DM D2 seeks to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D4 seeks to ensure that development within Conservation Areas either preserves or enhances the Conservation Area. Local Development Framework Policy CS14 supports these SPP Policies.

7.3.3 The John Innes: Merton Park and Wilton Crescent Conservation Areas - Design Guide 1994 sets out advice in relation to development on rear gardens, which generally is concerned about the ecological value of back gardens:

"Rear gardens contribute significantly to the nature conservation/ecological value of the area. The erosion of smaller gardens through extensions to houses and the provision of off-street parking for cars can have a significant impact on the immediate vicinity".

7.3.4 The document also addresses flat *roof* extensions:

"Flat-roofed extensions should be avoided; pitched roofs, integrating with existing roofs are more suitable visually and also less likely to give long term maintenance problems. All new extensions should respect the original design of the house in terms of window style, proportions, building materials and details".

7.3.5 The proposed extension would be single storey and at the rear of the building, where wider views are limited. The proposal would extend beyond the side building line, but only by 0.8 m. Any views from the road



- toward the extension would be at a reasonable distance and the proposal is not considered to cause material harm to the streetscene or character of the area. The previous refused schemes projected up to the western boundary edge beyond the side elevation. The current proposal is considered to have overcome this issue.
- 7.3.6 The proposed materials would be painted brickwork, which would be in keeping with the hoist building and would not be visually harmful. The rear glazed doors would be at ground floor and would be of an appropriate scale which would not be visually harmful. The angle of the east side elevation would be a feature different to the remainder of the extension, however this is limited size and scale and would not cause visual harm.
- 7.3.7 An artificial grass cover would be on the flat roof element of the proposal. This is not considered to cause visual harm and would be acceptable.
- 7.3.8 Overall, the proposal is considered to be of a suitable design and scale that would not cause any harm to the Conservation Area or streetscene and is compliant with Policies DM D2, DM D3 and DM D4 of the Local Plan 2014.
- 7.4 Impact on neighbouring amenity
- 7.4.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.4.2 The proposed extension would be set down in height in comparison to the previously refused schemes, resulting in the finished floor level being set below the existing flat finished floor level. As per the assessment of the previous applications, the proposal is single storey with flat roof and would not cause material harm to the amenities of either neighbouring occupiers at 235 and 239.
- 7.4.3 Both previous applications were refused due to the impact on the amenities of the flat above the application flat (Flat 3). The current proposal would lower the roof height to being 0.4 m below the external cill height. Taking into account the reduced width and depth of the proposal, reduced height and stepped design of the proposal, officers consider that it would not cause an unacceptable impact on the outlook or amenities of the flat above. It is acknowledged that the flat roof of the extension would be visible from the bay window in the flat above, however, it would not be so significant as to warrant a refusal of the application on these grounds. It is therefore considered that the proposal has overcome the previous reason for refusal in respect of the impact on neighbouring amenities at Flat 3 above.

7.4.4 Therefore, for the reasons set out above the proposal is considered to be acceptable in terms of residential amenity and would comply with Policy DM D2 in this regard.

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

8.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.

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

## 9. **CONCLUSION**

9.1 The proposal is considered to have overcome the previous reasons for refusal under the previous applications and would not result in a harmful impact on the Conservation Area or neighbouring amenity. Officers therefore recommend permission be granted, subject to conditions.

## **RECOMMENDATION**

Grant Permission Subject to Conditions

1. A.1 Time Limit
2. A.7 Approved Plans
3. Materials as specified
4. No use of flat roof
5. Hours of construction/working
6. H.9 Construction Vehicles
7. No new windows – flank elevations only.

## **INFORMATIVE:**

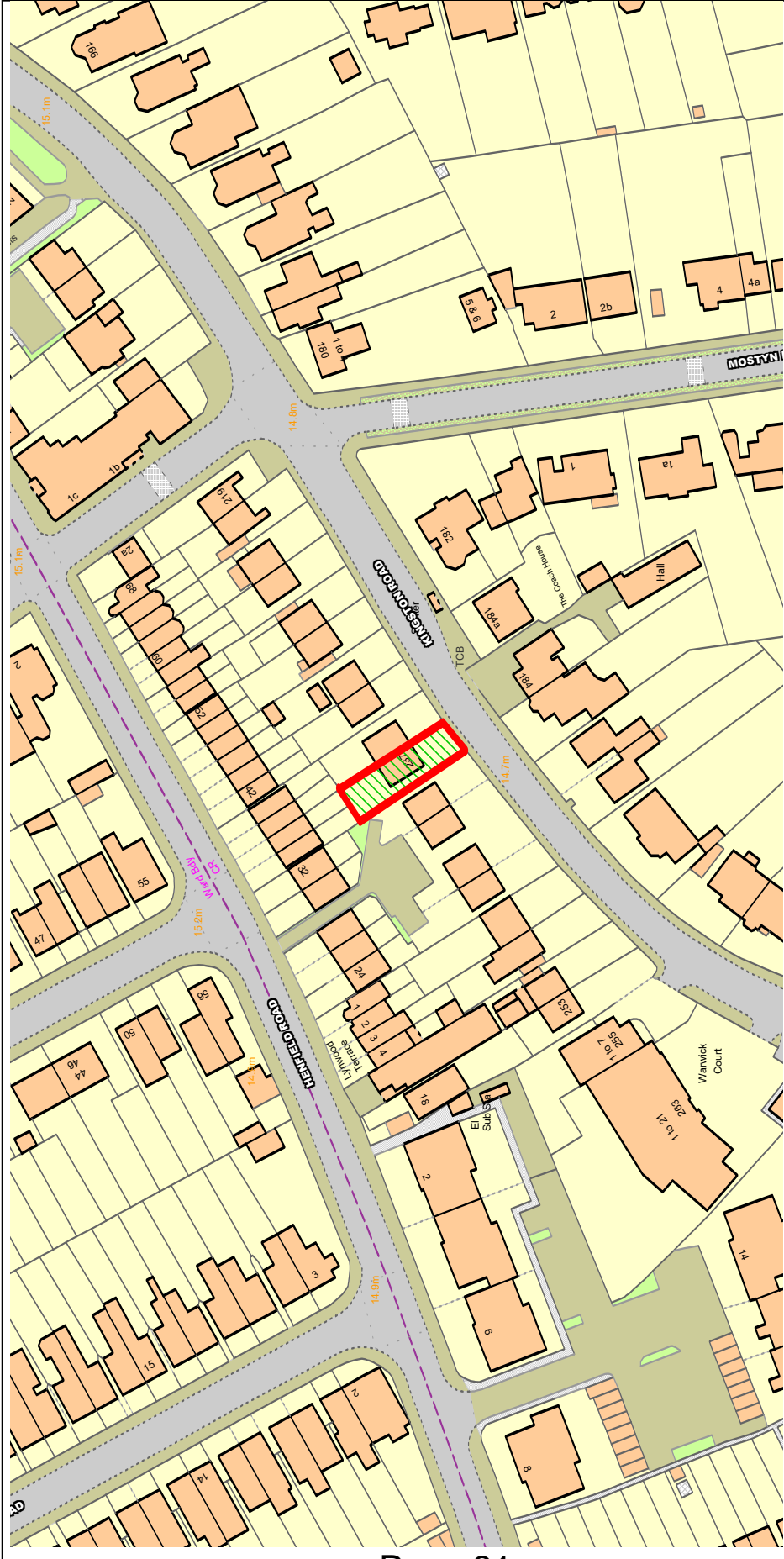
1. Party Wall Act.

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**PLANNING APPLICATIONS COMMITTEE  
19 JULY 2018**

**APPLICATION NO.                      DATE VALID**

17/P1602                                      21/04/2017

**Address/Site**                      Lee House, 2 Lancaster Avenue, Wimbledon SW19 5DE

**Ward**                                      **Village**

**Proposal:**                              Erection of a two storey extensions to existing residential care home to provide 7 additional en-suite bedrooms, internal alterations to provide improved communal areas, formation of new reception area and alterations to roof profile above former stable block and cottage and laying out of parking area.

**Drawing Nos**                      P50190/03\_0001 A, 003 B, 0004 B, 0006 B, 0007 , 0010 C, 0011 C, 0020 B, 0030 A and P50190/03\_0002 Rev D, Design and Access Statement, Arboursicultural Survey and Report and Tree Protection Plan (MWA TPP001) and Travel Plan

**Contact Officer:**                      Richard Allen (020 8545 3621)

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**RECOMMENDATION**

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

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**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 – 13
- External consultants: None
- Density: n/a
- Number of jobs created: 5
- 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 residential care home complex situated on the north east side of Lancaster Avenue. Lancaster Avenue is an un made dead end road which is also a private road. The main building is a three storey Victorian Villa with a former stable block to the north east corner and an 'L' shaped two storey deck accessed wing with corner tower that dates from the early 1990's. The application site is within the Merton (Wimbledon North) Conservation Area and is within a Controlled Parking Zone (VOn). The site surroundings comprise various residential plots.

## 3. **CURRENT PROPOSAL**

- 3.1 The main aspects of the proposal are:-
- Erection of a new two storey wing comprising six new en-suite bedrooms.
  - Enclosure of existing open area between the main building and former stable block to provide glazed entrance to Care Home.
  - Internal alterations to improve circulation within the Care Home and additional dining room space.
  - Extension of pitched roof at first floor level to 1990's wing of building.
  - Landscaping works including rationalization of garden levels to reduce steps.
  - Remodelling the existing store to create a bedroom and replacement of existing staff bedroom with a new bedroom.
- 3.2 The new two storey wing to the building would be sited alongside the north east boundary of the site and would be 16.8 metres in length and 8 metres in width. The extension would have an eaves height of 6 metres and have a pitched roof with a ridge height of 8 metres. The proposal would result in an additional 7 bedrooms being provided for the care home.

## 4. **PLANNING HISTORY**

- 4.1 In March 1990 planning permission and conservation area consent was granted for alterations to and erection of a two-storey rear extension and part two storey, part three storey side extension to residential home for the elderly involving demolition of existing single storey extensions to side and rear (LBM Ref.89/P1283 and 89/P1284).
- 4.2 In December 1992 planning permission was granted for the erection of a dormer window to front roof (LBM Ref.92/P0794).
- 4.3 In December 1993 planning permission was granted for the retention of roof void ventilators to north west and north east elevations of the roof (LBM Ref.93/P0401).
- 4.4 In August 2009 planning permission was granted for the erection of a brick lift enclosure on rear elevation of building (LBM Ref.09/P1472).

4.5 In March 2016 an pre-application meeting was held on-site to discuss proposed extensions and alterations to the existing residential care home (LBM Ref.0543/NEW).

## 5. CONSULTATION

5.1 The application has been advertised by conservation area site and press notice procedure. In response 29 representations have been received from local residents raising objections. The comments are set out below:-

- The property was originally run by a small private charity and was subsequently purchased by Abbeyfield in 2009. In 1990 the property was expanded with the erection of a two storey wing. The current proposal to add 6 further rooms would make that garden even smaller in an area characterised by large gardens and very little communal space would be available for residents.
- What started as a small charity run home has turned into a large commercial operation in a residential area.
- There are currently 4 -5 parking spaces for the care home and the care home has 22 staff and regular visitors. Why is more parking not provided?
- The proposal represents an intensification of use.
- The proposed extension would fail to preserve or enhance the conservation area.
- The extension to the care home will put too much pressure on parking in the area.
- Lancaster Road cannot cope with the existing traffic and the extension to the care home will make the situation worse.
- The existing traffic levels in the area are already affecting the quality of life in the area.
- The proposal represents over development of the site.
- Lancaster Road is a narrow private road with parking for residents only.
- Lee House is one of five properties in the road but seems to have taken over the road.
- The access to Lee House is insufficient for large delivery vehicles, refuse vehicles and ambulances.
- Construction works would obstruct Lancaster Road.
- Further expansion of Lee House would affect the amenities of occupiers of nearby properties.
- Lee House used to be a small home that was in keeping with the area and is now a large commercial operation.
- The applicant should undertake a full and formal parking survey.

### 5.2 Belvedere Estates Residents Association

The extension is very close to the boundary with 37 Lancaster Road. Although in summer the trees provide a high degree of privacy to neighbours this is not so in winter and plans show windows that would overlook neighbouring properties. In the arbouricultural report two trees, a Holm Oak T2 and a Pear T4 are recommended for removal. These trees are visible from Lancaster road and Lancaster Gardens and provide valuable screening between Lee

House and Lancaster Road. BERA is concerned, in general about the number of trees being removed to facilitate ever larger developments in the village and surrounding area. There is also no evidence of a construction management plan being submitted to minimise disturbance to neighbours during the construction period.

The trees in the garden of 37 Lancaster Road are no shown on the plans and the root protection areas of these trees would be affected by the proposed development.

5.3 Tree Officer

There are no arbouricultural objections to the proposed development providing the retained trees are protected during the course of site works. The standard tree protection conditions should therefore be imposed on any grant of planning permission.

5.4 Conservation Officer

Any comments will be reported to committee.

5.5 Transport Planning

The existing care home at Lee House provides a total of 31 bedrooms comprising 27 registered bed spaces, a staff bedroom, a guest room and two further bedrooms. Occupancy will increase from 27 residents to 34, as well as staff numbers increasing from 22 to 27.

The position on room numbers is shown below.

<u>Room Types</u>	<u>Residents</u>	<u>Guest</u>	<u>Staff</u>	<u>Unused</u>	<u>Total</u>
<u>Existing</u>	<u>27</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>31</u>
<u>Proposed</u>	<u>33</u>	<u>1</u>			<u>34</u>
<u>Net Change</u>	+6		-1	-2	

There will not be any staff or unused bedrooms on the proposed scheme with all but the guest room being occupied by residents.

5.6 Access

Lee House is currently served by two accesses off the northern side of Lancaster Avenue. The western end access is some 5m wide and serves car parking and the main building entrance and the eastern end access is some 3.3m wide and serves car parking and the service entrance to the building.

The existing western and eastern site accesses would be retained and servicing would continue to be undertaken from the eastern access.

Lee House, nos.1 and 3 Lancaster Avenue and nos. 31 and 33 Lancaster Road are members of the Lancaster Avenue Residents Association (LARA). Membership entitles all members to use Lancaster Avenue for both access and parking. Lee House therefore has rights to use the parking spaces on



Lancaster Avenue. Lancaster Avenue is not an adopted highway and so there is no public duty to maintain it or power to improve it.

#### 5.7 Local Highway Network

All roads in the vicinity of the site are subject to a 30mph speed limit.

The local area forms part of Controlled Parking Zone VC. Restrictions are enforced from Monday to Saturday between 8:30 am and 6.30 pm with a maximum stay of 2 hours for pay and display customers. The majority of on-street parking in the vicinity of the site is dual-use and can be utilised by resident permit holders and the general public on a pay and display basis.

The number of parking bays available for Pay & Display use for at least two hours has been reviewed for walking distances of some 200m and 400m from Lancaster Avenue:

Walking Distance	Available Car Spaces			
	Pay & Display Only	Permit Holder and Pay & Display	Resident and Pay & Display	TOTAL
200m	17	29	17	63
400m	51	63	17	131

#### 5.8 Car Parking Surveys

The applicant has carried out parking surveys on a weekday and weekend on the surrounding roads to ascertain the parking availability during peak demand for visitors to Lee House. The surveys were undertaken at 30 minute intervals between 08:00hrs -20:00hrs on Friday 19th and Saturday 20th January 2018. On street surveys were undertaken on the following public roads. Lancaster Road/Lancaster Gardens, CPZ ref. VOn – 51 spaces; High Street, CPZ ref. VC – 8 spaces; and Church Road, CPZ ref. VC – 12 spaces. The overall car parking available during the Friday survey period the maximum occupation was 87% or 81 out of the total 93 spaces available for use. There was a minimum of some 12 car spaces available at any time during the survey period. The overall car parking available during the Saturday survey period maximum occupation was 81% or 75 out of the total 93 spaces available for use. This means there was a minimum of some 18 car spaces available at any time during the survey period. In summary the parking survey indicate there are unoccupied car parking spaces (12 spaces on Friday and 18 spaces on Saturday) available for use by visitors that would more than accommodate the very small potential increase in visitors as a result of the additional rooms at Lee House. In addition there are some 16 parking bays on the High Street in Wimbledon Village some 250m from Lee House that are Pay and Display with a maximum stay of 1 hour.

#### 5.9 Proposed Car Parking:

Car parking standards for care homes are not provided in either the Merton Local Plan or the London Plan. The Mayor of London “wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.” The available car parking on site at Lee House is not currently formalised. The proposed parking layout shows eight

marked car spaces including one disabled space. The cars can enter and leave the site in a satisfactory manner.

5.10 Travel plan

A Travel Plan is not currently implemented at Lee House. However the applicant has submitted a Travel Plan with the planning application with measures to encourage use of sustainable travel by staff and visitors. This would help reduce the existing as well as future demand for car parking and therefore benefit conditions on site and on Lancaster Avenue. The implementation of the Travel Plan will help increase the use of sustainable travel modes such as walking, cycling, public transport and car sharing by staff and visitors to Lee house and therefore reduce the demand for car parking. Visitors will also be informed of the availability of Pay and Display parking spaces in the local area that would be satisfactory for short-term parking.

5.11 Traffic Generation:

Given that the site already has consent for a care home the key consideration in traffic terms is whether the additional bedrooms proposed would generate, if at all, a level of additional traffic that would be detrimental to existing conditions. By their nature care homes are low traffic generators. The proposals include a small increase in bedrooms at Lee House as well as formalised on-site parking and new sustainable travel measures to help reduce car travel by way of the Travel Plan and cycle parking. Based on trip rates from the TRICS national traffic survey database for care homes in London an increase in six bedrooms as is proposed could generate a maximum of one or two additional vehicle movements in any one hour. In traffic terms this is not a material increase and in any case there is more than enough parking available in the local area to accommodate these.

5.12 Care staff work over three shifts to provided 24 hour care. There is a maximum of 15 staff on site at the moment and with the proposals there could be up to 18 staff on site at any one time depending on specific resident needs. This modest increase in staffing level is unlikely to have a severe impact on the existing conditions.

5.13 Servicing: In terms of servicing the applicant informs that there will be one large food delivery per week, three smaller grocery deliveries per week, two refuse collections per week and one clinical waste collection per week. Operationally the minimal increase in room numbers at Lee House would not require an increase in delivery and other service vehicles to the site above the current schedule. The additional goods required would be accommodated in the vehicles already delivering to Lee House.

Emergency Vehicles: Will operate similar to current arrangements.

Waste Collection would occur as existing. Refuse collection will take place from the Lancaster road carriageway in the same manner as the existing nearby premises.

5.14 Cycle Parking:

The London Plan 2016 sets out cycle parking standards and indicates for care homes a minimum provision of 1 space/5 staff for long stay and 1 space/20 bedrooms for short stay. The proposal would require 6 long term cycle parking spaces (secure & undercover) and 2 visitor short term cycle parking spaces.

5.15 Recommendation:

The number of person trips likely to be generated by the proposed residential units will be low and consequently the development proposals would not have a material impact on the operation of the public highway or public transport network.

Raise no objection subject to:

- The car parking areas shown on the approved plans shall be provided before the full occupation.
- Cycle parking provision (secure & undercover) to be shown on approved plans.
- The details of the travel plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section106 process.
- Demolition / Construction Logistic Plan (including a Construction Management Plan compliant with Chapter 8 of the Road Signs Manual for temporary Works) sent LPA before commencement of work be required.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS14 (Design), CS18 (Active Transport) and CS20 (Parking, Servicing and Delivery).

6.2 Sites and Policies Plan (July 2014)

DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM H1 (Supported care Housing), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM D4 (Managing Heritage Assets), DM T1 (Support for Sustainable and Active Travel), DM T2 (Transport Impacts of Development), DM T3 (Car parking Standards).

6.3 The London Plan (2016)

The relevant policies within the London Plan are 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage and Archaeology).

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the design/visual impact upon the Conservation Area, impact on neighbour amenity, trees and parking/highway issues.

### 7.2 Design/Conservation Issues

The proposed works involve improvements to existing facilities at the Care Home, including provision of six additional en-suite bedrooms and formation of new entrance and a first floor link between the former stable block and the 1990's wing together with associated internal alterations.

7.3 The Wimbledon North Conservation area is characterised by mainly larger residential properties set with mature gardens. The siting of the proposed new accommodation block adjacent to the northern boundary of the site is considered to be acceptable, with the new building being a continuation of the existing wing. The separation distance between the building and the side boundaries is considered to be acceptable. The only window in the flank elevation would be to a staircase and would be obscure glazed. It is however noted that it has not been possible to respect the existing eaves level of the 1990's wing, due to the 1990's block having a very shallow roof pitch which limits the internal headroom. In order to provide adequate headroom for both ground and first floor levels of the new accommodation block vertical two storey bays have been incorporated into the garden façade. The resulting building would also have a higher ridge height than the 1990's wing albeit that in the context of the Care home complex this is considered to be acceptable with the 1990's wing becoming a link between the new wing and the taller tower feature.

7.4 The enclosure of the open area between the former stable block and the Victorian Villa with a glazed link is considered to be acceptable and would provide a clear point of entry to the Care Home, as at present the entrance is not obvious. Part of the former stable block would also provide a dedicated reception area adjacent to the glazed link for improved security. The design of the link and internal works are considered to be acceptable. The alterations to the roof of the rear section of the stable block to enable the formation of a first floor link between the former stable block and the 1990's wing to improve circulation within the building is also acceptable. The rationalization of the steps and levels within the rear garden area and raised terrace are also acceptable and would improve accessibility to the terrace and garden for the residents of the Care Home. Overall, the proposal is considered to not cause harm to the Conservation Area or character of the area.

### 7.5 Neighbour Amenity

The main concerns of the objections relate to intensification of use of the care home and parking issues. In terms of intensification of use the proposal involves the provision of 7 additional bedrooms which will increase the occupancy of the care home from 27 residents to 34 residents, representing a 26% increase in the number of residents at the care home. In order to care for the additional 7 residents the number of care staff would increase from 22 to

27 staff. However the staff work a shift system so of all the staff would be on site at any given time. It is therefore not considered that the additional 7 bedrooms would result in such an intensification of use to warrant refusal of the application.

- 7.6 The main aspect of the current application involves the erection of a new wing to the existing care home. The new wing would be sited alongside the north east boundary of the site. Windows to bedrooms at first floor level within the new block would face into the care home site and there would be no windows at first floor level facing the boundary with the large garden of number 36 Marryat Road. Although there would be windows within the south east elevation of the new wing, facing number 37 Lancaster Road and 1 Lancaster Gardens, the glazing within the east elevation would be obscured to prevent any overlooking and/or loss of privacy to occupiers of nearby residential properties. The other aspects of the proposal relate to improvements in the internal layout of the care home, provision of a more visible entrance and simplifying the roofs of the existing former stable block and cottage. None of these changes would have any impact upon neighbour amenity. Overall, the proposal is considered to be accommodated on the site that would not cause material harm to the surrounding neighbour amenity.

7.6 Trees

The applicant has undertaken a Tree Survey that concluded that the proposal would not harm any trees of significance. The Council's tree officer has raised no objections to the proposed development, subject to conditions being imposed on any grant of planning permission to protect existing retained trees during construction works.

7.7 Parking/Highway Issues

The main concern of the objectors relates to traffic and parking issues. The application site is an already established care home and the key consideration in traffic terms is whether the additional bedrooms would generate a significant increase in traffic generation and increase parking pressure on the local road network. The Council's Transport Planning section has examined the parking surveys undertaken by the applicant's consultant which indicates that the very small potential increase in visitors to the care home can be accommodated in the available on-street parking spaces. Several representations refer to parking conditions in Lancaster Avenue and the condition of the road. However, Lancaster Avenue is not an adopted highway and so there is no public duty to maintain it or power to improve it. Therefore since the number of person trips likely to be generated by the proposed additional bedrooms is likely to be low, the development proposal would not have a material impact on the public highway or public transport network. The proposal is therefore considered to be acceptable in terms of policies

8. **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 objectors have been carefully considered. However, the proposal involves the erection of a new two storey wing to the existing care home to provide an additional 7 bedrooms, together with internal alterations to improve the layout of the care home and alterations to the roof profile of the former stable block and cottage and formalising the layout of the car park. The proposed two storey wing has been designed to protect neighbour amenity with main windows facing onto the existing garden within the care home complex. There would be no windows at first floor level facing towards the rear gardens of properties in Marryat Road or Lancaster Road and the design of the proposed extension and associated alterations to the existing care home buildings are considered to be acceptable. The proposal would result in the provision of 7 additional bedrooms for the care home and the additional traffic generation as a result of the proposal is considered to be low. However, at the present time there is no formal parking layout at the care home and the proposal provides 8 parking spaces (including a disabled space) and a condition requiring provision of secure cycle parking would assist with supporting sustainable travel for staff and visitors. Although representations have been made about traffic and car parking in the vicinity of the care home there are no adopted parking standards in either the Merton Local Plan or the London Plan and the proposed parking provision is considered to be sufficient for the proposed use. A Travel Plan for the site secured through a S.106 Agreement would also support sustainable transport initiatives. Accordingly it is recommended that planning permission be granted subject to completion of a S.106 Agreement and conditions.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

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

1. The submission of a Travel Plan (to be monitored for a five year period) with a sum of £2,000 secured to meet the costs of monitoring the agreement.
2. The developer paying the Council's legal costs in drafting and completing the legal agreement.

and subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. C.2 (No Additional Window or Door Openings-North and East of New Wing)

5. D.11 (Hours of Construction)
  6. F.5 (Tree Protection)
  7. F.8 (Site Supervision-Trees)
  8. H.4 (Provision of Parking –Drawing Number P50190/03\_0002 Rev D)
  9. H.6 (Cycle Parking – Details to be Submitted)
  10. H.8 (Travel Plan)
  11. H.9 (Construction Vehicles)
- 

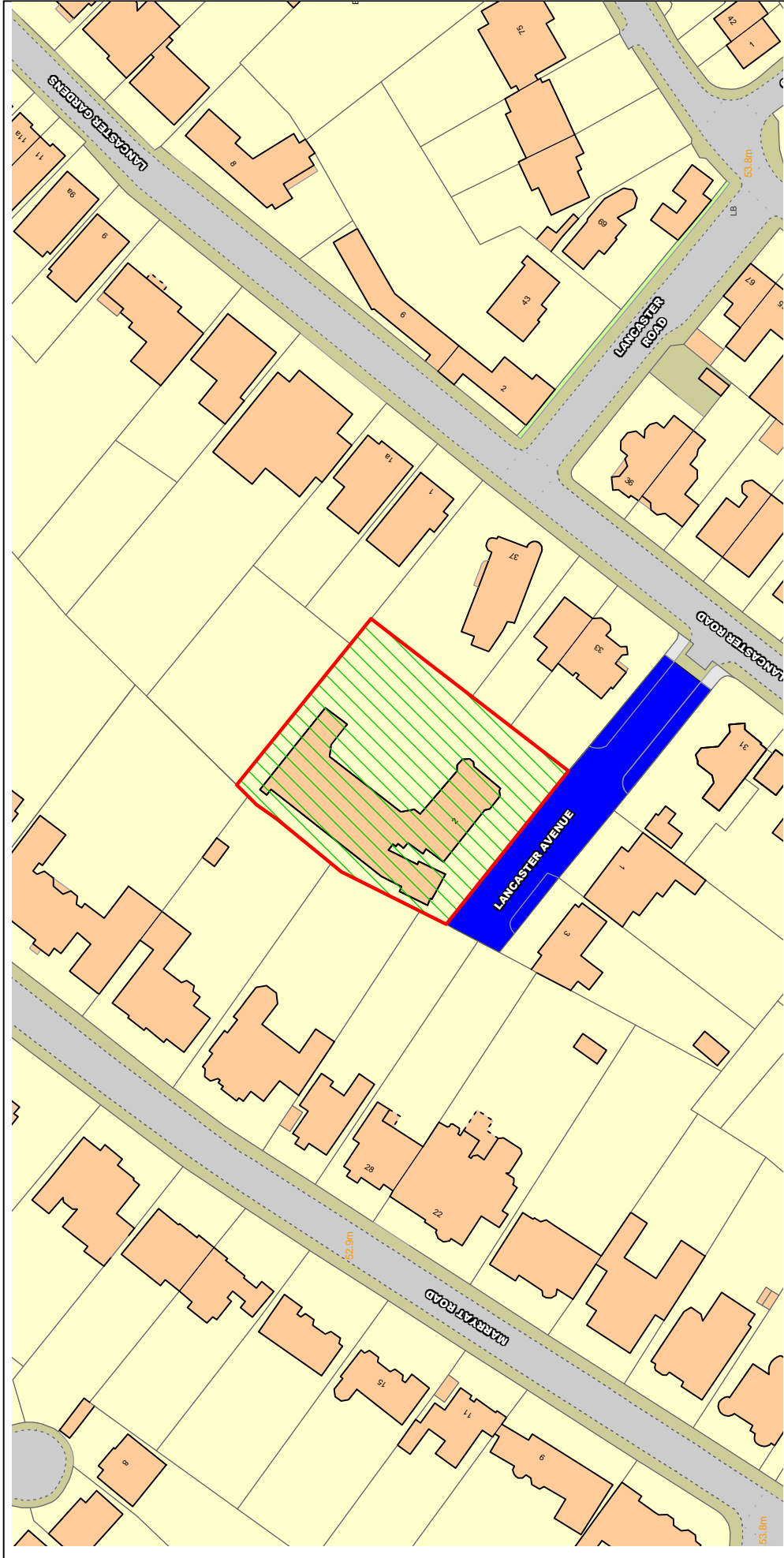
[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

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# NORTHGATE SE GIS Print Template



Text Details **Lee House, Lancaster Road**

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**Committee:** Planning Applications

**Date:** 19 July 2018

## **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:

[\*\*LINK TO COMMITTEE PAGE\*\*](#)

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### **DETAILS**

Application Numbers: **17/P1198**  
Site: 68 Bathgate Road, Wimbledon Villag SW19 5PH  
Development: Installation of 2 x sliding timber vehicular gates with brick piers in front boundary.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 10<sup>th</sup> July 2018

[\*\*Link to Appeal Decision Notice\*\*](#)

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Application Numbers: **17/P2332**  
Site: Belvedere Court, 1A Courthope Road, Wimbledon SW19 7RH  
Development: Demolition of existing residential block of 8 flats and erection of new block of 9 x 2 bed flats over five storeys (including lower ground and roofspace)  
Recommendation: Refused (Planning Committee)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 10<sup>th</sup> July 2018

[Link to Appeal Decision Notice](#)

[Link to Costs Decision](#)

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Application Numbers: **17/P4046**  
Site: 26 Ashridge Way, Morden SM4 4EF  
Development: Prior approval for the erection of a single storey rear extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 20<sup>th</sup> June 2018

[Link to Appeal Decision Notice](#)

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Application Numbers: **18/P0120**  
Site: 68 Rougemont Avenue, Morden, Surrey SM4 5PZ  
Development: Prior approval for the erection of a single storey rear extension  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 20<sup>th</sup> June 2018

[Link to Appeal Decision Notice](#)

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### 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:** 19<sup>th</sup> July 2018

**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:**

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That Members note the contents of the report.

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#### **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.

<b>Current Enforcement Cases:</b>	<b>785</b>	<sup>1</sup> (769)	<b>New Appeals:</b>	(0)	(0)
<b>New Complaints</b>	38	(32)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>22</b>		<b>Existing Appeals</b>	<b>1</b>	(2)
No Breach:	10		<hr/>		
Breach Ceased:	12		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>32</b>	<b>(24)</b>
Total	22	(15)	<b>% Determined within time limits:</b>	<b>93%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>1</b>	<b>(1)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>1</b>	<b>(2)</b>
New Enforcement Notice issued	1	(1)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	0		<b>Tree/High Hedge Appeal</b>	<b>1</b>	<b>(1)</b>
Others (PCN, TSN)	1	(1)			
Total	1	(0)			
<b>Prosecutions:</b> (instructed)	0	(1)			

Note (**figures are for the period 20<sup>th</sup> June 2018 to 11<sup>th</sup> July 2018**). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.0 New Enforcement Actions

**100 The Broadway, Wimbledon SW19 1RH.** This matter concerns a dilapidated shopfront. A s215 Notice has been authorised and will be issued requiring the shop front to be restored and tidied up.

**118 Central Road, Morden SM4 5RL.** A planning Enforcement Notice has been authorised relating to the covering of the rear yard of this commercial garage. The Councils Legal services are in the process of issuing the Notice.

**37 Montgomery Close, Mitcham, CR4 1XT.** This concerns unauthorised extra single storey wooden extension with a height of approx. 2.7m a depth of 2.4m. Extending the width of the whole rear of the property. A Planning Enforcement was issued on 16<sup>th</sup> March 2018 requiring the demolition of the single story wooden extension, with a one month compliance period. The Notice has not been complied with and to date no notification of an appeal has been received.

**•22 St George's Road, Mitcham, CR4 1EB.** The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take



effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made. The notice has taken effect however; the legal team has been informed that the ownership details have changed. The new owners' details are pending and therefore we have to wait for the full detail update before we can enforce the notice.

•**19 Fernlea Road, Mitcham, CR4 2HF.** The Council issued an Enforcement Notice on 14th May 2018 for 'Change of use of outbuilding to a residential unit'. The notice requires the cease of the outbuilding as residential unit and will take effect on 28th July 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made.

•**1 Castleton Road, Mitcham CR4 1NZ.** The Council issued an Enforcement Notice on 13th June 2018 for 'Change of use of outbuilding to a residential unit'. The Notice requires the cease of the outbuilding as residential unit and will take effect on 28th July 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made.

### **Some Recent Enforcement Actions**

- **9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats without planning permission. A Planning Enforcement Notice requiring the reversion of the property back to a single-family dwelling house was issued on 30<sup>th</sup> October 2017. The Notice came into effect on 4<sup>th</sup> December 2017 with a compliance period of 3 calendar months from 4<sup>th</sup> December 2017. No appeal was made against this Notice, however there was a planning appeal against the refusal of planning permission for the retention of the two flats. An appeal was made against the refusal of planning permission.
- **Appeal allowed.**
- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement Notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> 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 27<sup>th</sup> 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 3<sup>rd</sup> 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 29<sup>th</sup> 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.

- **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.

#### **242 – 244 LONDON ROAD, MITCHAM, LONDON, CR4 3HD**

- The council issued an Enforcement Notice on the 12th January 2018 for 'erection of 3 air conditioning units at the side of the ground floor of the Land. The notice requires the removal of the 3 air conditioning units on the side of the ground floor; and will take effect on 12th February 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made. The Notice has now been complied with.
- **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.

### **3.00 New Enforcement Appeals**

**None**

### **3.1 Existing enforcement appeals**

- **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.

## 3.2

### Appeals determined

- **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 was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018. The Notice was varied extending the compliance period from two calendar months to ten calendar months from 1st February 2018.
- **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 was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018 with a three months compliance period from 1st February 2018.

**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.

**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 going to issue a new enforcement Notice referring to the building as 3 garages.

**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 site visit took place 28<sup>th</sup> February 2018. The appeal was dismissed by Decision Letter dated 7<sup>th</sup> March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7<sup>th</sup> March 2018.

### **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.
- The people involved have been summoned to attend Lavender Hill Magistrates' Court on 10<sup>th</sup> July 2018. The defendants are required to attend the court and enter a plea to the offence of failing to comply with the requirements of a Planning Enforcement notice.

- The defendant's appeared at Lavender Hill Magistrates Court. But the case was deferred and sent to the Crown Court as the penalties available to the Magistrates Court were considered by the court, to be insufficient, should the defendants be found to be guilty. It is likely that this case will be heard at the Crown Court in August 2018.

**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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