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# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)  
Najeeb Latif (Vice-Chair)  
David Dean  
Russell Makin  
Simon McGrath  
Peter Southgate  
Billy Christie  
Rebecca Lanning  
Joan Henry  
Dave Ward

#### Substitute Members:

Edward Foley  
Stephen Crowe  
Daniel Holden  
Carl Quilliam  
John Dehaney  
David Chung

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

**Date: 22 August 2019**

**Time: 7.15 pm**

**Venue: Council chamber - Merton Civic Centre, London Road, Morden SM4 5DX**

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# Planning Applications Committee

## 22 August 2019

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| 1  | Apologies for absence   |           |
| 2  | Declarations of Pecuniary Interest  |           |
| 3  | Minutes of the previous meeting   | 1 - 12    |
| 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  | 83 Dora Road, Wimbledon, SW19 7JT<br>Application Number: 19/P1914    Ward: Wimbledon Park<br><br>Officer Recommendation: Grant Planning Permission subject to conditions  | 13 - 20   |
| 6  | 24 The Grange, Wimbledon, SW19 4PS<br>Application number: 19/P2384    Ward: Village<br><br>Officer Recommendation: Grant Planning Permission subject to conditions  | 21 - 32   |
| 7  | 101 Hamilton Road, South Wimbledon, SW19 1JG<br>Application number: 19/P0883    Ward: Abbey<br><br>Officer Recommendation: Grant Planning Permission subject to conditions and S106 agreement   | 33 - 76   |
| 8  | Flat 1, 237 Kingston Road, Wimbledon, SW19 3NW<br>Application Number: 19/P1462    Ward: Merton Park<br><br>Officer recommendation: Grant permission subject to conditions   | 77 - 92   |
| 9  | Land Adjacent to 163A Mostyn Road, Merton Park SW19 3LS<br>Application Number: 19/P1235    Ward: Merton Park<br><br>Officer Recommendation: Grant Planning Permission subject to conditions and Section 106 agreement                                     | 93 - 114  |
| 10 | Planning Appeal Decisions   | 115 - 120 |
| 11 | Planning Enforcement - Summary of Current Cases   | 121 - 124 |

## **Declarations of Pecuniary Interests**

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

## **Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)**

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

## **Human Rights Implications:**

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life).

Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

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

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

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

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

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

**PHONE:** 020-8545-3445/3448

**e-mail:** [planning@merton.gov.uk](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:**

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# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

18 JULY 2019

(7.15 pm - 10.39 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor David Dean, Councillor Russell Makin, Councillor Simon McGrath, Councillor Peter Southgate, Councillor Rebecca Lanning, Councillor Joan Henry , Councillor Dave Ward and Councillor John Dehaney

ALSO PRESENT Tim Bryson – Planning Team Leader North  
Jonathan Lewis – Planning Team Leader South  
Lisa Jewell – Democratic Services

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

Apologies for lateness were received from Councillor David Dean who arrived at 19.25

Apologies for absence were received from Councillor Billy Christie, his substitute was Councillor John Dehaney.

Councillor Najeeb Latif apologised as he had to leave at 10.30. He was not present for items 10, 12 and 13

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

There were no declarations of pecuniary interest.

In the interests of openness and Transparency Councillor Najeeb Latif said that both he and Councillor David Dean had been involved with the applicant for 141 The Broadway and therefore neither would not speak or vote on this item.

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

RESOLVED: That the minutes of the meeting held on 19 June 2019 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, 8, 9, 11, and 13.

Order of the meeting – The Chair announced that the items would be taken in the following order 5, 11, 7, 9, 6, 8 and 10.

5 141 THE BROADWAY, WIMBLEDON SW19 1NE (Agenda Item 5)

Proposal: Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit

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

The Committee received verbal presentations from three residents, who shared 6 minute speaking time, and from the applicant's agent and architect who shared six minute speaking time.

The comments of the Objectors are summarised as follows:

- The Planting and Landscaping proposed are not sustainable. The proposed species are not suitable and wrong for the proposed planting areas and methods.
- The Development proposed does not include any of the recommendations from the Wimbledon Green Coffee Checklist for Sustainable Buildings.
- The proposal is poorly designed, it only achieved Amber at DRP, and still ignores policy
- The Metropolitan Police have asked for the residents' entrance to be moved from the side to the front
- There is no separation between commercial waste and domestic waste
- There is no affordable housing, at least the previously granted application did provide affordable housing

The Applicant's Agent and Architect made points including:

- There is no affordable housing because sales values have decreased in the last 3 to 4 years. This is a larger building and so has bigger build costs
- An Amber from DRP does not preclude planning permission being granted. Since the last DRP meeting applicants have worked closely with the Council's Design and Case Officers to improve the design
- Applicants have also sought to improve the design from that of the extant proposal
- The Agent accepted the comments made by the objector regarding the landscaping and planting proposals and will be happy to work with the Tree Warden to improve this
- The proposal has many sustainable features including solar cells on the roof, a 35% reduction of carbon emissions, higher than recommended insulation, recycling has been considered and ventilation systems considered.

In answer to Members Questions the Planning Team Leader North gave replies including:

- The Balconies project 1.5m
- In terms of privacy the development has other residential developments around it. Privacy screens at the back will be secured by condition, as will obscure glazing to secondary windows



- The Commercial servicing will be down the side of the building, and this is a shared space with the residential use
- We can't say if this application would achieve the Secured by Design Certificate, but as the extant application has a similar entrance on the side of the building it would be difficult to enforce a change. We have not asked the applicant to move the entrance. The Police advice is included in the report
- If the applicant is not following the Police advice, this would be a difficult reason to refuse on, especially as the extant application has the entrance in the same place.
- The building does not need a separate disabled access as it would have level access to the entrance and then has lifts. A disabled parking space has not been sought owing to space limitations
- Servicing and refuse collections will be done on the street, as they are for the current building.
- There have been extensive negotiations with the design officer since the DRP Amber rating
- The viability assessment for this application concluded that the proposal could not support affordable housing or contribution. However, in –line with current guidance for the Mayor of London, a clawback mechanism is included, so that the provision of affordable housing will be reviewed prior to occupation
- The Broadway has a variety of residential and commercial buildings, and this application is suitable for the area.

Members made comments including:

- Concern was expressed about position of the entrance, and that this should be considered by the applicant.
- Concern was expressed about the Police advice, and the fact that it this advice had been requested but not acted upon.
- It was noted that the applicant had done work on the design and had listened to comments made this evening regarding landscaping, but they had not done anything about the entrance and the police advice.

A member expressed the view that the 20 homes proposed by this scheme were excellent for the area, close to public transport and employment and so highly sustainable. He was concerned about the lack of affordable housing but noted the clawback scheme.

The Committee discussed if they could refuse the scheme or if they should defer for the entrance issue to be resolved. The Committee noted that the advice from the Police was not available last time the application was at Committee, and that some members wanted to defer the application to give the applicant a chance to consider the Police conditions and the entrance position. This was not unanimous as other members thought a decision should be made.

The Committee voted, and agreed to Defer the application so that further consideration could be given to the Police Conditions and proposed side entrance

The Committee noted that if this scheme was refused then the extant scheme could still be built, with the entrance on the side

## RESOLVED

The Committee voted to Defer this item so that there can be further consideration of the Metropolitan Polices advice regarding the entrance

### 6 FOSTER'S AUTO CENTRE, 96 CHURCH ROAD, MITCHAM CR4 3BW (Agenda Item 6)

Proposal: Outline application (with landscaping only as a reserved matter) for the redevelopment of the site involving the erection of a 4 storey residential block to provide 20 x flats.

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

The Committee received a verbal representation for one objector who made comments including:

- The application building will be 4 storeys and then proposed roof terraces will overlook the small properties on Sycamore Gardens and cause noise problems.
- The area is low in public transport with only one bus stop
- There is no spare parking in Sycamore Gardens, all spaces are taken in the evenings and there are problems with parking across driveways
- There is no disabled parking bay
- The recycling and refuse are not adequate

The Committee received a verbal representation from the Applicant's agent who made points including:

- This site can comfortably accommodate a 4 storey building
- Happy to accept the condition requiring some obscured glazing
- The roof terraces are 22m from neighbouring properties but we can pull the balustrades back by 1.5m
- The parking survey shows that the parking stress levels in the area are 60%, we would not expect residents to use Sycamore Gardens for parking
- We cannot accommodate a disabled parking bay in addition to the proposed loading bay because of the location of a pedestrian refuge
- Refuse bins have been integrated
- Ask Members to note the high number of affordable homes offered by the application

The Planning Team Leader South asked Members to note that the application site is separated from Sycamore Gardens by Foxes Path and commercial units and that the

separation distance are 21m to 31m. The application meets the requirements for disabled access within the building. Not just parking has to be considered.

In reply to members' questions the Planning Team Leader replied:

- There is a condition requiring obscured glazing to prevent overlooking
- Application before you tonight is for 50% affordable housing, but the developer is in discussion with Moat Housing and if they buy the block it will be 100% affordable
- The units will contain storage, it is up to residents to decide how to use it and it would be unreasonable to condition the provision of storage specifically for prams
- There are 2 street trees in front, they are not shown on the plans but they are to be retained

Members commented that they were pleased to see this high level of affordable housing but noted that viability tended to exclude affordable from one part of the Borough.

## RESOLVED

The Committee voted unanimously to Grant outline planning permission subject to the completion of a S106 agreement and conditions.

### 7 59 COLWOOD GARDENS, COLLIERS WOOD SW19 2DS (Agenda Item 7)

Proposal: Demolition of existing house and the construction of a new two storey building comprising 4 x self-contained flats

The Committee noted the officer's report and presentation

The Committee received a verbal representation from one objector to the application whose points are summarised as:

- This application site backs onto my garden, and will steal the light from 3pm onwards, and will cause restricted plant growth in our
- The Plans are not accurate
- This application triples the footprint on the site
- All spare land in the area has already been built on with flats
- This is a quiet residential area, and the total demolition will be disruptive
- The application does not allow a big enough area for bins
- The application looks directly into the infant playground of Singlegate School

The Committee received a verbal representation from the Applicant's Agent who made comments including;

- The scale of the proposal has been reduced to 4 flats
- The site is a double plot with a large garden
- We have worked with planning officers to address the concerns raised

- The Daylight study shows that on 21 March all the neighbouring gardens have 100% sunlight for 10 hours, and so this application passes the BRE requirements
- There will be a construction management plan to control noise and disruption during the construction phase

In reply to the objectors comments the Planning Team Leader South said that Officers were entirely happy that this application was not visually intrusive. He also confirmed that there was enough space to at the frontage to accommodate the refuse area and parking.

Members asked the Planning Team Leader South to explain the term 'cannot be addressed by condition'. He explained that the Council's Scheme of delegated authority states that where an objection to a planning application can be met by condition then the application does not necessarily need to be decided by the Planning Committee, but if the objections cannot be met by condition, for example objections to bulk and mass, then the application will normally come to Committee for decision.

In answer to Members' questions the Planning Team leader replied:

- As part of the consultation process Officers seek input from Thames Water. In this case their advice forms an informative
- This scheme will not have permitted development rights, so if more of the front garden was used for parking this would be a breach of planning and would breach highway law if vehicle were driving across the kerb
- Provision for cycle storage is ensured by condition

## RESOLVED

The Committee voted to GRANT Planning Permission subject to a section 106 agreement to secure a "permit free development" and relevant conditions.

## 8 110 GLADSTONE ROAD, WIMBLEDON, SW19 1QW (Agenda Item 8)

Proposal: Single storey flexible outbuilding, the garden outbuilding will replace the existing shed and be positioned to the rear of the garden facing back towards the principal dwelling. The outbuilding is to be used as a fitness room/ gym.

The Committee noted the officer's report and presentation and additional information in the supplementary agenda

The Committee received a verbal presentation by one objector to the application, who made points including:

- The density and depth of housing on Gladstone Road is different to other roads in the area
- There is currently substantial development at specific properties in the area

- I am concerned about the number of applications for outbuildings being submitted to Merton Council
- The building is 15m<sup>2</sup> making it more suitable for additional use rather than ancillary use.
- The depth and height of this building will have a serious impact on my property
- There is no material information from the applicant on the Merton Website regarding the impact on neighbours
- The applicant has stated that they will use the outbuilding as a gym, and that it will be used at anti-social hour both early in the morning and late at night. This will impact on children's sleep.
- The positioning of this building and access makes it more attractive for additional use rather than ancillary use

In reply to the objectors comments the planning team leader made comments:

- Confirmed that he had received the objectors emails
- The application is for an ancillary outbuilding.
- The roof height is higher than allowed under permitted development rights but the ridge is set away from the boundary
- The application is not harmful
- Conditions are applied that the use is ancillary, if this becomes anti-social then this can be reported to Environmental Health

In reply to members' questions The Planning Team Leader North made comments including:

- The application building will cover 35.6% of the Garden
- There is no bathroom in the building
- The building is to be used as a home gym which is a typical use of such outbuildings
- Under permitted development rights a building with a height of 2.5m could be built without planning permission. This application is 3m high at the highest point and therefore requires planning permission.
- Noise disturbance is covered by environmental health legislation, and can be reported to Environmental Health to investigate
- The application is already ancillary to the main home, and so could be used for a family member to sleep in, but the use condition could be tightened to specify the use as home gym and storage only

Members made comments including:

- Concerned about the size of this building and the amount of the garden it covers
- Concerned about future usage of the building, this application sets a precedent
- Support for the family having its own gym; we don't know the family members circumstances
- We have to consider this a gym but concern about size.

One member proposed that the use condition be tightened to limit use to that of a home gym and storage only. However another member spoke against this saying that it was unreasonable to limit the use of this outbuilding and that as long as it was being used 'ancillary' to the main home then the Committee should not seek to limit the use.

The Chair declared that she would take the vote for the Officer's Recommendation as it stood without any amendments to the conditions, and that if this was not passed then amending the condition could be considered. The vote was taken and the Officer's Recommendation, without any amendment to the condition was agreed.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

### 9 43 LANCASTER ROAD, WIMBLEDON SW19 5DF (Agenda Item 9)

Proposal: Erection of a two storey rear extension, single storey rear and side extensions, provision of accommodation at basement level and conversion of roof space including rear roof extension, erection of garage, new vehicular access onto Lancaster road, together with associated landscaping works.

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

The Committee received verbal representations from two objectors to the application, who made points including:

- The application needs to respect the privacy of neighbouring locally listed property. This can be done by adding a condition to increase the height of the wall by screening or trellis.
- The application seeks to remove a group of trees to make way for the garage. However if this garage was moved to the other side of the house the trees could be retained or replaced thus preserving the privacy of the neighbouring property.
- This application will increase the floorspace and value of the property and it is not unreasonable to expect the applicant to respect the privacy of neighbours
- A further condition is required to mitigate traffic problems as the new car entrance will be on a single track road.

The Committee received a presentation from the applicant's agent, who made points including:

- The property requires modernisation
- We have met with Council Officers
- The External finish on the building will be high quality and will complement the Conservation area

- The Council's tree Officer has visited and given full approval to the landscaping plans. Some of the trees being removed are diseased, and the remaining trees will be protected by the plan and by TPO
- Removal of 2.5m of the boundary wall will not harm the conservation area, will allow cars to be parked on site and will ease demand for on street parking in the area.
- The house is a positive building in the Conservation area, and the removal of the wall will open up the view of the house
- The Conditions include some obscure glazed windows to ensure privacy

In reply to the neighbours suggested conditions the Planning Officer said that;

- It would be difficult to raise the boundary wall height within this scheme,
- Moving the position of the garage could not be done by condition
- A construction Traffic Management Plan could be requested

In reply to members' questions the Planning Officer made points including:

- The current door in the wall will remain
- In planning terms trees are not considered as screening because they change size and cannot be relied on in perpetuity. There is a condition to provide further landscaping. The condition on Boundary treatment could include the requirement for a trellis to increase height

Members commented that that the proposed opening in the wall was appropriate in the light of the visual aspect of the house it would afford.

Members asked officers to include a condition to ensure that this opening contained gates that could be seen through.

## RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions in the officer's report and additional and amended conditions regarding the wall, gate and construction traffic management plan. The wording of these additional and amended conditions is delegated to the Director of Environment and Regeneration

10 34-40 LINKS AVENUE, MORDEN SM4 5AA (Agenda Item 10)

Proposal: Erection of a three bedroom semi-detached dwellinghouse. Erection of roof extension and conversion of roof space to extend existing first floor flats (2 x 1 bedroom to 2 x 2 bedroom).

The Committee noted the officer's report and presentation.

Members commented that the proposal is a vast improvement on the current building, however there was some concern regarding the separation distances to

Hatherleigh Close. Members were pleased to note that the development will be permit free and so will not add to parking pressure in the area

## RESOLVED

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

### 11 WILLINGTON SCHOOL, 18 WORCESTER ROAD, WIMBLEDON SW19 7QQ (Agenda Item 11)

Proposal: Removal of existing boundary fence, replacement with new boundary brick wall/gate, new playground timber fence/gate and erection of a single storey detached building within playground area (between new wall & fence).

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

The Committee received verbal objections from two residents, whose points are summarised below:

- This is referred to as a temporary kitchen, but there is no application for a permanent kitchen. Residents are concerned that it will be made permanent
- Deliveries to this kitchen will add to the traffic congestion in the area, which is already made worse by parents taking their children to the school
- The proposed extraction will not eliminates smells from the kitchen.
- The School has already commenced work on this building, before receiving any permission
- Why can't the school buy food in from neighbouring schools
- The plans do not show the levels, also there is not a safe area shown for storage of bottled gas
- The wall is a concern
- Residents are concerned that they will lose their parking bays

The Committee received a verbal representation from The Head teacher and School Bursar, who made points including:

- We are in the process of upgrading the school and this temporary kitchen is part of our spending plan
- We are concerned about the health and wellbeing of the children and believe it is important to provide a hot lunch to the pupils, which cannot be done at the moment
- Our Architect has given careful consideration to this temporary solution. A permanent solution will be considered in the future.
- The School is more than happy to meet the conditions attached to this application
- We have building contractors on site during most Summer Holidays
- We have lowered the wall at the request of the neighbours



- We do seek to consult with parents regarding their parking, we will work with the Council on this.

In reply to points raised by the Objectors, the Planning Team Leader North answered:

- The Kitchen and timber screening are temporary and this is ensured by Condition
- The proposed extraction system meets legislation. If there are problems then residents can complain to the Council's Environmental Health Team who have the power to investigate

The Ward Councillor, Daniel Holden, addressed the Committee and made points including:

- This application should be rejected
- Work has started before a decision has been made
- The application will reduce the playground by 15%
- The extractor fans will be detrimental to the neighbours, they will be noisy and will affect neighbour amenity
- Traffic and services in the area will be affected, where will delivery vans turn

In reply to Members' questions, Officers made points including:

- We don't know the exact amount of play space that will be lost, but this permission is for a temporary building. It is modular and has no foundations. The site will be restored after 3 years, with the building and fencing being removed.
- Environmental Health have provided the conditions regarding extraction and noise. The building has been kept as close to the School as possible to mitigate for such issues. Environmental legislation is in place if neighbours do have issues with noise and/or extraction of fumes.
- The days of use of the kitchen are, by condition, Monday – Friday only. The extractor fans can only be operated 8am – 3pm by condition.
- The existing work on site is related to a sports pitch. If there is evidence of premature work on this application then it can be passed to the Enforcement team
- By Condition the building and fencing has to be removed after 3 years

Members made comments including:

- Concerned that this is not an application for a temporary structure and that this is about a long term application
- Concern about taking away play space
- Support for providing healthy hot meals for children

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

12 PLANNING APPEAL DECISIONS (Agenda Item 12)

RESOLVED: The Committee noted the report on Planning Appeal Decisions

13 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 13)

The Committee noted the report on Current Enforcement cases and the updated information in the Modifications sheet. Comments were made regarding 227 London Road, and members were asked to put their concerns in writing to the Enforcement Officers.

RESOLVED: The Committee noted the report on Current Enforcement cases

## PLANNING APPLICATIONS COMMITTEE 22 AUGUST 2019

**APPLICATION NO.**  
19/P1914

**DATE VALID**  
14/05/2019

**Address/Site:** 83 Dora Road  
London  
SW19 7JT

**Ward:** Wimbledon Park

**Proposal:** Alterations to previously approved extensions following previously approved planning permission 18/P0952, including: insertion of rooflight over new extended flat roof, changes to front rooflights, new window in front elevation, removal of rear chimney stack, changes to rear dormer and side (northern) elevation windows.

**Drawing No.'s:** 01, 02, 03.

**Contact Officer:** Catarina Cheung (020 8545 4747)

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### **RECOMMENDATION**

**Grant planning permission subject to conditions.**

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### **CHECKLIST INFORMATION**

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 5
- External consultations: 0
- Controlled Parking Zone: Yes
- Conservation Area: No

#### **1. INTRODUCTION**

1.1 This application is being brought to the Planning Applications Committee for determination due to the nature and number of objections received.

#### **2. SITE AND SURROUNDINGS**

2.1 The application site comprises a two-storey detached dwelling located on the western side of Dora Road in Wimbledon Park. The character of the street is predominantly residential with detached and semi-detached properties. Dora

Road sits on a slightly sloping road therefore naturally sits lower than number 81 (southern neighbour); and toward the rear, properties along Vineyard Hill Road sit on a slightly higher ground level.

- 2.2 The site is not located within a Conservation Area nor is it a Listed Building, but it does adjoin Vineyard Hill Road Conservation Area to the west.

### 3. CURRENT PROPOSAL

- 3.1 This application was previously granted for the following works under planning permission 18/P0952:

- A hip to gable roof extension;
- Two storey rear extension projecting 2m and creating a partially flat top crown on the roof;
- A rear dormer with one window and 2 Juliet balconies – depth 3.7m, width 9.1m, height 2.7m;
- Ground floor rear extension expanding the full width of the property – depth 3.3m, eaves height 2.59m and maximum height 3.43m;
- Installation of 4 rooflights on the front roof slope.

- 3.2 This current proposal seeks retention for alterations to that previously approved, involving:

#### Front elevation

- Garage door converted into a window;
- 2 rooflights inserted on the front roofslope, rather than 4.

#### Side (northern) elevation

- Reduced number of window openings to 2.

#### Rear elevation

- Removal of chimney;
- Removal of rear window on dormer and Juliette balconies re-positioned closer together;
- Removal of middle window on first floor level, and replacement of existing window on left hand side with larger window opening;
- Bifolding doors increased in width by around 0.9m, and insertion of one window either side instead of two;
- Single rooflight over rear extension rather than 3.

#### Roof

- Insertion of rooflight (measuring 1.7m x 1.4m) on extended flat crown roof, protruding 0.23m above ridgeline.

There are no increases in the main ridge height, or overall dormer and rear extension sizes.

#### **4. PLANNING HISTORY**

18/P0952: Expanding the roof to the rear to create a flat top, with hip to gable conversion, rear dormer with 2x juliet balconies and 4x rooflights on the front roof slope; accompanied with a double storey rear extension, single storey ground floor extension and various window alterations on the side elevation. – Granted permission 22/06/2018 (following PAC held 07/06/2018)

18/P0848: Application for prior approval in respect of the proposed erection of a single storey ground floor rear extension with the following dimensions: Extends beyond the rear wall of the original dwellinghouse by 5.3 metres The maximum height of the enlarged part of the dwellinghouse will be 3.5 metres

The height of the eaves of the enlarged part of the dwellinghouse will be 2.6 metres – Prior approval granted 03/04/2018

#### **5. CONSULTATION**

5.1 Public consultation was undertaken by way of post sent to neighbouring properties. 6 representations were received. The summary of their objections are as follows:

- The guttering and roofing extends over onto the neighbouring property;
- The area of glazing on the rear dormer has increased around 20%;
- The clear guarding for the Juliette balconies appear more dominant than the previously approved metal railings;
- The skylight over the flat crown roof is visually intrusive and would be preferable to replace with a flush roof light;
- The drawings are inaccurate;
- Considers that alternative materials be used for the rear dormer such as brick, pebble dash or tiles rather than the existing 'grey' coloured cladding material;
- Disproportionate and out of keeping with the character of the area;
- Unacceptable visual intrusion and privacy toward properties on Vineyard Hill Road;
- Generally increase light pollution;
- No plans submitted showing alterations to the internal layout, use of materials or changes to the rear garden;
- Large expanse of feature-less wall on the right hand side elevation;
- Window alterations to the rear elevation are considered out of character.

#### **6. POLICY CONTEXT**

6.1 NPPF - National Planning Policy Framework (2019):  
Part 12 Achieving well-designed places

- 6.2 London Plan 2016:  
7.4 Local character  
7.6 Architecture  
7.8 Heritage assets and archaeology
- 6.3 Merton Sites and Policies Plan July 2014 policies:  
DM D2 Design considerations in all developments  
DMD3 Alterations and extensions to existing buildings  
DMD4 Managing heritage assets
- 6.4 Merton Core Strategy 2011 policy:  
CS 14 Design

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The planning considerations for the alterations relate to their impact toward the character and appearance of the host building and surrounding area, and the impact upon neighbour amenity.

### Character and Appearance

- 7.2 London Plan Policies 7.4 and 7.6, Core Strategy Policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings. SPP policy DM D3 further seeks for roof extensions to use compatible materials, to be of a size and design that respects the character and proportions of the original building and surrounding context, do not dominate the existing roof profile and are sited away from prominent roof pitches unless they are a specific feature of the area.

### **Front and northern elevations**

- 7.3 The conversion of the front garage door to a window, change in the number of rooflights toward the front roofslope and reduction in window openings on the northern elevation are not considered materially different from that previously approved and would not result in a detrimental impact toward the appearance of the property.
- 7.4 The reduced number of windows on the right hand side/northern elevation would not be immediately visible from the front streetscene. It faces onto the side wall of 85 Dora Road which also exhibits a large area of blank wall, so, is no different from the appearance of the neighbouring property.
- 7.5 It is also noted the insertion of rooflights on the front roofslope constitute permitted development.

### **Rear elevation**

- 7.6 The removal of the chimney is not considered to raise significant concerns in terms of appearance, but would constitute permitted development.
- 7.7 Removal of the rear window and changes to the positioning of the Juliette balconies on the rear dormer would not have a negative visual impact toward

the appearance of the main dwelling in comparison to the already approved scheme, likewise the changes to the first floor level and ground floor extension windows and rooflights would bring about more symmetry to the rear of the building.

- 7.8 Whilst the Juliette balconies are marginally increased in width and height from 1.4m x 2.1m to 1.5m x 2.2m, with the removal of the rear window, the overall glazing has been reduced by around 3.3%, and not increased. The use of clear glazing to guard the Juliette balconies are not considered detrimental, and ties in with the modern appearance of the grey cladding.

### **Roof**

- 7.9 Whilst the insertion of the rooflight on the flat crown roof is visible toward the front streetview and rear neighbours (along Vineyard Hill Road), it is not considered so harmful a feature which would significantly alter the appearance of the dwelling and streetscene in a negative manner which to warrant refusal.
- 7.10 Overall, the proposed alterations are considered acceptable in terms of their design and appearance and do not materially alter officers conclusions to that which was previously granted. The extensions and alterations are acceptable and do not harm the character and appearance of the host dwelling or surrounding area, including the adjoining Conservation Area.

### Neighbouring Amenity

- 7.11 SPP Policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

### **Dora Road**

- 7.12 The alterations consisting of the number of rear window openings and front rooflights, positioning of Juliette balconies and addition of a crown rooflight would not have an imposing impact toward the amenity of numbers 81 or 85 Dora Road.
- 7.13 The reduction in the number of window openings on the side (northern) elevation would not raise concerns in terms of overlooking.

### **Vineyard Hill Road**

- 7.14 Given the positioning of the ground floor bifolding doors and windows of the single storey rear extension, there is little concern there would be increased overlooking toward the rear Vineyard Hill Road neighbours.
- 7.15 The number of window openings on the first and loft floor level have been reduced toward the rear, and all would continue to serve bedrooms. Noted in paragraph 7.8, whilst the Juliette balconies are marginally increased in size, the overall area of glazing has been reduced. It is not considered in its current built

state there would be an unacceptable level of overlooking to that previously approved.

- 7.16 The separation distances between the application site and Vineyard Hill Road would remain unaltered.

Other matters

- 7.17 Within the representations, comments have been raised concerning the guttering. The approved plans do not show these elements to protrude but photographs show these have been constructed differently, these issues need to be resolved during the construction stage or with the issue of a Party Wall notice.

- 7.18 Overall, the proposed works are not considered to have a detrimental impact toward neighbouring amenity.

**8. CONCLUSION**

- 8.1 The scale, form, design, positioning and materials of the proposed extensions and alterations are not considered to have an undue detrimental impact upon the character or appearance of the surrounding area, the host building or on neighbouring amenity. The changes in comparison to planning permission 18/P0952 are therefore considered acceptable. The proposal complies with the principles of policies DMD2, DMD3 and DMD4 of the Adopted SPP 2014, CS14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2016.

**9. RECOMMENDATION**

Grant planning permission, subject to the following conditions:

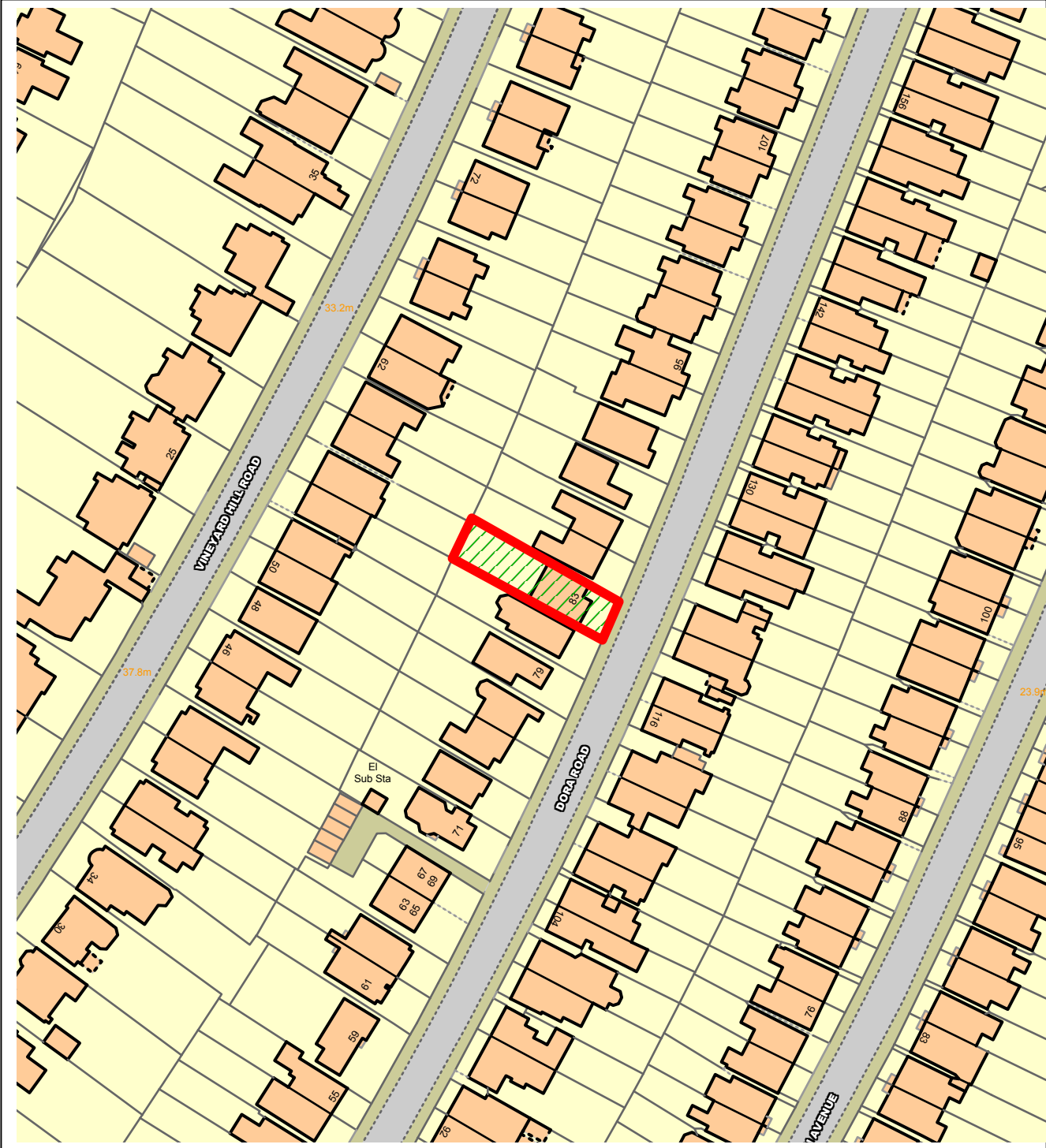
1. A1 Commencement of Development
2. A7 Approved Plans
3. B3 External Materials as specified
4. C02 No Permitted Windows (in side elevations)
5. C08 No Use of Flat Roof
6. NPPF Note to Applicant – approved schemes
7. Informative – Party wall notice

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



# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 22 AUGUST 2019

**APPLICATION NO.**                      **DATE VALID**  
19/P2384                                      17/06/2019

**Address/Site**                      24 The Grange, Wimbledon, SW19 4PS

**Ward**                                      **Village**

**Proposal:**                      Application to Vary Condition 2 (Approved Plans) attached to LBM Planning Permission Ref.19/P0155 (Dated 21/02/2019) relating to the erection of a single storey link to the existing Coach House at 24 The Grange, excavation of basement and erection of a single storey rear extension (Amendment involves revisions to the footprint of approved basement).

**Drawing Nos**                      P\_02A Rev A, P\_10 Rev D, P11 Rev F, Addendum to Basement Impact Assessment prepared by Chelmer Ltd (Dated June 2019, Tree Report by ATS (Dated May 2019) and Planning Basement Construction Statement (June 2019).

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

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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 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 – 7
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

#### 1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a substantial detached Edwardian dwelling house situated on the west side of The Grange. There is an existing motor house/coach house to the north east of the site with residential accommodation at first floor level and to the rear of the garage. There is also a recently constructed garage to the south east of the dwelling and two outbuildings within the rear garden. The majority of other houses in The Grange are substantial detached houses with the exception of number 25 The Grange which shares a boundary with the motor house and dates from the 1930's. The application site is within the Merton (Wimbledon West) Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The application seeks to Vary Condition 2 (Approved Plans) attached to LBM Planning Permission Ref.19/P0155 (Dated 21/02/2019) relating to the erection of a single storey link to the existing Coach House at 24 The Grange, excavation of basement and erection of a single storey rear extension (Amendment involves revisions to the footprint of approved basement).
- 3.2 Planning permission LBM Ref.19/P0155 (Dated 21/02/2019) approved a basement of 199m<sup>2</sup> in area. The proposal is to extend the foot print of the approved basement 110m<sup>2</sup> to form a basement in total of 309m<sup>2</sup> in area. The extension to the basement would go partly under the rear garden with an increase in depth of 5.4 m and a width of 14 m. All other aspects of previously approved scheme LBM Ref.19/P0155 remain the same.
- 3.3 Off-street parking would be maintained within the front curtilage and a new boundary wall and fencing would be constructed, together with associated landscaping works.

## 4. **PLANNING HISTORY**

- 4.1 In May 1969 planning permission was granted for the conversion of the double garage with two rooms above into single garages, self-contained maisonette and erection of car port (Ref.MER318/69).
- 4.2 In March 1971 revisions to planning permission MER318/69 was approved (Ref.MER65/71).
- 4.3 In December 1971 planning permission was granted for the conversion of the garages into a single garage and self-contained maisonette with porch and car port (Ref.MER1031/71).
- 4.4 In April 1991 planning permission and conservation area consent was granted for the demolition of existing conservatory and car port and erection of a new single garage, link wall to existing house and erection of car port (LBM Refs.91/P0129 and 91/P0134).

4.5 In April 2018 Planning Permission was refused by the Planning Applications Committee for the erection of a single storey extension to the east elevation, a two storey extension to the west elevation, excavation of basement and reconfiguration of second floor and erection of new dormer windows (LBM Ref.17/P3581 (Dated 23/04/2018). Planning permission was refused on the following grounds: -

‘The proposed extensions would by virtue of their bulk and massing result in unsympathetic additions to the existing dwelling house and would erode the existing gap between the main house and the Coach House and be detrimental to the character and appearance of the Merton (Wimbledon West) Conservation Area and The Grange Street scene, contrary to policy CS14 (Design) of the Adopted Merton Core Planning Strategy (2011) and policies DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Buildings) and DM D4 (Managing Heritage Assets of the Adopted Merton Sites and Policies Plan (2014)).’

4.6 The applicant subsequently Appealed against the Council’s refusal of Planning Permission (Appeal Ref. App/T5720/D/18/3206271). The Planning Inspector Dismissing the Appeal on 12 October 2018. The Inspector considered that the proposed rear and side extensions would be far from modest and a very regrettable outcome would be the loss of the Coach House as an intriguing and charming entity in its own right.

4.7 In February 2018 Planning Permission was granted under delegated powers for the erection of a single storey link to the existing Coach House at 24 The Grange, excavation of Basement and erection of a single storey rear extension (LBM Ref.19/P0155).

## 5. **CONSULTATION**

5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 12 letters of objection have been received. The grounds of objection are set out below: -

-The latest application dramatically exceeds the original application and goes further by increasing the basement size on the false premise of the permission already granted.

-The proposal increases the size of the basement by more than a third. This exceeds the footprint of the house and impacts significantly on neighbouring properties.

-The proposal will cause disruption during construction from increased traffic and noise over a lengthy period.

-The basement construction would be environmentally damaging.

-The proposal is overdevelopment of the site.

-Basements should be within the footprint of the existing house.

-The proposal is an extremely large development which will cause massive disruption, damage, noise and pollution to residents in the area, plus with a

large area of excavation there is a significant chance of settlement problems that will affect the immediate surrounding properties.

-If approved the proposal would enlarge the basement by another 1/3 of the approved volume extending right up to the rear walls and beyond the footprint of the existing house. Although there is not statutory definition of what constitutes a 'minor material amendment', the proposed basement would require a fundamental alteration to the approved plans, as the right and rear walls of the house would have to be removed at foundation level and supported at ground level.

-The proposal would constitute overdevelopment of the site.

-Whilst each applicant may obtain a supportive hydrology report on their individual scheme, the aggregate effect is a complete unknown as so many barriers are being introduced below ground level, except to say that the many water courses known to the present in this area will have to go somewhere eventually, leaving residents foundations either saturated or desiccated with adverse consequences.

5.3 Conservation Officer

The Conservation Officer has no objections to the proposal.

5.4 Tree Officer

The tree officer has no objections to the proposed development subject to the existing trees on and off site being protected during the development.

5.5 Flood Risk Manager

No comments received – to be updated for the meeting.

5.6 The Councils Structural Engineer

No comments received – to be updated for the meeting.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS14 (Design), CS15 (Climate Change) and CS20 (Parking).

6.2 Sites and Policies Plan (July 2014)

D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

6.3 The London Plan (2016)

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

6.4 NPPF (2019)

## 7. PLANNING CONSIDERATIONS

7.1 The main planning considerations concern the Principle of Development, Design/Conservation Area, Locally Listed Building, Basement Construction, Neighbour Amenity, Trees and parking Issues.

### 7.2 Principle of Development

The principal of extensions and alterations to the host building has already been established under planning approval 19/P0155. This permission is extant and therefore the matters already agreed under this permission which are not subject of change under the current proposal need not be reassessed. The principle planning considerations relating to the Section 73 application relate to an assessment of the proposed changes having regard to the previous approved scheme.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.

National Planning Policy Guidance 2014 provides guidance on Section 73 applications, which outlines that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

### 7.3 Design/Conservation Issues

The site lies within the Merton (Wimbledon West) Conservation Area (designated heritage asset). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area. In accordance with this, Policy DM D4 outlines that development should preserve or enhance the significance of the heritage asset.

The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. The following considerations should be taken into account when determining planning applications.

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation; The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
- The desirability of new development in making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

The site lies within the sub-area known as The Grange within the Conservation Area. The road is described as containing some of the most substantial, distinguished and individual houses in the conservation area, many of which are either statutorily or locally listed (Council's Character Assessment).

Planning permission has previously been approved under LBM Planning Permission Ref.19/P0155 (Dated 21/02/2019) for the erection of a single storey link to the existing Coach house, excavation of basement and erection of a single storey rear extension. The current proposal seeks to increase the foot print of the previously approved basement by 110m<sup>2</sup> to provide a basement 309m<sup>2</sup> in area. The extended basement would be partly beneath the rear garden and partly to the side of property. However, the extended basement would be set away from the side and rear boundaries. The edge of the basement would be 5.5 metres away from the boundary with 25 The Grange. The existing Coach House would remain between the extended basement and 25 The Grange. The previously approved light well to the side elevation would be the only external feature of the basement. Therefore, the basement would not be visible from the frontage once constructed and would not cause harm to the character or appearance of the Merton (Wimbledon West) Conservation area. The proposal is therefore acceptable in terms of policies CS14 and DM D2, DM D3 and DM D4.

#### 7.4 Impact on Locally Listed Building

The extensions and alterations previously approved have been sympathetically designed to reflect the character of the original building. The current proposal to increase the size of the basement would extend the footprint of the building. However, this would be at basement level where its visual impact upon the host building would be limited once constructed. The Council's Conservation Officer has raised no objections to the basement and its size. The proposal to increase the size of the basement is therefore considered to be acceptable in terms of policy DM D4 and would not be a harmful addition to the Locally Listed Building.

#### 7.5 Basement Construction

The current proposal involves the enlargement of the basement previously approved by LBM Planning Permission Ref,19/P0155 (Dated (21/02/2019) Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014) includes guidance on Basements and Subterranean Developments.

The current proposal has been accompanied with updated Basement Impact Assessment Report and Basement Construction Statement, and although the proposal seeks to increase the size of the basement, its resultant size would remain well within the 50% uptake of the garden space with the basement taking up 16% of the garden with 84% remaining unaffected by the proposed works.



The Basement Construction Statement concludes that the basement can be constructed in a safe manner and that the provision of accommodation at basement level would not increase flood risk. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.6 Neighbour Amenity

The concerns of neighbours regarding the provision of an enlarged basement are noted. However, once constructed the only part of the basement that would be visible would be the light well to the side elevation of the house. Although basement construction works can sometime cause noise and disturbance, the Approved Planning Permission (LBM Ref.19/P0155) includes Planning Conditions controlling hours of construction. The previous conditions will remain applicable to the current application. Overall, the originally approved scheme would remain the same, with the exception to the enlarged basement which would not cause any material harm. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.7 Trees

The Council's Tree officer has no objections to the proposed development subject to tree protection conditions being imposed on any grant of planning permission. The mature trees on site are to the front. The proposed increase in size of the basement would not lead to harmful impact on any trees on or off site.

#### 7.8 Parking

The existing vehicle access onto The Grange would be maintained and an off-street parking maintained within the front curtilage. The proposal is therefore considered to be acceptable in terms of policy CS20.

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

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there is no requirement for an EIA submission.

### 9. **CONCLUSION**

- 9.1 The proposed increase in size of the basement would not be visible once constructed and would therefore not have any impact upon the character and appearance of the Conservation Area. Although basement construction can result in noise and disturbance during construction works, the Planning Condition attached to (LBM Planning Permission Ref.19/P0155) would control hours of construction and the works would also be subject to Building Regulations approval, to ensure that the basement is constructed in a satisfactory manner. Therefore, the proposed increase in size of the

previously approved basement is considered to be acceptable in design terms and the proposal would preserve the character and appearance of the Merton (Wimbledon West) Conservation Area. The proposal would not cause harm to neighbour amenity and tree protection conditions would protect the retained mature trees. Accordingly, it is recommended that Condition 2 (Approved Plans) of Planning Permission LBM Ref.19/P0155 (Dated 21/02/2019) be Varied.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to conditions:

1. A.1 (Commencement of Development)
  
2. The development shall be carried out in accordance with the following drawing numbers: P\_02ARev A, P\_10 Rev D, P11 Rev F, Addendum to Basement Impact Assessment prepared by Chelmer Ltd (Dated June 2019, Tree Report by ATS (Dated May 2019) and Planning Basement Construction Statement (June 2019).

Reason for condition: For the avoidance of doubt and in the interest of proper planning.

3. B.1 (External Materials to be Approved)
4. B.4 (Details of Surface Treatment)
5. B.5 (Details of Boundary Treatment)
6. C.2 (No Permitted Development –Doors and Windows)
7. D.11 (Hours of Construction)
  
8. The details and measures for the protection of the existing retained trees as specified in the approved document 'BS 5837:2012 Tree Survey, Arbouricultural Impact Assessment, Arbouricultural Method Statement and Tree Protection Plan' dated May 2019 including drawing titled 'Tree Protection Plan shall be fully complied with. The methods for the protection of the existing retained trees shall fully accord with all measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

Reason for condition: To protect and safeguard the existing and retained trees in accordance with the following Development Plan Polices for Merton: policy 7.21 of the London plan (2015), policy CS13 of Merton's Core Planning Strategy (2011) and polices DM D2 and DM O2 of the Merton Sites and Polices Plan (2014).

9. F.01 (Landscaping Scheme)
10. F.08 (Site Supervision-Trees)
11. Prior to commencement of development a Basement Construction Method Statement and Hydrology Report shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the Adopted Merton Sites and Policies Plan (2014).

13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable 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 by a public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

14. The development shall be constructed in accordance with the details set out in the approved Basement Impact Assessment produced by Chelmar Global dated June 2019 and Planning Basement Construction Method Statement dated 17<sup>th</sup> June 2019.

Reason for condition: To ensure that the basement is constructed to a satisfactory standard in accordance with Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014).

15. INFORMATIVE

In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner. In this instance the application was acceptable as submitted and no further assistance was required.

16. INFORMATIVE

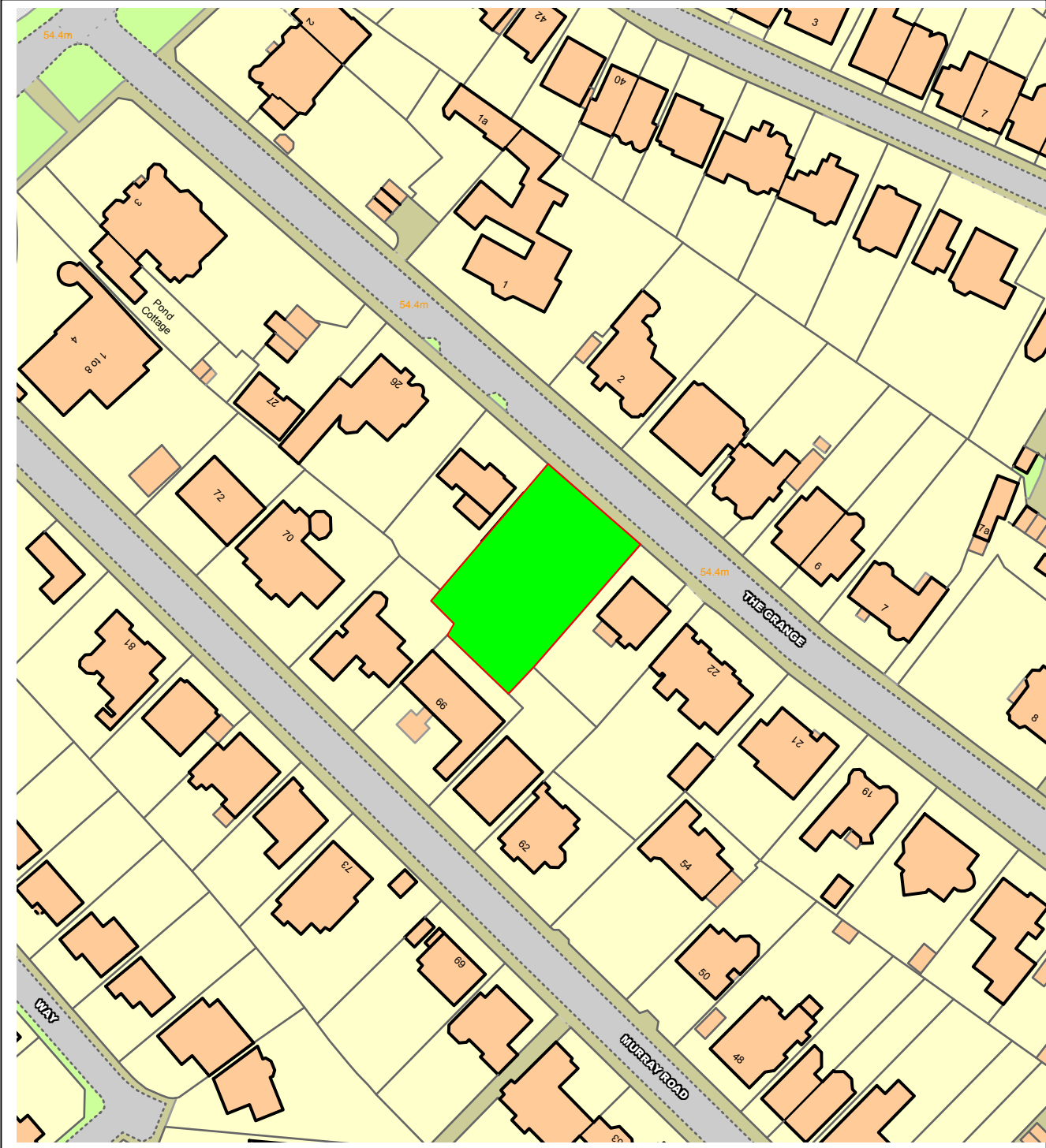
The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

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

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## PLANNING APPLICATIONS COMMITTEE 22 August 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
19/P0883	21/09/2015
<b>Address/Site</b>	101 Hamilton Road, South Wimbledon, SW19 1JG
<b>Ward</b>	Abbey
<b>Proposal:</b>	Erection of a two storey detached building with accommodation at roof and basement level comprising 13 flats (5 x 1, 6 x 2 and 2 x 3 bedroom flats) and associated works
<b>Drawing Nos</b>	A100 Rev 5, A101 Rev 5, A102 Rev 5, A103 Rev 5, A104 Rev 5, A105 Ref 5, A200 Rev 5, A201 Rev 5, A300 Rev 5 and A301 Rev 5.
<b>Contact Officer:</b>	Stuart Adams (0208 545 3147)

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### RECOMMENDATION

**GRANT Planning Permission subject to conditions and S106 agreement**

### CHECKLIST INFORMATION.

Heads of agreement: - Permit Free Development, Carbon Off-Set Contribution, Car Club Membership, Parking Bay Cost & Affordable Housing Contribution (including early and late stage review)

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 46

External consultations – No.

PTAL Score – 5

CPZ – S2

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## 1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration due to the number of objections received.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site has now been cleared and formally the site comprised a two storey detached property known as Rose Cottage and single storey light industrial units within the rear section of the site. Formally, some ad hoc car parking was provided on site, to the front and side of the former buildings.
- 2.2 To the north of the application site is a two storey Victorian detached property, known as 97 Hamilton Road, with a terrace of similar two storey properties beyond, characterised by two storey projecting bays and recessed porches. Number 97 has been split into two flats. The rear garden area has been subdivided into two, with the upper floor flats having direct access via an external rear staircase along the northern boundary of the application site. The blank flank wall of no.97 forms the northern boundary of the application site.
- 2.3 Directly to the south of the application site is the rear of a two storey building known as 206 – 212 Merton High Street. This building comprises commercial uses at ground floor and flats at the first floor level. A gated rear passageway separates the application site from the rear wall of this neighbouring building. Its main frontage is onto Merton High Street, one of the main thoroughfares within the Borough, characterised by two-/three storey buildings with commercial units at ground floor and residential units on the floors above.
- 2.4 The surrounding area comprises a mixture of residential and commercial properties. The application site is situated on one of the residential streets, at right angles to Merton High Street. These residential streets, are predominantly characterised by traditional two storey terraced housing.
- 2.5 The application site is not located within a Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1.1 Erection of a two storey detached building with accommodation at roof and basement level comprising 13 flats (5 x 1, 6 x 2 and 2 x 3 bedroom flats) and associated works.
- 3.1.2 The building is designed with a two storey appearance, with accommodation in the roof. It would have exposed facing London stock brick, slate tiled roof and dark framed windows. Projecting glass bay



windows are present on the front, along with two front dormer windows. A communal roof terrace is proposed, along with solar panels on the roof.

### Space standards

3.1.3 The floor space (GIA) and amenity space standards of individual residential units are as follows compared to London Plan 2016 requirements and Merton planning policy DM D2 (Design considerations in all developments).

Proposal	Type(b)bed (p) person	Proposed GIA	London Plan	Amenity Space (sq m)	London Plan/ Merton requirement
Unit 1	1b2p	81.2	50	20.6	5
Unit 2	2b4p	89.14	79	18.2	7
Unit 3	2b4p	119.2	79	34.9	7
Unit 4	1b2p	80.9	50	42.2	5
Unit 5	2b4p	75.4	70	0	7
Unit 6	1b2p	57.3	50	0	5
Unit 7	1b2p	57	50	8.7	7
Unit 8	2b4p	73.6	70	10	7
Unit 9	3b6p	127.6	102	3.8	9
Unit 10	2b4p	78.76	70	0	7
Unit 11	2b3p	73.9	61	0	6
Unit 12	1b2p	62.1	50	7	5
Unit 13	3b6p	123.6	95	7.3	9

3.1.4 All residents would have access to a 126.3 sqm communal amenity space at roof level. The roof terrace would include fix planters around its perimeter, a number of solar panels, a 1.1m screen to the rear and a 1.8m high screen on the west side of the terrace. An internal lift is proposed to allow disabled access to all floors.

## **4. PLANNING HISTORY**

4.1 17/P3242 - Redevelopment of the site (including demolition of existing buildings) and erection of a two storey terrace with accommodation at basement and roof level (6 x 2 bed flats & 2 x 3 bed flats) and 1 x two storey dwelling house at rear and associated landscaping and parking – Appealed non determination – Appeal dismissed on 6<sup>th</sup> June 2018 (Appeal ref - APP/T5720/W/17/3189000).

4.2 16/P4444 - Prior notification for proposed demolition of a two storey detached residential building (rose cottage) – Approved - 13/12/2016

- 4.3 16/P3729 - Prior notification for proposed demolition of a two storey detached residential building (rose cottage) – Refused - 21/10/2016
- 4.4 15/P3573 - Renovation of existing rose cottage to create 4 self contained flats including erection of two storey rear extension, erection of new semi detached house (adjoining 97 Hamilton Road) and erection of new detached two storey house at rear of site – Grant - 05/12/2016
- 4.5 14/P2350 - Demolition of existing building and erection of a new two-storey building at front and part 1, part 2 storey building at rear comprising 9 self-contained flats – Withdrawn.
- 4.6 13/P0997 - Demolition of existing building and erection of a new two-storey building comprising 9 x 2 bed self-contained flats and a part single, part two storey building at rear for b1 office use - Withdrawn
- 4.7 12/P2520 - Application for a certificate of lawfulness in respect of the existing use of property as residential (Class C3) – Issued - 14/12/2012
- 4.8 MER791/70 - Established use certificate for light industrial use – Grant - 02/11/1970
- 4.9s MER471/69 - Vehicular access – Grant - 03/09/1969

## 5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to consultation, 14 objections received. The letters raise the following objections to the original plans:

### Change of Use

- Loss of employment was waived on the previous permission on the condition that Rose Cottage was restored. As that has not occurred, the employment designation of the land remains.
- The developer has continued to use the land to store plant and materials. This suggests that the site has had ongoing use for employment.

### Design

- The number of dwellings proposed for the site constitutes overdevelopment due to the density of the properties compared with the surrounding area. Policy DM D2 is very clear that density must relate positively and appropriately to massing of surrounding

buildings. This is clearly fails to do.

- The development does not meet London Plan density levels.
- The London plan states that suburban development within hr/unit of 2.9, with a PTAL of 5, should have a density of between 70 and 1130 units/hectare. 188 units/hectare considerably outstrips the levels recommended by the London Plan.
- Taking the neighbouring four houses in Hamilton Road by examples (which cover approx. the same land as the development, the average number of dwellings per hectare is 66.7, this is much close to the lower end of the London Plan.
- The roofline is significantly above the roofline of the rest of the street. The rear of the building juts out into the garden in a way that is not mirrored in anyway in the rest of the street.
- Claims in the planning statement that the proposed building will extend to 2.5 storey in height is false. The plans submitted are for a building with a basement, ground floor, first, second and roof terrace, hardly 2.5 storeys.
- In the planning statement, NPPF states sustainable development involves improvements in the quality of the historic environment. This scheme would result in a deterioration in the historic environment due to its failure to replace the previous historic building (Rose Cottage).
- Due to the proposed mass and its use of features such as basements, the proposal fails to relate positively and appropriately to the historic context of the surrounding area.
- The application contravenes policy DM D2 on the grounds that it is not in keeping with the character of the existing street, as the basement extends approx. 2m in front of the building line.
- The application infringes on the building line and fails to complete the raw party wall end of the semi detached houses adjoining.
- There is no private amenity space for flats 5, 6 and 7
- Of the 13 flats, 7 are undesirable single aspect and unable to be naturally cross ventilated.
- The application is higher than the refused scheme and prevailing sale in Hamilton Road.
- Frontage and boundary treatment fence is not in keeping
- The design of the front looks at odd with the character of the rest of the street and would present an incongruous dominant feature, which would be harmful to the appearance of the area.

#### Basement/Flooding

- There is a risk of flooding from surface water run-off, as the basement level, which includes subterranean courtyards, will be below the water table, which the applicant states is 1.1m below the ground level.
- A basement is metres from a medium flooding risk posing too great

a risk.

- Basements below the water table and the resulting foundation do not relate positively to existing street patterns and would require work that would lead to expressive disturbance for residents in the surrounding area.
- Risk to basement flats when there have been two large-scale water main bursts in the vicinity cannot be overstated.
- The basement floor – quite apart from the question of the quality of the living spaces below ground level, the plans for a basement floor makes the development unbalanced in terms of the number of flats for the space.
- The basement excavation will increase the disruption and inconvenience for the local residents (and will be potentially dangerous for the adjoining sites).

#### Neighbour Amenity

- Impact on residents living behind in Hardy Road. The application places a 3.5 story building to the rear of several homes on Hardy Road where there was not one before.
- The London Plan Housing SPG states that for protection of privacy there should be a minimum distance of 18m - 21m between facing homes. The applicant has failed to state the distance between his development and the opposing dwelling on Hamilton Road.
- The size and arrangement of the windows in the proposed development are bigger and therefore decreases privacy further as does the presence of a balcony.
- Overlooking from balconies and terraces
- Noise disturbance for future residential within the proposed basement flats from underground trains.
- The kitchen and bedroom windows of different flats face each other across a 2.4m wide light well (flats 5 and 7). This infringes on privacy.
- The size of the development means impact on neighbours in Hamilton Road, Hardy Road and Merton High Street will need to be carefully looked at.
- Use of side alley will cause a security risk and create noise and disturbance
- Enclosing affect to neighbours rear garden and overshadowing
- Disruption during construction

#### Housing

- The scheme is in contravention of CS8 policy on housing need and mix. The policy states that the target for new development should be 50% of housing proposed should be three bedroom or above.
- The viability assessment prepared for this application has been withheld from consultees.

- None of the units would be affordable housing

### Highways

- The application do not state how the two parking spaces proposed will be provided, considering the current parking restriction include double yellow lines outside the development
- The application proposed no justification of how the impact of the proposed arrangements will have on the street existing parking arrangements.
- The addition of even one extra car could add undue stress to the already busy street.
- Changing the arrangement of the parking prohibitions at the southern end of Hamilton Road could have considerable consequence for other residents in the road.
- Basement cycle parking makes the facilities effectively useless.
- The parking on Hamilton Road is extremely difficult to park.
- Without adequate parking facilities, the current application will make a bad situation even worse.
- The proposed application must also contain adequate parking on site for additional cars/tradesmen vehicles visiting the site.
- Concern about delivering vehicles, how will they turn within the street and how material will be stored?
- Requirement to restrict parking permits.
- If the new parking bays can be created, these should only be for existing residents. This would alleviate some of the pressure on Hamilton Road.
- Impact on highway safety
- New residents parking permit, less two new parking bays, means the Council will be allowing two additional resident parking permits for Hamilton Road where residents parking is overstretched and often existing residents are unable to find space.
- Even if all but two of the units were parking free, the applicant has not taken into consideration that 13 new units will all have visitors.

### Waste

- The waste and recycling for the flats appears to completely inadequate. Requirement for each property, two wheelie bins, at least one but possibly two recycling creates and a waste food caddy. This application makes no provision for such waste scheme.
- Only six 240 litre wheelie bins provided for all flats and no recycling creates, and the wheel bins stored to the side of the flats.
- Where is food waste containers to be located?
- At the very least, a flatted development of this size should have allowed for a specially designed storage area for waste collection, either within the actual building or an external area within the

development site.

Other

- The applicant states that 33 photovoltaic panels but the roof plan shows only 20 panels
- Supportive of redevelopment as the site has become a target for fly tippers, local graffiti and general loitering and public drinking.
- We request that a minimum of 1 tree per flat is funded and planted by the developed either side or in the surrounding area.
- Lack of consultation
- Example of developer maximizing profit to the detriment of existing residents in Hamilton and Hardy Road.

5.1.2 In response to re-consultation on amended plans, 8 letters of objection received. The letters of objection raise the following points (amended plans):

- Development is still too large for this street of Edwardian terraced houses
- The amended plans does not address objections
- Development too large for the site and would be harmful to the character and appearance of the area
- Does not appear space for rubbish bins (major problem with fly tipping)
- Harmful to highway safety as would result in an increase in parking stress and consequent illegal or unsafe parking
- The basement would be vulnerable to flood risk and the proposal does not have suitable flooding prevention or mitigation measures in place.
- Still too dense
- The frontage and boundary fence is not in keeping with the residential street.
- Lack of parking
- Basement will be subject of tube noise and flooding
- Lack of affordable housing
- Basement would set a dangerous precedent
- There are several ongoing extensions on the adjoining properties on the Merton High Street which now have Juliet balconies, creating overlooking.
- Excavation of the basement
- Loss of privacy
- Loss of light
- Disruption during construction
- Imposing and would dominate the skyline
- Overlooking and noise from proposed roof terrace

- Out of character
- Safety concern with planters at roof level. Would there be access to the planters for maintenance and watering?
- Roof terrace would set a dangerous precedent
- Is it intended that there will be a 1.8m screen to the north and west sides of the roof terrace?

5.2 Historic England – No archaeological requirements

5.3 Councils Flood Officer – No objection subject to conditions.

5.4 MET police

5.4.1 The proposed front boundary has been amended and shows a 1.7m security gate leading to the communal entrance doors. It is desirable for dwelling frontages to be open to view so to enhance the chance of natural surveillance, this security gate should be removed.

5.4.2 The Visualizations A401 shows a low side gate to the side path to the rear of the businesses in Merton High Street. The side and rear of the building are more vulnerable as there is less natural surveillance, hence a more robust barrier is required. A 2m gate should be located flush to the front elevation to eliminate climbing opportunities and the ease of access to the rear of the building. The gate should be designed to resist climbing, forced entry and allow a high degree of surveillance of the route from the street.

5.4.3 A local issue is bored young persons congregating in the evenings in stairwells, especially during inclement weather. They cause anti-social behaviour and criminal offences; the residential entrance lobby should be 'airlocked' by a second set of access controlled doors to prevent unauthorised access by tailgating.

5.4.4 There appears to be no mention of cycle security and as bicycles and their parts are extremely attractive to thieves details should be provided. The cycle store in the basement should have appropriate CCTV coverage to provide identity images of those who enter and activity images within the space. The door should have access control and a locking system operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The cycle storage should incorporate stands or racks secured into concrete foundations, which should enable cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar.

5.4.5 A CCTV system should be installed with a simple Operational Requirement (OR) detailed to ensure that the equipment fitted meets that

standard, without an OR it is hard to assess a system as being effective or proportionate as its targeted purpose has not been defined. The OR will also set out a minimum performance specification for the system. The system should be capable of generating evidential quality images day or night 24/7. For SBD CCTV systems there is a requirement that the system is operated in accordance with the best practice guidelines of the Surveillance and Data Protection Commissioners and the Human Rights Act.

5.4.6 Lighting should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare). It should be as sustainable as possible with good uniformity. Bollard lights, under bench and architectural up lighting are not considered as good lighting sources. White light aids good CCTV colour rendition and gives a feeling of security to residents and visitors. Any public space lighting should also meet the current council requirements.

#### 5.5 Councils Conservation Officer

5.5.1 The Councils Conservation Officer raised some concerns with the original plans, these included:

- The original buildings had more space around them.
- I have about this application for flats on this site is the scale and massing. The overall height is above the adjacent buildings, both in Hamilton Road and those facing Merton High Street. The height should be reduced to be in line with the surrounding buildings.
- The proposed building should keep to the original building line of Rose Cottage which is also the building line of houses on that side of Hamilton Road. This application shows the proposal in front of the original building line and then stepping forward to line up with the side boundary of the 212 Merton High Street which is unacceptable as it is not sympathetic with the streetscape Hamilton Road.
- The proposed bay at first floor level is very dominant and almost overhangs the pavement. It emphasizes the closeness of the building to the front boundary.
- The selection of materials may well be appropriate but more thought needs to be given to the design and the massing in the context of Hamilton Road. This may be at the cost of a unit.

5.6 Environmental Health – No objection subject to conditions

5.7 Transport Planning (comments based on original plans)

5.7.1 The site is currently vacant and comprises a combination of two plots; 99 Hamilton road and 101 Hamilton Road. The scheme proposes to deliver a residential development of 13 residential units comprising the following



mix of units:

- 3 x 3 bed units
- 6 x 2 bed units
- 4 x 1 bed units

5.7.2 Hamilton Road is a residential road operating at a 20-mph speed limit. Through the use of bollards, Hamilton Road does not permit vehicular access to / from the south towards Merton High Street.

5.7.3 The site is within a PTAL of 5 which is considered as representing a 'very good' level of accessibility to public transport services. The local area forms part of Controlled Parking Zone S2. Restrictions are enforced from Monday to Saturday between 8.30am to 6.30pm.

#### Car Parking:

5.7.4 The proposals are for a car-free development with no provision for off-street parking. The applicant will accept a planning condition which restricts occupants of the 1-bed and 2 bed units from obtaining parking permits.

5.7.5 The applicant identifies 2 new marked on-street parking bays along the site frontage on Hamilton Road. The applicant should contact the LBM Transport division to discuss its suitability and related costs.

5.7.6 The applicant to carry out on street parking surveys on roads within 200m of the site to determine the existing levels of on street parking capacity. The surveys to be carried out in accordance with 'Lambeth Methodology'.

#### Cycle Parking

5.7.7 The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space (secure and undercover) for cycles at the following level:

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

#### Refuse

5.7.8 Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles.

## Recommendation

- 5.7.9 Subject to above requirements are addressed satisfactorily I have no objection in principle to this form of development in this location.

## Transport Planning (comments based on amended plans)

- 5.7.10 Following amendments and submission of a swept path analyst, there is no objection to the proposed on street car parking bays.

## 5.8 Councils Climate Change Officer

- 5.8.1 As the proposal is for a major residential development valid from 6 March 2019 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval.

Carbon shortfall (tonnes of CO<sub>2</sub>e) X £60 per Tonne CO<sub>2</sub>e X 30 years = Offset Payment 11.182 tCO<sub>2</sub> X £60 Per Tonne CO<sub>2</sub>e X 30 years = £20,128 as per the Applicant's latest version of the Energy and Sustainability Statement (dated 10<sup>th</sup> June 2019).

- 5.8.2 I am content that the proposed energy approach to the development is policy compliant and recommend that Merton's Standard Sustainable Design and Construction (New Build Residential - Major) Pre-Occupation Condition is applied to the development (see below).

## 5.9 Councils Structural Engineer

- 5.9.1 The submitted CMS, GI Report and the plans demonstrate that the proposed basement can be built safely without adversely affecting the surrounding natural and built environment. No objection subject to conditions

## **6. POLICY CONTEXT**

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

CS8 – Housing Choice  
CS9 – Housing Provision  
CS12 – Economic Development  
CS14 - Design  
CS15 – Climate Change  
CS18 – Active Transport  
CS19 – Public Transport  
CS20 - Parking, Servicing and Delivery

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

DM H2 Housing Mix  
DM H3 Support for affordable housing  
DM.D2 Design Considerations in All Developments  
DM.D4 Managing Heritage Assets  
DM.EP2 Reducing and Mitigating Noise  
DM E3 Protection of scattered employment sites  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM F1 Support for flood risk management  
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

6.3 London Plan (July 2016)

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).  
7.3 (Designing Out Crime)  
7.4 (Local Character)  
7.6 (Architecture)

Other

- National Planning Policy Framework 2019
- National Planning Practice Guidance 2014
- Planning and Compulsory Purchase Act – 2004
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2018
- Draft Local Plan 2020
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are the principle of development, loss of employment, the design of the building, impact upon the Hamilton Road street scene, standard of accommodation provided, impact upon neighbouring amenity, parking/highways considerations and basement construction/flood risk.

7.2 **Amendments**

7.2.1 Following advice from officers, the design of the scheme has been amended as follows:

- Internal changes to the layout of flats
- Removal of front gate
- Amended front bays
- Amended light wells
- Amended/new landscaping/gardens/balconies
- Building lowered in height
- Amended building form (side elevation - facing Merton High Street)
- Amended refuse storage (now includes store in basement)

### 7.3 **Appeal Decision**

7.3.1 A material planning consideration in this instance is the recent appeal decision relating to planning application 17/P3242 (Appeal Ref - APP/T5720/W/17/3189000). The appeal decision is attached to the committee report for member's reference (Annex A).

### 7.4 **Principle of Development**

7.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

### 7.5 **Loss of Employment**

7.5.1 Officers have noted that the previous approval on the site allowed the loss of employment, on the condition that Rose Cottage would be restored and refurbished as part of the redevelopment of the site. Now that Rose Cottage has been demolished, this is no longer an option to mitigate the loss of employment. Given that the former buildings have been demolished, the site is still considered to be a scattered employment site. The proposal must therefore be considered against planning Policy E3 (Protection of scattered employment sites) of Merton's Sites and Policies Plan. The policy seeks to retain/support a range of employment opportunities towards creating balanced mixed use neighborhoods in Merton.

7.5.2 Planning policy E3 states that proposals that result in the loss of scattered employment sites will be resisted except where:

- i. The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;

- ii. The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use; and,
- iii. It has been demonstrated to the council's satisfaction that there is no realistic prospect of employment or community use on this site in the future. This may be demonstrated by full and proper marketing of the site at reasonable prices for a period of 30 months (2½ years).

7.5.3 The applicant has confirmed that there is no marketing evidence that the site has been subject of marketing for employment or community uses. The loss of employment will therefore need to be considered against parts i and ii of planning policy E3 above.

- i. The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;

7.5.4 The application site is located at the end of a narrow no-through residential street. The surrounding area includes a mixture of both residential and commercial buildings, however for the sake of clarification the site is considered to be located in a predominantly residential area. There is no evidence that the former uses had a significant adverse effect on local residential amenity, however, the site does have a sensitive relationship with neighbouring residential uses due to the number of surrounding units and their close proximity to the site. For example, residential gardens adjoin the site to the north and east. Further, residential units overlook the site and adjoin it. Although the site is cleared, the former employment buildings on the site were at the rear, abutting neighbouring boundaries. The close proximity of surrounding residential would have made it difficult to expand/intensify the former employment operations.

- ii. The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use;

#### Size

7.5.4 The former employment buildings on the site comprised light industrial units (Class B1c) with a floor area of approximately 200sqm. The amount of jobs the site could deliver is therefore limited given the use of the units and their modest floor area.

#### Configuration

7.5.5 The three former employment buildings were wedged into the rear/side of the site, directly to the rear of the former Rose Cottage (residential use) and within close proximity of neighbouring residential uses to the rear and side. The site is therefore constrained for employment purposes by the number and close proximity of residential uses.

#### Access arrangements

7.5.6 The site included onsite car parking; however, Hamilton Road is a narrow no through road, which is usually heavily parked on either side of the street. The existing access arrangements are therefore not considered ideal for commercial activity.

#### Unsuitable and financially unviable

7.5.7 It was acknowledged under the previous planning approval (15/P3573) the former buildings were in a poor condition and would have been difficult to let the premises in the open market in their condition. The prospect of continued employment in the former buildings in their condition were therefore limited for long-term occupation and would require significant financial outlay to bring up to modern standards.

7.5.8 Given the constraints of the site (surrounding residential properties) and limited sized employment floor space, it is considered that it would be unrealistic that the site would come forward for employment purposes only (same provision or increase in floor space).

#### Appeal Decision

7.5.9 In dismissing the appeal, the planning inspector do not sight loss of employment as a reason to dismiss the appeal. He stated that "...at the time of my site visit all of the buildings on the appeal site had been removed. Given my findings on the other main issues I have not therefore pursued this matter further".

#### Conclusion on loss of employment

7.5.10 Whilst the site had previously been in employment use, the employment part of the site only comprised 200sqm of floor space and would therefore not generate a high number of jobs. The access requirements for the site are far from ideal and the site is constrained by adjoining residential units and gardens, making it generally less attractive for other employment or community uses. The loss of employment must also be balanced against other planning benefits. In this instance, the proposal would create 13 new residential units, which will make a modest contribution to meeting much needed housing targets, in a sustainable location. A wholly residential use

would be in keeping with the immediate surroundings. The loss of employment is therefore considered to be acceptable in this instance.

## 7.6 **Residential**

- 7.6.1 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 7.6.2 The planning application seeks to create 13 new residential units, which will make a modest contribution to meeting housing targets, and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. The provision of new housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies.

### Housing Mix

- 7.6.3 Planning policy DM H2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 7.6.4 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

*Table in Planning policy DM H2 (Housing Mix) of Merton's Sites and policies plan 2014*

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 5 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom flats

Number of Bedrooms	Percentage of units
One	39%
Two	46%
Three +	15%

7.6.5 The proposed housing mix of the site, whilst not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including 61% of the total offering family type accommodation (2 bedroom or more) which is welcomed.

### Density

7.6.6 London Plan Policy 3.4 (Optimising Housing Potential) provides guidance of density ranges. Table 3.2 of the policy sets appropriate density ranges that relate to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL).

7.6.7 Policy 3.4 and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (eg employment or commercial floorspace), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility. The London Plan is clear that the SRQ density matrix should not be applied mechanistically, without being qualified by consideration of other factors and planning policy requirements.

7.6.8 The proposed development will provide 13 residential units and taking into account the site area of 0.069 ha, the residential density of the proposed development equates to 511 habitable rooms per ha and 188 units per ha. The London Plan density matrix states that within an urban area with a PTAL score of 5, developments should have a habitable room per ha of between 200 – 700 hr/ha and unit per ha of between 70 – 260 u/ha. The proposed development would therefore fall within both ranges set out in the density matrix.

## 7.7 Design

7.7.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design



considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate 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.

- 7.7.2 It is acknowledged that the proposed building would occupy a large proportion of the site, however the buildings eaves and ridge levels (main roof) now respond to the corresponding heights of the adjoining terraces and the hipped roof design allows some breathing space between adjoining buildings. Therefore, from street level, the proposed building would not appear overly large. It should also be noted that the application site sits at the end of the street where the site can accommodate a larger building footprint. This brownfield site is the type of development opportunity site where maximum housing provision must be delivered in order to meet ongoing housing shortages in London.
- 7.7.3 The staggered front building line is considered to respect to the context of the site, forming a gradual transition between Hamilton Road and Merton High Street. The proposal would also have the benefit of partly obscuring the bland flank wall of 97 Hamilton Road and the bland rear elevation of 212 Merton High Street, both of which are considered to be negative elements in the street scene.
- 7.7.4 The aesthetics of the proposed building are considered to respect the visual amenities of the street scene by picking up, in a modern manner, the existing features within the street such as the use of brick elevations, front bays and part soft landscaped frontages. A landscaping condition can be imposed on any planning permission to ensure that the development maximizes soft landscaping. Further the use of exposed London stock brick and slate roof tiles are in keeping with the long established residential streets in the locality.
- 7.7.5 On balance, whilst it is noted that the building would occupy a large proportion of the site, the scheme would maximise development potential whilst respecting the visual amenities of the street scene and local surroundings.

## 7.8 **Impact upon neighbouring amenity**

### 206 – 212 Merton High Street

- 7.8.1 When assessing neighbouring impact, consideration must be given to the former building on the site (Rose Cottage), as this was a long-standing relationship.

7.8.2 Properties in Merton High Street are commercial at ground floor level, therefore there would be no undue loss of amenity to the ground floor.

7.8.3 At the upper levels, this neighbouring building contains flats, these have rearward facing windows towards the application site at first and second floor levels. The windows are however inset approximately 5.2m from the site boundary. The proposed building would be located hard along the southern boundary of the site, the same as the former Rose Cottage. However, the upper levels of the residential properties at 206 and 212 Merton High Street are set away from the boundary (5.2m), the proposed building's roof would slope up and away from these neighbouring properties and the inverted bay (with planted wall) would help break up the massing of the flank elevation. Whilst it is acknowledged that the relationship between the proposed building and these neighbours is sensitive, this was true with the former building on the site.

#### 97 (97a & b) Hamilton Road

7.8.4 This neighbouring property is spilt into two flats. The proposed detached building would be set off the boundary and sited to the flank of this neighbouring property. The proposed development would therefore have no undue impact upon the rear facing window or doors within this neighbouring property. Impact on this neighbour's amenity is further reduced by the fact that the rear elevation at the upper levels would have a staggered building line, stepping away from this neighbour.

7.8.5 This neighbouring property as stated above is spilt into two flats, the arrangement of the rear garden has also been spilt into two, with one section of the garden being situated directly to the rear of the application site. Amended plans have removed the balcony of flat 11 and the rear facing first floors window of the bedroom and living room (located directly opposite the neighbouring garden) would be fitted with obscured glazing up to 1.7m above internal floor level. This can be controlled via planning condition and would ensure that the rear garden of the flat would not be adversely overlooked.

7.8.6 This neighbouring property is located to the north of the application site. As stated above the proposed building would be located to the flank of this neighbouring property, therefore there would be no undue loss of light to neighbouring windows. It is noted that the building would result in some overshadowing of the rear garden of flat 97b, however, this would be in the late afternoon. Therefore, the garden would still receive a good proportion of sunlight throughout the day.

#### 111 & 113 Hardy Road

7.8.5 These neighbouring properties are located directly to the rear of the proposed development. There would be a separation distance of over 30m

which would ensure that there is no undue overlooking of these neighbouring properties. It should be noted that there are no buildings proposed at the very rear of the site and no harmful impact of buildings on neighbouring garden space.

## 7.9 **Standard of Accommodation**

- 7.9.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.
- 7.9.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards; each room would be capable of accommodating furniture and fittings in a suitable manner. There are some flats within the development that have limited levels of outlook onto the side courtyards, however, these bedrooms are the smaller/secondary bedrooms in the flat's. The main bedroom and living rooms are of good size and standard. Therefore, whilst there would be limited outlook from these secondary bedrooms, the overall quality of the flats remain good, therefore there would be limited grounds to warrant refusal.
- 7.9.3 Flats 5, 6, 10 & 11 would have no direct access to private amenity space and flats 9 and 13 would have a shortfall of 5.2 sqm and 1.7 sqm respectively in relation to minimum space standards. Whilst the lack of private amenity space is not ideal, it must be noted that in this instance, adding balconies could dilute the overall design quality, reduce light to basement levels and could introduce adverse overlooking of neighbouring gardens. All flats would also have access to the 123 sqm communal amenity space at roof level. The lack/shortfall of private amenity space in this instance is not considered to warrant a refusal of planning permission for the reasons above.
- 7.9.4 There would be four basement flats within the development, whilst in normal circumstances the Council would not support basement flats due to limited outlook and light. In this instance, the scheme has been amended so that all basement flats exceed minimum spaces standards and offer good quality in terms of size and layout. Further only 2 of the 4 flats would be wholly within the basement (flats 2 and 3 are duplex split level).
- 7.9.5 The flats with a rearward outlook all exceed minimum space standards, all habitable rooms have a full height doors leading onto large excavated

- patios and or raised gardens.
- 7.9.6 The basement flat with a front outlook onto Hamilton Road has been amended to a large one bedroom flat, which significantly exceeds minimum space standards (two bathrooms, walk in wardrobe, living room of 39.2m<sup>2</sup> and bedroom of 21.9m<sup>2</sup>), each habitable room would include a window and large front bay with doors leading out onto the light well. It is noted that the depth of the light well is not ideal, however, in addition to the above, painting the inner walls of the light well white will help improve light levels within the flat. It should also be noted that Hamilton Road, is a quiet non-through residential street, therefore, the flat would not be subject of excessive noise from passing traffic.
- 7.9.7 It is noted that neighbours have raised concern that the basement flats would suffer from noise disturbance from passing tube trains, however, there is no evidence before officers to confirm that this would result in adverse living conditions for future residents.
- 7.9.8 Overall, the proposal is considered to provide a good variety and standard of residential accommodation for future occupiers.

## 8. **Traffic, Parking and Highways conditions**

- 8.1 The site has a Public Transport Accessibility Level (PTAL) of 5, which means it has very good accessibility on account of its proximity to South Wimbledon Tube Station and numerous bus services on Merton High Street. It is also within 20 minutes walking distance to Wimbledon Station where National, District line and Tramlink services are available as well as extensive shopping and cultural facilities.
- 8.2 The local area forms part of Controlled Parking Zone S2. Restrictions are enforced from Monday to Saturday between 8.30am to 6.30pm. The development will be car-free with no provision for off-street parking. It is proposed to remove the existing crossover and introduce 2 marked parking bays along the site frontage for use of permit holders during controlled hours.

### Car Parking

- 8.3 A number of objections have been received from neighbours relating to the already lack of parking in the local area. Their concern is that the provision of 13 extra flats will cause harm to highway conditions.
- 8.4 The Transport planner has requested street parking surveys on roads within 200m of the site to determine the existing levels of on street parking capacity. However, Officers consider that there would be no additional pressure placed on parking in the area for the reasons stated below. A

parking survey is therefore not required in this instance.

- 8.5 As a starting point, when considering impact upon the highway, consideration must be given to the existing situation (or former in this instance) and how the proposal would differ. The application site has now been cleared, however, previously the site included approximately 200sqm of light industrial units and a detached residential building used as a house of multiple occupation (10 bedrooms). In terms of the former established use, it must be noted that it is usual practice that businesses can obtain 2 permits and there is no restriction of the number of permits a residential unit can obtain. Therefore, in this instance, the former use had the ability of obtaining a high number of parking permits (2 business permits plus unlimited residential permits (residential building had 10 bedrooms)).
- 8.6 It is noted that the site did have has some ad hoc parking on the site, which would be removed as part of the redevelopment of the site, however this would have not restricted the issuing of car parking permits
- 8.7 The proposal would result in the removal of the off street car parking and introduction of 2 on street car parking bays. The proposal would therefore create two additional on street car parking bays, this is considered to be a general improvement on the existing situation as the bays can be used by existing permit holders in the street. The delivery of the 2 on street car parking bays would be delivered under a S287 agreement with the Councils Highway Section.
- 8.8 As part of the application, the applicant has stated that the development would be car free (permit free) for all of the 1-bed and 2 bed units. This can be controlled via a S106 agreement. The applicant has put forward that all the three bedroom flats (2 in total) would be able to obtain car parking permits. Given that the former use was already permitted to have a high number of car parking permits, officers consider this to be reasonable as there would be no additional pressure placed on the CPZ when compared to the existing arrangement.

#### Cycle Parking

- 8.9 The development will provide 22 long stay resident cycle parking spaces located within a secure cycle store at basement level. The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space (secure and undercover) for cycles at the following level (1 per studio and one bed dwellings and 2 per all other dwellings). Whilst having the cycle parking within the basement level would not be ideal as bikes would need to be

pass the communal entrance, the building would be fitted with a lift providing easier access to the safe and secure cycle storage facility.

### Refuse

- 8.10 A number of objections have been received in regards to the poor refuse allocation for the development. The applicant has amended the plans to include a allocated refuse store within the basement area. The refuse would be placed on the pavement on collection days by the management company in charge of the block of flats.

### Car Club

- 8.11 To further encourage sustainable modes of transport and help establish travel patterns for future occupiers, the development would also be subject to a free, three year car club membership. This can be controlled and secured via a S106 agreement.

## 9. **Affordable Housing**

- 9.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.
- 9.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following extensive discussions, the Councils independent viability assessor states that the scheme can support an affordable housing contribution of £40,000 off-site. The s106 agreement will also include viability review mechanisms at early and late stages of development as outlined within the London Plan and Mayors SPG and Merton's Viability SPD.

## 10. **Sustainability**

- 10.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.
- 10.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be Green: use renewable energy

- 10.3 The applicant has submitted an updated energy statement. The Councils Climate Change Officer has confirmed that she has no objection subject to condition. The proposal includes making use of natural solar gain with solar panels to be installed at rooftop level.
- 10.4 As the proposal is for a major residential development which was valid from 20-03-2017 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the energy statement (dated 10<sup>th</sup> June 2019). In this instance, the carbon off-set shortfall is £20,128, which would be secured within the S106 agreement.

## 11 **Basement Provision**

- 11.1 Planning policy DMD2 (Design considerations in all development) states that to ensure that structural stability is safeguarded and neighborhood amenity is not harmed at any stage by the development proposal, planning applications for basement developments must demonstrate how all construction work will be carried out.
- 11.2 The Councils Structural Engineer has reviewed the applicants Construction Method Statement and plans and confirmed that the documents demonstrate that the proposed basement can be built safely without adversely affecting the surrounding natural and built environment. They have confirmed that they raise no objection subject to conditions.
- 11.3 The rear light wells would not be visible from the public realm, therefore there would be a limited impact upon the visual amenities of the area. Whilst it is noted that front light wells are not a characteristic of the street scene, the proposed light well is modest in size. The proposal would provide sufficient soft landscaping to the frontage and its inclusion within the street scene is not considered to cause adverse harm to the visual amenities of the area and would help enhance the street scene.

## 12 **Flooding**

- 12.1 Planning policy DM F1 (support for flood risk management) and DM F2 (sustainable urban drainage system (Suds) and; wastewater and water infrastructure) of Merton Sites and Policies Plan seeks to mitigate the impact of flooding in Merton. The applicant has provided Drainage / SuDS Strategy and Flood Mitigation details, which the Councils Flood Officer has

confirmed are acceptable subject to conditions.

13. **Local Financial Considerations**

13.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1<sup>st</sup> April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

14 **Appeal Decision (Ref - APP/T5720/W/17/3189000)**

14.1 The planning inspector in dismissing the appeal decision, raised concerns with the design of the development not respecting the character/appearance of the area, neighbouring amenity, highways, and flooding. In response to the comments from the planning inspector, the proposal has responded as follows:

Design

14.2 The planning inspector raised concerns that the building do not respect the character and appearance of the area. Reasons given included the large bays set to the side would form most of the front elevation and form an incongruous dominant features that would erode the regular rhythm of the street and much of the front space between the terrace and the road would be taken up by the light well for the basement, bin store and bicycle store. As a result there would be little room for meaningful planting to contribute to the leafy appearance of the street. Together with the enclosure of the front area with a brick wall this would lead to a considerable length of hard landscaped frontage at odds with the verdant quality of the street.

14.3 In response to the above, the proposal still has matching materials and a building height that is similar in height to adjacent properties. The four large dominant bays of the terraced houses in the appeal scheme have been replaced with less dominant glazed bays with a visual break between ground/first floor levels and the eaves level of the main roof. The lightweight glazed bays are considered to be a modern interpretation of the traditional bays on the adjoining terraces, that are less dominant in the elevation (concern of inspector) due to their size, siting, design and



material. The scheme has sought to overcome the large amounts of hard standing by removing all bins/cycle storage from the frontage and increasing the provision of soft landscaping to the front so its similar to the existing houses in the street.

#### Neighbouring amenity

14.4 The planning inspector raised a number of concerns relating to neighbouring amenity, these included:

- The two storey house (unit 9) located at the rear of the site would cause significant enclosing effect on the garden space of 97b and the garden and rear elevation of No 111 and some materially harmful shadowing of the garden space (97b).

14.5 Officer response - The proposal no longer includes a building at the rear of the site, therefore the above concerns are no longer relevant.

- The proximity of the terrace area of proposed flat five would lead to the potential for future occupiers to have direct views into the private garden space of No 97b.

14.6 Officer response - The amendments to the scheme have removed the terrace area that served the first floor flat (unit 11). The flat roof area outside bedroom 2 of unit 11 (directly opposite the garden of flat 97b), cannot be used as a roof terrace. This can be controlled and secured via a planning condition.

- The proposed end terraced flank wall would be likely to be larger and higher than Rose Cottage. Its proximity to the flats at Nos 209-210 would lead to a dominant feature creating a materially harmful enclosing and overbearing effect.

14.7 Officer response – The proposed flank wall would be larger than the former Rose Cottage building, however it is reduced in size and form when compared to the appeal scheme. This includes changing the gable roof form of the appeal scheme to a hipped roof form and introducing an inverted section in the flank elevation in order to help breakdown the massing of the building.

- While the quality of the light reaching the bedrooms in the basement may be restricted by the orientation of the lightwells and the provision of a walkway I have seen nothing to suggest that this would result in an unacceptable standard of accommodation.

14.8 Officer response – Whilst there would still be flats located within the

basement, the size of the light wells at the rear of larger in size and the quality of the basement flats have been improved by exceeding minimum space standards, have large amount of glazing and 2 of the 4 the basement flats are split level. When combined, these improved layouts compensate the location of the flats at basement level in this instance.

- Rooflights would though be the sole source of light, outlook and ventilation to the second floor bedrooms. While these may provide a source of light and ventilation, outlook would be limited and of poor quality to the detriment of the living conditions of the future occupiers of the flats.

14.9 Officer response – None of the flats just have roof lights serving habitable rooms.

#### Highways

14.10 The planning inspector raised concerns that the appeal scheme do not secure a permit free development via S106 agreement. Therefore, the inspector considered that from the evidence before him, and his observations on site, this would result in an increase in parking stress and consequent illegal or unsafe parking, which would be prejudicial to highway safety in the area.

14.11 It should be noted that the proposal includes 2 on street car parking bays (for use by all). The applicant has confirmed that the development will be permit free development (see details/restrictions in section 8 of this committee report) and in addition has agreed to free car club membership (3 years). It should be noted that the decision notice would not be issued until such a time that the S106 agreement has been signed and agreed by all parties.

#### Flooding

14.12 The planning inspector state that although the appellant has submitted a Construction Method Statement, his attention has not been drawn to any meaningful assessment of drainage or groundwater conditions. Given the limited size of the appeal site, it would be inappropriate to seek to address this issue through the imposition of a condition as the extent of the built form would leave little opportunity to incorporate any required mitigation.

14.13 The applicant has now provided all the relevant flood information/reports. The Councils Flood Officer has confirmed agreement subject to conditions.

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

- 15.1 The proposal is for major residential development and an Environmental Impact Assessment is not required in this instance.
- 15.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

16. **CONCLUSION**

- 16.1 The redevelopment of the site is welcomed as the site has been cleared and provides an un-natural void in the street scene. The proposed new building would offer a high quality contemporary building that respects the existing pattern of development in the area. The proposal would provide good quality residential units with no undue impact upon neighbouring amenity or highway conditions. The application is therefore recommended for approval by planning officers, subject to conditions and S106 agreement relating to permit free development, carbon off-set contribution and affordable housing contributions. Overall, the proposed would provide a good residential development in a highly sustainable location.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free (apart from the two 3 bedroom units) and that on-street parking permits would not be issued for future residents of the proposed development (1 and 2 bedroom flats).
2. Remove existing crossovers and provision of 2 on-street car parking bays (developer to meet the costs of implementation and requirement for separate S278 agreement (highways)).
3. Carbon off-set payment of £20,128.
4. Car club membership (3 years)
5. Affordable housing contribution of £40,000, plus early and late stage reviews

6. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B.1 Materials to be approved
4. B.4 Details of Surface Treatment
5. Details of boundary treatment
6. Details of refuse & recycling
7. Refuse implementation
8. Cycle details
9. Cycle implementation
10. Landscaping details
11. Landscaping implementation
12. D11 Construction Times
13. H3 Redundant Crossovers
14. No development approved by this permission shall be commenced until a detailed 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 local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 5l/s and minimum attenuation volume of 18m<sup>3</sup>), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

15. Prior to the commencement of development, the applicant shall submit a detailed construction method statement (CMS) produced by the respective contractor/s responsible for building the approved works, to the approval of the Local Planning Authority. The construction method statement shall also detail how drainage and groundwater, will be managed and mitigated during and post construction (permanent phase) such as through passive drainage measures around the basement structure.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

16. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

17. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

18. No works shall commence on site until the below documents have been submitted to and approved in writing by the planning authority.

- a) Ground Movement Analysis (Vertical and Horizontal) including any heave or settlement analysis, and Damage

Category Assessment with detailed calculations in relation to the highway and adjacent buildings.

- b) Detailed Construction Method Statement produced by the respective Contractor/s responsible for the secant piling, temporary waling and propping works, excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.
- c) Detailed design calculations of the secant bored piled retaining wall supporting the highway and adjoining properties in the temporary phase, and temporary propping works. The design of the piled wall retaining the highway boundary shall be carried out in accordance with Eurocodes. We recommend assuming full hydrostatic pressure to ground level and using a highway surcharge of 10 KN/m<sup>2</sup> for the design of the retaining wall supporting the highway.
- d) Detailed design calculations of the piles and the internal reinforced concrete lining retaining wall in the permanent phase.
- e) Propping and de-propping sequence of the temporary works produced by the appointed Contractor.
- f) Construction sequence drawings produced by the appointed Contractor.
- g) Temporary works drawings and sections of the designed basement retaining walls.
- h) Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from start to completion of the project works. The report should include the proposed locations of the horizontal and vertical movement monitoring, frequency of monitoring, trigger levels, and the actions required for different trigger alarms.

19. Due to the potential impact of the surrounding locality on the development, a noise/vibration assessment shall be undertaken and the results be incorporated into a detailed mitigation scheme that shall be submitted that will confirm the glazing specification to be installed, the details of any mechanical ventilation scheme and agreed prior to the commencement of the development. The

residential internal noise levels shall meet those for daytime and night time periods as specified in BS8233:2014 - Guidance on sound insulation and noise reduction for buildings. In addition the design criteria shall incorporate measures so the noise does not exceed  $L_{AFmax}$  levels of 45dB of up to 10 periods per night from external sources. A post completion survey shall be undertaken and approved by the LPA, with prior notification being given of the survey being undertaken to allow council officers to attend if necessary.

22. Vibration within the dwellings shall not exceed the levels 'of low probability of adverse comments' as described within British Standard, BS6472-1:2008, Guide to evaluation of human exposure to vibration in buildings. A post completion survey shall be undertaken and approved by the LPA, with prior notification being given of the survey being undertaken to allow council officers to attend if necessary.
23. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
24. Subject to the submitted site investigation for contaminated land, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
25. Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority.
26. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it

must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

28. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- non Road Mobile Machinery compliance
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative -displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of future occupiers and those in the local vicinity.

29. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and wholesome water consumption rates of no greater 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 20165 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 30. H13      Construction Logistic Plan
- 31            Balcony Screens (including roof top level)
- 32.          Parking bays (completed before first occupation of residential units)
- 33            No use of flat roofs (apart from designated outdoor terraces and balconies)
- 34.          Obscured glazing to flat 11 bedroom and one living room window (1.7m above internal floor level)
- 35            Details of green roof
- 36.          Levels

**Informative:**

1.            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).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

2.            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;

- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

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

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



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## Appeal Decision

Site visit made on 14 May 2018

**by Zoe Raygen Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 June 2018**

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**Appeal Ref: APP/T5720/W/17/3189000**

**Land at 99 & 101 Hamilton Road, South Wimbledon, London SW19 1JG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Beliche Comercio Internacional Limitada against the Council of the London Borough of Merton.
  - The application Ref 17/P3242, is dated 24 August 2017.
  - The development proposed is erection of 8 duplex apartments in a terrace of two-storeys in height plus basement and roofspace and 1 two-storey mews house, together with associated landscaping, refuse storage, cycle storage and 1 on-street disabled parking space.
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Main Issues

2. Although the appeal is against non-determination, the Council has given the reasons why planning permission would have been refused had the application still been within its remit to determine.
3. Based on the statement submitted by the Council, and my observations on site, the main issues are:
  - The effect of the proposal on the character and appearance of the area
  - Whether or not the proposal would provide acceptable living conditions for the occupiers of the proposed development with particular regard to outlook
  - The effect of the proposal on the living conditions of the occupiers of 97b Hamilton Road, 208-210 Merton High Street and 111 Hardy Road with particular regard to privacy, light and outlook
  - The effect of the proposal on highway safety with particular regard to parking
  - Whether or not the proposal would have acceptable flood prevention/mitigation measures
  - Whether the proposal adequately demonstrates that the appeal property is unsuitable or unviable for continued use as an employment site.

## Reasons

### *Character and appearance*

4. Hamilton Road is formed by a series of terraced houses, set back from the road on a uniform building line providing a regular rhythm to the built form on the street. Although there is some variety of design between the terraces there is generally a recurrent theme of relatively narrow frontages with a doorway and central bay window. They are enclosed at the front by a mixture of low brick walls and hedging, which together with planting in the gardens, and the presence of street trees gives a verdant quality to the road.
5. At the time of my site visit I saw that the appeal site is vacant with all buildings referred to in the Council's application report and consultation responses demolished. It is fenced from the road and therefore makes a neutral contribution to the character and appearance of the area.
6. The proposal is for the provision of eight apartments across the front of the site in the form of a two storey terrace plus a basement. In addition, a two storey house would be located at the rear of the site.
7. The proposed terrace would be of a similar height to the adjacent property and would be constructed from materials to match those on the existing buildings. Nevertheless, although the front terrace is set back from the road, the large bay structures set to the side would form most of the front elevation of the terrace, forming an incongruous dominant feature that would considerably erode the regular rhythm of the built form of the street.
8. In addition, much of the front space between the terrace and the road would be taken up by the lightwell for the basement, bin store and bicycle store. As a result there would be little room for meaningful planting to contribute to the leafy appearance of the street. Together with the enclosure of the front area with a brick wall this would lead to a considerable length of hard landscaped frontage at odds with the verdant quality of the street.
9. The house to the rear of the site would be of a modern design, which due to its location would have very limited visibility to public vantage points. Therefore, I see no reason to disagree with the Council's conclusion that its design is acceptable. The access to the house is formed by a narrow footway between the high walls of the southern boundary of the site and the flank elevation of the proposed end terrace. Although enclosed by gates at either end, the narrowness, length and enclosed nature of the access would not be particularly inviting or attractive to future occupiers. While not determinative in itself, the nature of the access reinforces my concerns regarding the overall design of the proposal, and its materially harmful impact on the character and appearance of the area.
10. I note the examples provided by the appellant of schemes completed in the local area. While these are of a modern design, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, particularly in respect of the character and appearance of the area in which they are located. In any case I have determined the appeal on its own merits.
11. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy

DMD2 of the Sites and Policies Plan and Policies Map 2014 (SPPPM) and Policy CS14 of the Local Development Framework Core Planning Strategy 2011 (CS). Together these seek, amongst other things, to secure high quality design which relates positively to the rhythm and proportions of surrounding buildings and respects, reinforces and enhances the local character of the area.

*Living conditions*

12. No 97 Hamilton Road is the adjacent residential property to the north of the appeal site which is subdivided into two flats. The garden space for No 97B directly abuts the appeal site. Currently the garden is enclosed by a brick wall with some shrubbery above. The Council advises that previously the industrial units enclosed part of the garden, which were single storey in height. No 111 Hardy Road is a two storey house, with a garden adjoining the western boundary of the appeal site. It is currently enclosed by a two storey building to the south, and previously by the single storey industrial buildings on the site.
13. The proposed two storey house (unit 9) would be sited directly adjacent to the boundary with both the garden of No 97b and No 111 introducing a structure that would, according to the Council be higher than the previous buildings on the site. Consequently, the high, large mass of wall would be close enough to the boundary to have a significant enclosing effect on the garden space of 97b and the garden and rear elevation of No 111. In the case of No 111 this would further exacerbate the sense of enclosure already experienced in the garden by the existing structure on the southern boundary.
14. Furthermore, given its location on the southern boundary of the garden of No 97b it is likely that there would be some materially harmful shadowing of the garden space. I note that the appellants Daylight and Sunlight Assessment (DSA) states that the existing residential properties located towards north and west of the proposed site, which are accessed through Hamilton Road, have amenity spaces to the front of the houses and hence these are assessed for overshadowing. My attention is not drawn to any assessment of the impact on the rear gardens of the properties on Hamilton Road. In addition, the overshadowing assessment within Appendix A of the DSA does not appear to include an assessment of the impacts of the proposed house.
15. The appellant states that under planning permission 15/P3573 consent already exists for a house in the location of unit 9 as proposed in the appeal before me now. However, I have seen no details of the house with planning permission and therefore cannot be sure that it would be of a similar height or extent to that proposed now.
16. I note the comments of the appellant regarding the lack of impact of the proposal on the rear elevation of No 97. However, the Council has not stated that such an impact would have formed part of its reason for refusal.
17. Moreover, the proximity of the terrace area of proposed flat five would lead to the potential for future occupiers to have direct views into the private garden space of No 97b. While the terrace area may not be used all year round, its use in summer months, is likely to correspond with the time when the occupiers of No 97b are most likely to use their garden space, hence there would be a materially harmful loss of privacy for the existing occupiers of No 97b.

18. Nos 208-210 Merton High Street are part of a terrace of properties with rear elevations facing the appeal site. At first floor the properties are used for residential purposes which have windows close to the boundary of the appeal site. The Council advises that the windows previously had an outlook towards the side elevation of Rose Cottage a two storey pitched roof building. I note from the appellant's DSA and Building Survey that Rose Cottage was a relatively modest building with a shallow pitched roof. The proposed end terraced flank wall would be likely to be larger and higher than Rose Cottage. Its proximity to the flats at Nos 209-210 would lead to a dominant feature creating a materially harmful enclosing and overbearing effect.
19. The western flank wall of the two storey house would occupy the width of the garden of proposed flat two, although set back a little way from the boundary. While it would be close to the garden and rear elevation of flats two and five, the future occupiers of the flats would have open views in all other directions. Therefore, the house would not be unduly overbearing or enclosing.
20. While the quality of the light reaching the bedrooms in the basement may be restricted by the orientation of the lightwells and the provision of a walkway I have seen nothing to suggest that this would result in an unacceptable standard of accommodation. Furthermore, although not ideal to have bathrooms with no windows, other methods of ventilation would be available for these non-habitable rooms.
21. Rooflights would though be the sole source of light, outlook and ventilation to the second floor bedrooms. While these may provide a source of light and ventilation, outlook would be limited and of poor quality to the detriment of the living conditions of the future occupiers of the flats. I note from the marketing information submitted by the appellant for other local developments that none of the upper floor bedrooms have rooflights as their sole means of outlook.
22. Whilst I have found the development to be acceptable in some respects, for the reasons above I conclude that it would not provide acceptable living conditions for the future occupiers, and that the proposal would be harmful to the living conditions of the occupiers of 111 Hardy Road, 97b Hamilton Road and 208-210 Merton High Street with particular regard to outlook and light. It would therefore be contrary to Policy CS14 of the Core Strategy and Policy DMD2 of the SPPPM. These require that development is of high quality design that gives good quality living conditions.

#### *Highway safety*

23. No on-site parking spaces are provided as part of the proposal and the appellant proposes that the development be car free. The appeal site is located within an area with a Public Transport Accessibility Level (PTAL) of 5, which means that it is classed as having a very good level of accessibility. I saw this to be the case at my site visit with the appeal site being within walking distance of bus stops and the tube station. Furthermore, there is a wide range of services and facilities available on Merton High Street. As a result, the combination of good public transport links, and the presence of local services means I am satisfied that the appeal site is located within a highly accessible location where the need for a car would not be essential.
24. Car parking on Hamilton Road is available for the majority of the length of the road for permit holders only. In front of the appeal site parking is restricted

though the presence of double and single yellow lines. At the time of my site visit in the late afternoon there was very limited spaces available for parking on Hamilton Road. I appreciate that this is only a snap shot in time, but the considerable response I have received from local residents seems to confirm that the availability of parking is restricted at most times along the road.

25. Therefore, I see no reason to disagree with the Council's approach that the future occupiers of the development should not have access to car parking permits. However, this is a matter that would need to be controlled by a legal agreement. I am not in receipt of a signed and dated Unilateral Undertaking from the appellant. Therefore, in the absence of such an agreement there is nothing to stop future occupiers of the proposal attempting to park on Hamilton Road. From the evidence before me, and my observations on site, this would result in an increase in parking stress and consequent illegal or unsafe parking, which would be prejudicial to highway safety in the area.
26. The appellant requests that one disabled car parking space be provided on the road outside the appeal site together with a permit for the occupier of the adaptable wheelchair unit at the rear of the site. However, given the existing parking restrictions in place in this area, this would be dealt with by different legislation, and is not within the remit of this appeal.
27. For the reasons above, I conclude that the proposal would be harmful to highway safety. It would therefore be contrary to Policy CS20 of the Core Strategy which requires that development does not adversely affect safety, the convenience of local residents, on-street parking and traffic management.

#### *Flood prevention/mitigation*

28. Paragraph 8.15 of the SPPPM as part of the justification for Policy DMF1 of the plan states that in accordance with Policy DMD2 of the SPPPM, the council will only permit basement and underground development that does not result in increased flood risk. In determining proposals for basement and other underground development, the council will require an assessment of the scheme's impact on drainage, flooding conditions (from all sources), and groundwater conditions. Policy DMD2 also requires proposals for basements to include a sustainable urban drainage scheme.
29. Although the appellant has submitted a Construction Method Statement, my attention has not been drawn to any meaningful assessment of drainage or groundwater conditions. Given the limited size of the appeal site, it would be inappropriate to seek to address this issue through the imposition of a condition as the extent of the built form would leave little opportunity to incorporate any required mitigation. I am therefore unable to conclude that the proposal has suitable flooding prevention or mitigation measures in place and therefore it would be in conflict with Policies DMF1 and DMD2 of the SPPPM.

#### *Employment*

30. At the time of my site visit all of the buildings on the appeal site had been removed. Given my findings on the other main issues I have not therefore pursued this matter further.

## **Conclusion**

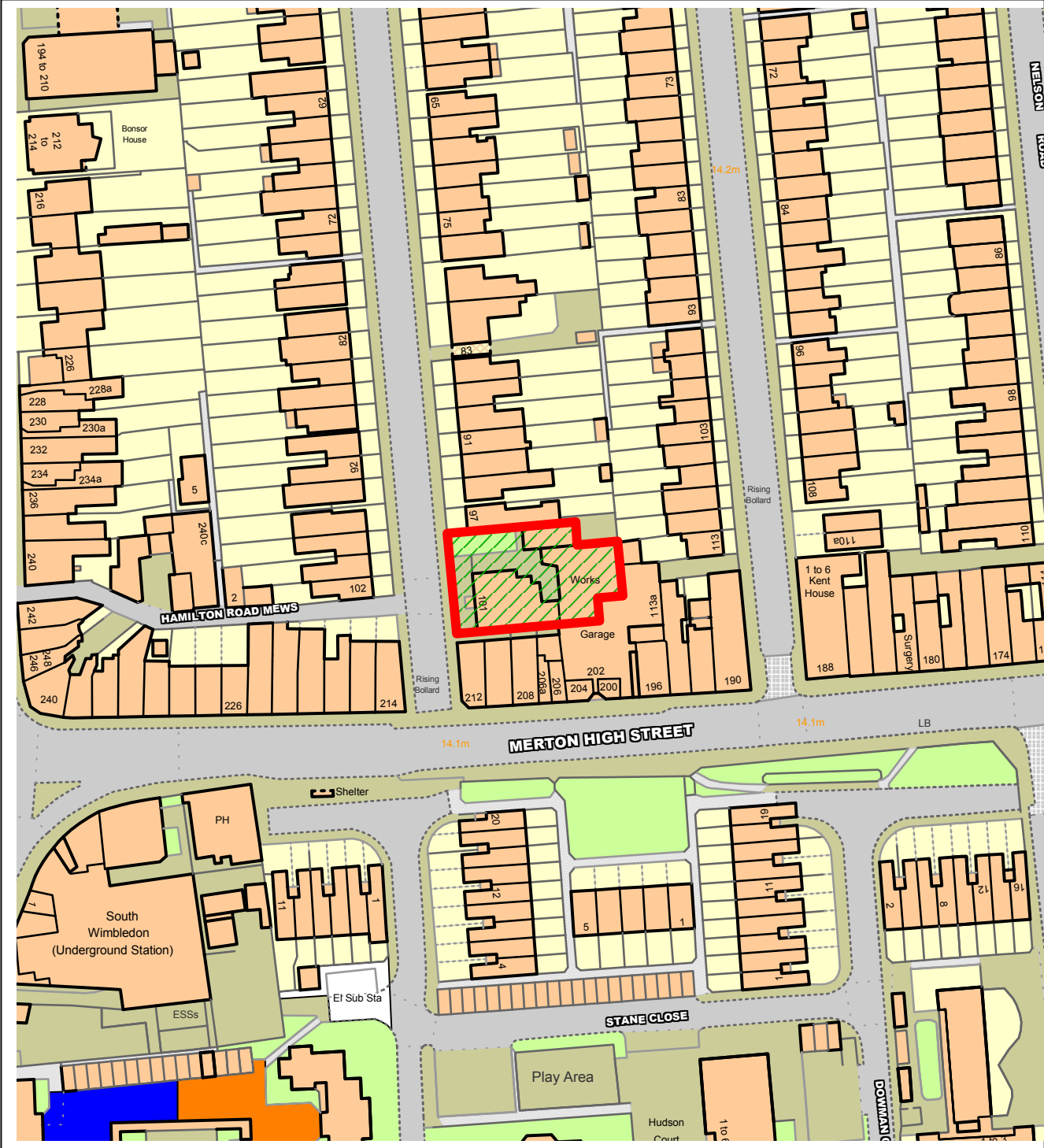
31. In considering the potential benefits of the proposal, I note that the dwellings are in a relatively accessible location and would contribute to meeting the Council's housing targets as required by the local and national policy.
32. In terms of the economy, new development would create employment, and support growth during the construction period albeit for a limited time. It is a reasonable assumption, given the accessible nature of the appeal site that the increase in population, and resulting boost in the spending power of the local economy, would also help support services in the surrounding area. Furthermore the scheme would be located on previously developed land which the National Planning Policy Framework seeks to encourage. I therefore attach modest weight to these social and economic benefits.
33. I have found that the proposed development would not provide acceptable living conditions for future occupiers and would be harmful to the living conditions of existing residents. Furthermore, the proposal would be harmful to the character and appearance of the area and highway safety. Moreover, I cannot be sure that appropriate flooding prevention or mitigation measures would be in place. These impacts are contrary to Policies CS14 and CS20 of the CS and Policies DMD2 and DMF1 of the SPPPM and therefore the proposal would not be in accordance with the development plan and the considerable resultant harm would not be outweighed by other material considerations.
34. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR



# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 22 AUGUST 2019

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
19/P1462	25/04/2019
<b>Address/Site</b>	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 E, 202 Rev E, 203 Rev E, 204 Rev E 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 semi-detached building located to the north side of Kingston Road, 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.
- 3.2 The proposed extension would have a traditional design approach with sash windows to match existing, bay window at rear and matching brickwork. The flat roof area would be covered with artificial grass.
- 3.3 The extension would have a width of 6.7m (1m beyond the flank wall of the house) and an overall depth of 5.3m (4.4m excluding the rear bay window). The height of the extension would be 2.6m at the lower end of the roof (closest to the main building) and a rear parapet wall height of 2.8m (height above excavated ground level).

### 4. **PLANNING HISTORY**

- 4.1 18/P2076 - Erection of single storey rear extension – Refused on 20/07/2018 for the following reasons:

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.

&

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.2, 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

4.1.1 Appeal Dismissed (27<sup>th</sup> March 2019)

4.2 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.

4.3 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.

4.4 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.

## 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, 8 letters of objection have been received. The letters raise the following points:
- The proposed extension would be wider and larger (15% to 20% bigger) than the extension rejected by the planning inspector.
  - Not materially different than the rejected applications
  - The height of the extension is still at the level of the first floor flats window sill and the depth expands even further into the garden
  - Planning inspector comments are still relevant
  - Results in loss of amenity to the first floor flat, loss of outlook and visually overbearing
  - Overly large addition which would not be sympathetic to the form of the existing building
  - Out of character with the Conservation Area
  - The rear most edge of the extension is higher than the first floor flats internal floor level
  - Removal of soil and clay via the communal pathway
  - No space to have machinery, vehicles or skips
  - Disruption during construction
  - Security issue from height of extension so close to first floor window
  - Drainage issues
  - Leaves very little garden
  - No other similar extensions in the area
  - Loss of light and overlooking
  - Air quality (requirement for first floor flats windows to be closed)

## 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  
DMD3 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 2019

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 design/visual impact and impact on neighbouring amenity.

7.2 Planning History

7.2.1 The application site has received three separate planning refusal relating to a single storey rear extension since 2017. Members of the planning committee resolved to refuse planning application 18/P2076 on 19<sup>th</sup> July 2018 for the following reasons:

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.

&

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.2, 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

7.2.2 The applicant subsequently took the decision to appeal (appeal ref: APP/T5720/W/18/3209161) (Attached as Annex A to this Committee Report). At the appeal, the planning inspector agreed with the Councils refusal in so far as the design failed to respect the detailing of the original building. Matters relating to neighbours amenity were not sighted as reasons to dismiss the appeal, nor was the extension considered to result in a harmful impact on the character of the Conservation Area. See below for relevant extracts from the appeal decision, which are now material considerations in the assessment of the current application.

Character and appearance

Paragraph 2 - "The extension would be wider than the host building by approximately 0.8 meters. This is not an insignificant projection. Moreover, the width of the large opening in the extension and its horizontal emphasis would extenuate the size of the extension. As such, the extension would

compete visually with the overall vertical emphasis that is provided by the existing fenestration on the rear elevation of the overall building. Whilst this would have minimal impact visually when viewed from the front of the host building, I consider that the proposal, when viewed from the rear of the property, would result in an unsympathetic addition that would appear to be out of character with the host building. Even though the extension would not be readily be seen from the public domain, it would be visible from neighbouring properties and gardens”.

Paragraph 4 - “Whilst the proposed extension would project beyond the side wall of the building, it is set well back from the front of the property and even further from the public footpath to the front of the site such that views from the public domain of the building would be limited. As such, even though I have found that the proposal would harm the character and appearance of the host building I consider that it would not harm the overall character and appearance of the Conservation Area”.

“As such, it would be contrary to policies CS14 and Merton Local Plan Sites and Policies Plan policies DMD2 and DMD3 that, amongst other things require proposals to achieve high quality design and to respect the design and form of the original building”.

#### Effect on living conditions

Paragraph 7 - “The proposed extension would project approximately 4.5 metres from the rear wall of the host building, projecting in to the appellant’s rear garden area. The extension would sit just below the cill of a bay window to Flat 2 of the property. The roof of the extension would be visible from this bay window as well as the remaining garden beyond. Artificial grass is proposed on this roof”.

Paragraph 8 - “Currently, occupiers of Flat 2 have views in to the private garden area of Flat 1. This would be partly replaced by views of the roof area of the proposed extension. Whilst it would be clearly visible from the bay window, it would be set down below cill level and therefore the majority of the outlook enjoyed from it would be unaffected. Furthermore, the use of artificial grass on the roof would provide some mitigation as it would minimise the visual impact of the extension’s roof. Given this, I do not consider any impact on outlook to be significant such that it would cause unacceptable harm or conflict with policies DMD2 and DMD3 that, amongst other things, seek to protect the living conditions of existing and future occupiers”.

#### Conclusion



Paragraph 10 - “Whilst I have taken a view that the proposed extension would not adversely impact upon the outlook of occupiers of Flat 2, the effect on the host building is unacceptable for reasons I have given above”.

### 7.3 Comparison to appeal decision 18/P2076

7.3.1 In response to the appeal decision, the applicant has amended the scheme to include traditional fenestration and a rear bay with traditional openings. The materials have changed from painted masonry to brickwork. The size of the extension has been increased in size, with the new rear bay, 0.3m wider overall, 0.2m higher at the end parapet and 0.3m higher below the eil level of the first floor window. The artificial grass to the flat roof area has been retained.

### 7.4 Design/visual impact

7.4.1 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.

7.4.2 Policy DM D2 seek 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.

7.4.3 The site lies within the Wilton Crescent Conservation Area (designated heritage asset). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area. In accordance with this, Policy DM D4 outlines that development should preserve or enhance the significance of the heritage asset.

7.4.4 The proposed extension has been amended from the appeal decision to include traditional windows and doors that respects the original building. It is noted that the extension has been increased in both height, width and

depth, however these are modest changes when compared to the appeal decision. On balance, the proposed extension is therefore considered to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of the host building and surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. The proposed development is therefore considered to preserve the Wilton Crescent Conservation Area and has overcome the Inspectors concerns over design.

## 7.5 Neighbouring Amenity

7.5.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.

### 235 – 239 Kingston Road

7.5.2 The extension has been increased in width of the side with 239 Kingston Road, however there remains a good level of separation from this neighbour to ensure that there is no undue loss of amenity. On the side with 235 Kingston Road, whilst the height of the extension has been increased, this is a modest increase that would not result in adverse loss of amenity.

### First Floor Flat, 237 Kingston Road

7.5.3 As set out in the appeal decision, the planning inspector considered that the proposal would not impact on outlook from the first floor flat to a degree that would cause unacceptable harm or conflict with policies DMD2 and DMD3. The applicant has chosen to increase the height and depth of the extension; however, the artificial green roof has been retained which will help retain a suitable level of outlook for the first floor flat. The roof of the extension would still be visible from the first floor bay window as well as the remaining garden beyond. The proposal would not go beyond the cill height of the first floor window above and is therefore considered to be acceptable. Whilst it is noted that the proposal would increase the height and depth of the extension, it is considered there would be no harmful material difference for the first floor flats outlook when compared to the appeal decision. Details and retention of the artificial grass roof can be secured by planning condition.

7.5.4 Overall, the current proposal would not cause material harm to neighbouring amenity and is compliant with Policies DM D2 and D3 in this regard.

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

- 8.1 The proposal is for a residential extension, 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 design of the development is considered to be of high quality in terms of appearance and character, respecting the original building, street scene and preserving the Wilton Crescent Conservation Area. The extension is not considered to have an adverse impact upon neighbouring amenity. The proposal is therefore considered to have overcome the previous appeal decision. The proposal is in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval 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. Green roof.

**INFORMATIVE:**

1. Party Wall Act.

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

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# Appeal Decision

Site visit made on 7 December 2018

**by David Storrie DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> March 2019

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**Appeal Ref: APP/T5720/W/18/3209161**

**Flat 1, 237 Kingston Road, Wimbledon, London, SW19 3NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Page against the decision of London Borough of Merton.
  - The application Ref 18/P2076, dated 15 May 2018, was refused by notice dated 20 July 2018.
  - The development proposed is a single storey extension within a private garden to ground floor flat.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the host building and, on the living conditions of the occupiers of Flat No. 2, 237 Kingston Road (Flat 2) in respect of outlook.

## Reasons

### *Character and appearance*

1. The appeal property is a 3.5 storey detached Victorian property that has been converted into flats. It is within a residential area with similar scaled properties around it.
2. The extension would be wider than the host building by approximately 0.8 metres. This is not an insignificant projection. Moreover, the width of the large opening in the extension and its horizontal emphasis would extenuate the size of the extension. As such, the extension would compete visually with the overall vertical emphasis that is provided by the existing fenestration on the rear elevation of the overall building. Whilst this would have minimal impact visually when viewed from the front of the host building, I consider that the proposal, when viewed from the rear of the property, would result in an unsympathetic addition that would appear to be out of character with the host building. Even though the extension would not be readily seen from the public domain, it would be visible from neighbouring properties and gardens.

3. The appeal site lies within the *John Innes – Wilton Crescent Conservation Area* (Conservation Area). Whilst the Council's reasons for refusal does not specifically relate to the impact on the Conservation Area, I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Moreover, this issue forms part of the evidence before me. Based on the information before me and my own observations I consider that the character, appearance and significance of the conservation area is mainly derived from the quality of the traditional buildings it contains and their architectural features and materials and the relationship of the buildings to each other and the spaces around them.
4. Whilst the proposed extension would project beyond the side wall of the building, it is set well back from the front of the property and even further from the public footpath to the front of the site such that views from the public domain of the building would be limited. As such, even though I have found that the proposal would harm the character and appearance of the host building I consider that it would not harm the overall character and appearance of the Conservation Area.
5. I do have some sympathy with the appellant who, from the planning history, has been trying to overcome previous concerns, and that the application was supported by Officers. However, I must consider the matter before me and on this issue conclude that the extension would be harmful for the reasons given.
6. As such, it would be contrary to policies CS14 and Merton Local Plan Sites and Policies Plan policies DMD2 and DMD3 that, amongst other things require proposals to achieve high quality design and to respect the design and form of the original building.

*Effect on living conditions*

7. The proposed extension would project approximately 4.5 metres from the rear wall of the host building, projecting in to the appellant's rear garden area. The extension would sit just below the cill of a bay window to Flat 2 of the property. The roof of the extension would be visible from this bay window as well as the remaining garden beyond. Artificial grass is proposed on this roof.
8. Currently, occupiers of Flat 2 have views in to the private garden area of Flat 1. This would be partly replaced by views of the roof area of the proposed extension. Whilst it would be clearly visible from the bay window, it would be set down below cill level and therefore the majority of the outlook enjoyed from it would be unaffected. Furthermore, the use of artificial grass on the roof would provide some mitigation as it would minimise the visual impact of the extension's roof. Given this, I do not consider any impact on outlook to be significant such that it would cause unacceptable harm or conflict with policies DMD2 and DMD3 that, amongst other things, seek to protect the living conditions of existing and future occupiers.

**Other matters**

9. I have also had regard to other nearby additions brought to my attention by the appellant. Whilst these are noted they appear to relate to multi-storey side extensions and, from the limited information before me, I cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I am required to determine the appeal on its own merits.

**Conclusion**

10. Whilst I have taken a view that the proposed extension would not adversely impact upon the outlook of occupiers of Flat 2, the effect on the host building is unacceptable for reasons I have given above.
11. For reasons given, and having regard to all other matters raised, the appeal is dismissed.

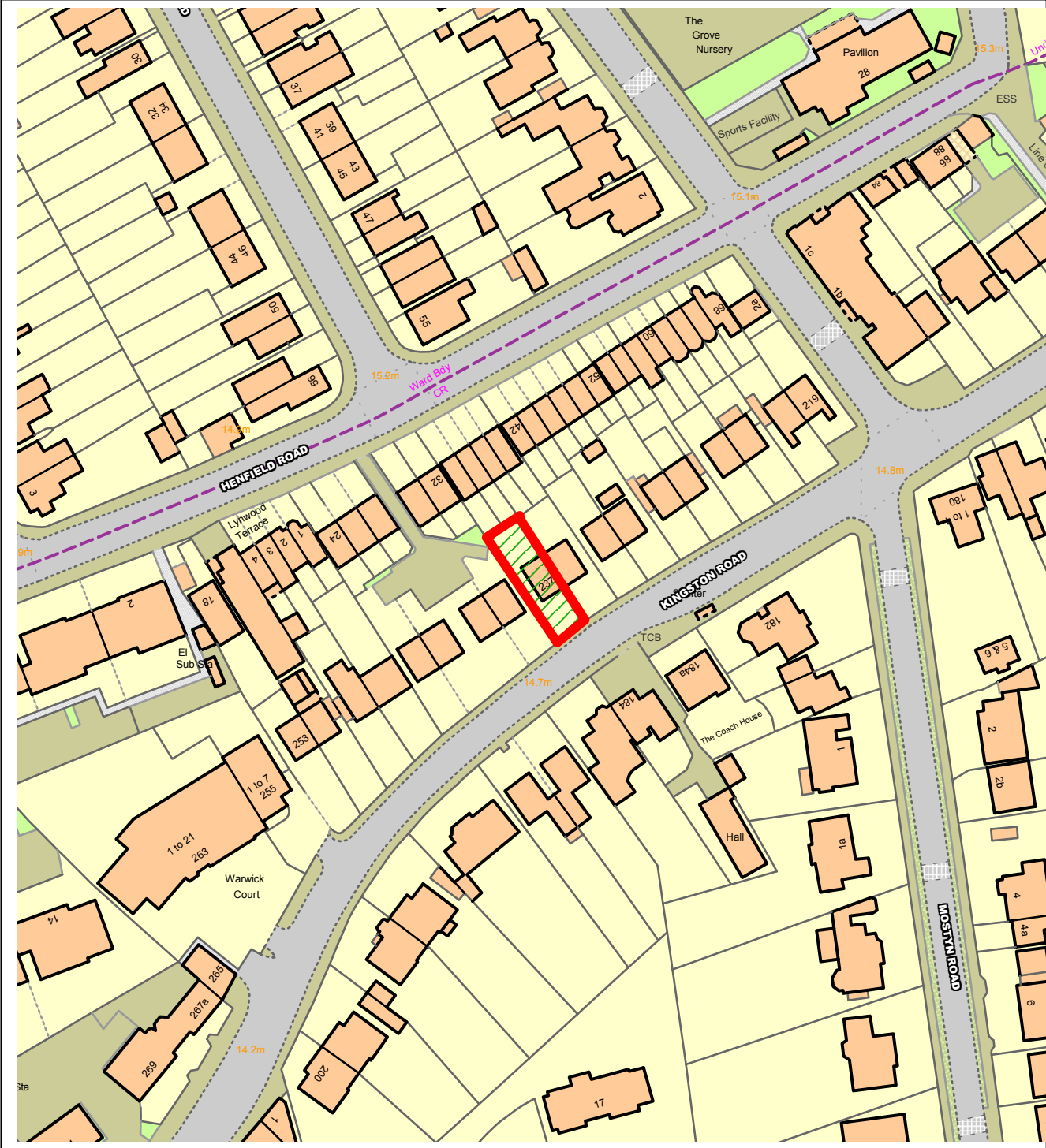
*David Storrie*

INSPECTOR

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 22 AUGUST 2019

**APPLICATION NO.**  
19/P1235

**DATE VALID**  
25/03/2019

**Address/Site:** Land Adjacent to 163A Mostyn Road  
Merton Park, SW19 3LS

**Proposal:** Erection of a 1 bed, single storey detached dwellinghouse.  
Resurfacing of existing access routes and associated security gates.

**Drawing No.'s:** P-Si-D-003 Rev A; P-Si-D-004 Rev A; P-00-D-005 Rev A;  
P-R1-D-006 Rev A; E-D-007 Rev A.

**Contact Officer:** Tony Smith (020 8545 3144)

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### **RECOMMENDATION**

**Grant planning permission subject to conditions and a Section 106 agreement.**

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### **CHECKLIST INFORMATION**

- S106: Yes
- 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: 10
- External consultations: 1
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: Yes, Zone MP1
- Public Transport Accessibility Level: 4
- Flood Zone: 1
- Designated Open Space: No

## **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a parcel of approximately 152 sq.m of vacant land located to the rear of the terraced properties at 153-163 Mostyn Road and 147-157 Aylward Road within Merton Park. The site is located between an existing single storey backland bungalow (no.163A Mostyn Road) and a single storey garage owned by the occupants of 153 Mostyn Road. The site is accessible via an access road which runs along the rear of properties within this section of Mostyn Road, with pedestrian entrances between terraces and a vehicular entrance from Aylward Road.

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the erection of a single storey, detached 1 bed room dwelling with associated resurfacing of access road, installation of security gates, lighting and CCTV.
- 3.2 As detailed in the planning history section below, this application is a resubmission of a previously refused planning application (18/P0218). Alterations include a reduction the height of the dwelling, change in boundary treatment from brick to timber fencing, a proposals to resurface the access road and the installation of security gates, lighting and CCTV.
- 3.3 The proposed dwelling would have a staggered rectangular shape with a flat roof. The internal layout includes an open plan living room and kitchen area, a bathroom and a double bedroom. The property would be clad in timber on all elevations and would have a 'green roof'. Large, near full height, windows would give light to the bed room on the front elevation with an adjacent door for access to the hallway. Large windows would also be inserted in to the north flank elevation and a set of folding doors would provide access to the rear garden in the west elevation.
- 3.4 To the rear a patio and grass garden area would be formed. An area for bin and cycle storage is shown to the front of the dwelling with a 2.4m high timber fencing and access door. Timber fencing of the same height would be erected around the sites boundary.
- 3.5 The application also proposes to resurface the service road which runs along the rear and between terraces at 129 – 165 Mostyn Road and along the side of no. 175 Aylward Road with permeable surfacing. Security gates would be installed at the entrances on Mostyn Road and Aylward Road.
- 3.6 The proposed building would have the following dimensions:
- 5.4m min width
  - 6.7 max width
  - 11.9m length
  - 2.9m height

## **4. PLANNING HISTORY**

The application site has been subject to a number of refused planning applications which have sought to erect a new dwelling. Below is a summary of these applications:

- 4.1 **14/P0743:** Erection of a single storey detached bungalow on previously undeveloped land. Permission refused 17/04/2014.

**Reasons:**

1. The proposed development, by virtue of its density, mass and design would, together with other nearby backland development, have an adverse impact on the open outlook of nearby residential properties, contrary to policies BE.15 and BE.22 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
2. The proposed development, by virtue of its density, mass and design would constitute an overdevelopment of the site contrary to policy BE.15 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
3. The proposed development, by virtue of its design and outlook would provide a poor standard of accommodation for future occupiers contrary to policy BE.15 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
4. The applicant has failed to demonstrate a suitable access arrangement to the proposed dwelling which would be safe and secure, minimise opportunities for crime and be accessible to emergency vehicles contrary to policies BE.15 and BE.16 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).
5. In the absence of a unilateral undertaking to secure the provision of affordable housing off site, the proposal would fail to contribute to meeting affordable housing targets in the borough and would therefore be contrary to policy CS.8 of the London Borough of Merton Core Strategy (2011).
6. The applicant has failed to demonstrate a suitable arrangement for the storage and disposal of refuse from the site contrary to policies BE.15 and BE.16 of the Council's adopted Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance:" Residential Extensions, Alterations & Conversions (November 2001).

- 4.2 **14/P4190:** Erection of a single storey detached one bedroom bungalow [roof eaves height of 2.7 metres and roof ridge height of 4 metres] on land to the side of 163a Mostyn Road and to the rear of 153 and 157 Mostyn Road with pedestrian access provided between 151 and 153 Mostyn Road. [Resubmission of previously refused planning application under reference 14/p0743 with changes including reduction in roof ridge height and reduction in building depth].

Permission Refused 16/02/2015.

Reasons:

1. The proposed development, by virtue of its density, mass and design would, together with other nearby back land development, would appear unduly intrusive and would have an adverse impact on the existing open outlook to the detriment of the amenities of neighbouring occupiers contrary to policies DM D1 and DM D2 of the sites and Policies Plan [2014] and CS14 of the adopted Core Strategy [2011].
2. The proposed development, by virtue of its location, density, mass and design would be unsympathetic and harmful to the established pattern of local development and would constitute an overdevelopment of the site contrary to policies DM D1 and DM D2 of the sites and Policies Plan [2014] and CS14 of the adopted Core Strategy [2011].
3. The applicant has failed to demonstrate a suitable access arrangement to the proposed dwelling which would be safe and secure, minimise opportunities for crime and be accessible to emergency vehicles policies DM D1 and DM D2 of the sites and Policies Plan [2014] and CS14, CS18 and CS20 of the adopted Core Strategy [2011].

4.3 **18/P0218:** Erection of a 1 bed, single storey detached dwellinghouse.  
Permission refused 28/02/2018.

Reasons:

1. The proposed development, by reason of its siting, mass and design would in conjunction with the existing adjacent dwelling, appear increasingly incongruous by consolidating an unsatisfactory form of backland development, contrary to policies DM D1 and DM D2 of the Merton Sites and Policies Plan (2014) and CS 14 of the adopted Core Planning Strategy (2011).
2. The proposed development, by reason of its design and siting would result in an unsuitable form of access via an unmade access way to the detriment of the safety and security of future occupiers. The proposal would be contrary to policy 7.3 of the London Plan (2015), and policy DM D2 of the Merton Sites and Policies Plan (2014).

## **5. CONSULTATION**

5.1 Public consultation was undertaken by way of site notice and letters sent to 10 neighbouring properties.

5.2 10 representations have been received which have raised the following concerns:

- No mention of car-parking arrangements. Aylward Road already over used by Mostyn Road residents and commuters without permits. Development would add to parking pressure
- Unclear who would maintain and fund repairs to shared access route and gates.
- How will access to garage and side fencing be assured
- Application is an improvement but would still be overdevelopment

- Application site is farmland for allotments and animals only.
- No road access, only passageway for rear entrance to gardens.
- Site not suitable for buildings due to lack of access.
- Existing bungalow at no.163A is run down and impacts drainage due to extra waste
- Illegally parked car at no.163A is a fire hazard.
- How will building materials be transported to the site.
- Ongoing applications making it difficult to sell properties on Mostyn Road
- Dangerous with trains going through the station nearby
- Site is haven for wildlife with hedgehogs in the local area
- The proposed building and boundary treatment will prevent movement of wildlife and will not protect their habitat
- Access not wide enough for emergency vehicles
- How will refuse be stored and taken away
- Extra dwellings on road are impacting sewerage system
- Limited increase in housing and would it be affordable?
- Is there a guarantee that the building would remain as single storey
- Increased access could reduce security for existing homeowners
- Recent burglary of neighbouring bungalow (no.163A)
- Disruption from building works
- No guarantee of safety from improved access and security gates
- Invasion of privacy and overlooking into rear of properties regardless of fencing
- Proposed boundary treatment would be eyesore and new owners can remove it
- Increasing criminal behaviour will be worsened with lighting and better access
- Incorrect information from applicant on size of site and access
- Noise disruption from vehicle and pedestrian access
- Loss of open space
- Bushes on access road cut without permission
- No permissions to use access to site from Mostyn Road or erect gates
- Previous and potential damage to fences
- Site is too small and not shown correctly

5.3 LBM Climate Change Officer: No objection. The development would need to achieve the relevant sustainability requirements, being a 19% improvement on Part L of the Building Regulations 2013 and an internal water usage not exceeding 105 litres per person per day; these requirements should be secured by condition and an informative should be included detailing this.

5.4 LBM Transport and Highways Officers: The site is within a CPZ and has a good PTAL rating (4) with no off-street car parking. The development should be permit free and secured by a legal agreement. The site provides adequate cycle and refuse storage, and a condition is requested for further details of the cycle storage. A condition is requested requiring a Demolition and Construction Logistic Plan. Refuse collection should be located within 20m of the highway.

5.5 LBM Trees Officer: No objection subject to conditions for further details ofn the landscaping/green roof and an Arboricultural Method Statement and Tree Protection Plan.

5.6 Metropolitan Police – Designing Out Crime Officer:  
Supplied information on recent crime rates on Mostyn Road and provided a number of measures which should be implemented in order to provide a safe and secure development. Further information will be detailed in the Designing Out Crime section below.

## **6. POLICY CONTEXT**

### 6.1 National Planning Policy Framework (2019)

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

### 6.2 London Plan (2016)

Relevant policies include:

- 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
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

### 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS13 Open Space (e - new dwellings in gardens)
- CS 14 Design
- CS 15 Climate change
- CS 16 Flood risk management
- CS 17 Waste management
- CS 18 Active Transport
- CS 20 Parking servicing and delivery

### 6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D2 Design considerations
- DM EP2 Reducing and mitigating noise
- DM F2 DM F2 Sustainable urban drainage systems and; wastewater and water infrastructure
- DM T1 Support for sustainable transport
- DM T2 Transport impacts of development



DM T3 Car parking and servicing standards

- 6.5 Supplementary planning considerations  
London Housing SPG – 2016  
London Character and Context SPG -2014  
DCLG - Technical Housing Standards 2015

## **7. PLANNING CONSIDERATIONS**

### **7.1 Material Considerations**

The key issues in the assessment of this planning application are:

- Principle of development
- Need for additional housing
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access & secured by design
- Trees/Biodiversity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Sustainable design and construction including flood risk.
- Community Infrastructure Levy
- Response to objections

#### Principle of development

- 7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2019 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.

- 7.3 The site is located within a residential area, and is currently vacant. The site has a good public transport accessibility level (PTAL) of 4 (with 0 the worst and 6b being excellent). The proposals would result in an additional residential unit for up to 2 people, thereby meeting NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities.

- 7.4 Subject to a more detailed assessment as to whether the proposals overcome previous reasons for refusal, and any technical considerations, in order to comply with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan, supplementary planning documents officers consider use of the land for residential purposes could be supported.

#### Need for additional housing

- 7.5 The National Planning Policy Framework (March 2018) requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.6 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.
- 7.7 The latest (draft) Monitoring report confirms:
- All the main housing targets have been met for 2017/18.
  - 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2016).
  - 2013-18 provision: 2,686 net units (813 homes above target)
  - For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.
- 7.8 The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2016)."
- 7.9 Against this background officers consider that while new dwellings are welcomed, the delivery of new housing does not override the need for comprehensive scrutiny of the proposals to ensure compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

Design and impact upon the character and appearance of the area

- 7.10 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS13 and CS14 and SPP Policies DM D2 and DM D3 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.
- 7.11 Paragraph 1.3.61 of the London Plan Housing SPG 2016 states that fully optimising housing potential will necessitate high quality, innovative design to ensure new development successfully responds to challenges and opportunities presented on a particular site.

- 7.12 The previous scheme was refused on the following grounds: *'The proposed development, by reason of its siting, mass and design would in conjunction with the existing adjacent dwelling, appear increasingly incongruous by consolidating an unsatisfactory form of backland development, contrary to policies DM D1 and DM D2 of the Merton Sites and Policies Plan (2014) and CS 14 of the adopted Core Planning Strategy (2011)'*
- 7.13 This proposal has sought to address these concerns by reducing the height of the development, in combination with a change from a brick boundary to a timber boundary. The proposed dwelling would now sit at a height of 2.9m with timber fencing to the front at a height of 2.4m. Given the use of timber cladding for the dwelling, in conjunction with a green roof and the amended boundary treatment, it is now considered the proposal would appear more appropriate to its setting as a backland development. The height would be comparable to the adjacent outbuildings to the east and would have limited visibility when viewed from the access road.
- 7.14 As a whole, officers consider that in context with the nature of the site, the proposal would be of an appropriate scale and bulk and would incorporate a satisfactory design and choice of materials. Given its backland location it is considered that the proposal would not result in a harmful impact to the street scene.
- 7.15 It is considered that the proposal, as amended following the earlier refusal, is considered to be acceptable in terms of the impact on the character of the area, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 in this regard, and that it may appear unreasonable to withhold permission on this basis alone.

#### Impact upon neighbouring amenity

- 7.16 London Plan policies 7.6 and 7.15 along with SPP policy DM D2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.
- 7.17 The previous application was considered acceptable on amenity grounds, and given this proposal has further reduced its heights, it is considered any impacts upon neighbouring amenity would be further limited.
- 7.18 The proposal would utilise a 'green roof' at a lower height of 2.9m, together with timber cladding and timber fencing fronting the access road and the rear of the terraces to the east on Mostyn Road. Given the scale and use of materials, in conjunction with the separation of 14m to the closest property, it is not considered the proposal would materially impact the amenities of neighbouring properties in terms of visual intrusion, loss of outlook, loss of light or shadowing.
- 7.19 Furthermore, given the boundary treatments proposed, it is considered there would be sufficient screening in the form of timber fencing as to protect the privacy of neighbouring windows and amenities. In terms of noise generation,

the application site is situated further than adjoining terraced properties and given the limited occupancy it is not considered there would be additional noise impact that would warrant refusal.

- 7.20 Given the above, it is not considered that neighbouring amenity would be unduly compromised as a result of the proposal. The proposal would therefore accord with London Plan policies 7.6 and 7.15 and Merton Sites and Policies Plan policy DM D2.

Access & Secured by Design principles

- 7.21 The previous application cited the following as a reason for refusal: '*The proposed development, by reason of its design and siting would result in an unsuitable form of access via an unmade access way to the detriment of the safety and security of future occupiers. The proposal would be contrary to policy 7.3 of the London Plan (2015), and policy DM D2 of the Merton Sites and Policies Plan (2014).*'
- 7.22 Whilst the previous application had proposed to resurface the unmade access road which runs between and along the rear of terraces on Mosytn Road, Officers remained concerned that such works could not be guaranteed. Upon consultation with the applicant and further legal advice, along with a recent appeal decision on a nearby backland housing site it is now considered that the application could be suitably conditioned, requiring such works to be implemented prior to the occupation to the dwelling as to protect the security and safety of future occupiers. In this respect, a suitably worded condition is recommended to safeguard upgrading the access road.
- 7.23 With respect to the proposed resurfacing, the application has indicated that this would be permeable. In order to prevent the increase of surface water flood risk and to ensure a high quality development, conditions are recommended requiring further details of the proposed surfacing prior and requiring it to be permeable.
- 7.24 Metropolitan Police Secured by Design Officers were consulted on the application following concerns regarding the safety and security of the development given its isolated nature and lack of surveillance. A number of measure were provided which have considered sufficient to protect safety of future occupiers. These have been summarised below:
- Gates to each alleyway entrance to a prescribed standard.
  - Lighting to be BS5489; avoiding light pollution (vertical and horizontal glare), and as sustainable as possible with good uniformity.
  - CCTV system capable of generating evidential quality images day or night 24/7.
  - Fencing to be topped with trellis and augmented with plants with high thorn content to prevent climbing intruders.
- 7.25 The applicant has supplied a Secured By Design Statement in response to the above, which confirms the proposal will implement all of the measures. Given the above, it is considered the applicant has taken reasonable steps to address policy considerations pertaining to safety and prevention of crime. As with the

upgrading of the access road, a condition is recommended requiring further details of the proposed measures to be submitted, approved and implemented before occupation and their retention thereafter.

Standard of accommodation

- 7.26 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCGL – Technical Housing Standards 2015.

No. of beds	No. of persons	No. of storey's	Required GIA	Proposed GIA	Compliant
1	2	1	50 sq.m	53.65 sq.m	Yes

- 7.27 As demonstrated by the table above, the proposed dwelling would meet the minimum required GIA and would therefore comply with Core Strategy policies CS8 & CS9 and London Plan Policy 3.5.
- 7.28 All habitable rooms are serviced by windows which are considered to offer suitable natural light and ventilation to prospective occupants in line with policy 3.5 of the London Plan (2016), policy CS.14 of the Merton Core Planning Strategy (2011) and policy DM.D2 of the Merton Sites and Policies plan (2014).
- 7.29 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 50sq.m of external amenity space provided for a new build dwelling, the proposal includes a 59.2sq.m garden area to the west in a regular and useable plot. The proposal is therefore considered acceptable in this respect.
- 7.30 As a whole it is considered the proposal would offer an acceptable standard of accommodation to future occupants.

Transport, highway network, parking and sustainable travel

- 7.31 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, Core Strategy policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).
- 7.32 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.

- 7.32 The site has a 'Good' PTAL rating of 4, and the site falls within a Controlled Parking Zone. As such, it is considered that a car-free development would be acceptable. However, in order to prevent the increase of on street parking pressure, future occupiers should be restricted from obtaining permits for the CPZ and this should be secured by way of a legal agreement.
- 7.33 London Plan policy 6.9 and the London Housing SPG standard 20 require that developments provide dedicated, secure and covered cycle storage, with 1 space for one bedroom units. The proposal has indicated a space to the front of the dwelling which would be large enough to exceed this requirement. Therefore, a pre-occupation condition requiring further details of the cycle storage is recommended, which shall be retained thereafter.

#### Refuse storage

- 7.34 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.
- 7.35 Concerns were raised from LBM Transport Officers regarding the logistics of refuse collection and the distance of the refuse storage from the highway. Refuse storage should be located no more than 20m from the point of collection, and in this case, from Mostyn Road. The carrying distance from the carriageway to the site exceeds the Council's recommended maximum and movement of refuse and recycling on collection days may prove inconvenient for future occupiers. The placing of bins on the service road may inconvenience other users accessing the service road or if placed in front of neighbouring dwellings on Mostyn Road, diminish their amenities on collection days. The applicant may need to explore alternative refuse collection arrangements other than by Merton's contractors and detailed arrangements will need to be agreed with the applicant before occupation. In the event that approval is given for the proposals, a pre-occupation condition is recommended which will require details of arrangements for refuse and recycle storage and collection to be approved and retained thereafter in order to ensure the building is adequately serviced.

#### Sustainable design and construction and flood risk.

- 7.36 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.37 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres per person per day. Climate Change officers recommend to include a condition and informative which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.
- 7.38 As per CS policy CS13(e ) development of this kind should address flood risk impacts. The site in Flood Zone 1 and is therefore not in an area at risk from

flooding. Nevertheless, a green roof can mitigate against any potential increase in runoff and upgrading of the service road may be conditioned so as to ensure permeable surfaces are employed.

#### Biodiversity and trees.

- 7.39 As per CS policy CS13(e ) development of this kind should also address the biodiversity value of the site, while policy DM.D2 (ix) requires developments to ensure that trees and other landscape features are protected. The site benefits from no formal nature conservation status or contains any trees safeguarded by a TPO. Land alongside the nearby railway line is however identified as a green corridor Policy DM.O2 encourages development adjacent to these corridors to enhance their nature conservation value. The naturalised appearance of the plot derives from the site becoming overgrown and it is considered that there are no reasonable grounds to resist development on the grounds of impact on biodiversity. The inclusion of a green roof can assist in supplementing the biodiversity value of the nearby green corridor. There is a mature tree adjacent to the southern boundary of the site at no.163A Mostyn Road and a conditions is recommended so as to ensure its protection during development.

#### Community Infrastructure Levy

- 7.40 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor. Further information on this can be found at:

#### 7.41 Responses to objections

The majority of the issues raised by objectors are addressed in the body of the report but in addition, the following response is provided:

- A demolition and construction management plan is to be submitted to and approved by the LPA as to reduce impacts during construction to neighbouring properties
- The future occupiers would not be able to apply for CPZ permits as to alleviate concerns of increased parking pressure
- Access requirements in the event of fire is covered under Document B of the Building Regulations
- Impacts on infrastructure would be dealt with the relevant agencies.
- House prices and ability to sell is not a material planning consideration
- The improved access and security measures convey a greater sense of “ownership” of the transient space to the rear of the existing dwellings and may be considered to reduce potential for criminal behaviour rather than promote it.
- The site is not designated as open space and therefore the principle development is considered acceptable in this respect
- Previous issues with damage to property and works without permission are not a material planning consideration.

- The site as shown on the drawings has been confirmed against Council mapping systems.
- Issues pertaining to upgrading the access road and implementing security measures - a condition is recommended which requires this to be undertaken and therefore if this cannot be implemented the building and occupation of the dwellinghouse would not be lawful and would be liable to enforcement action.

## **8. CONCLUSION**

- 8.1 Officers recognize that the site has the potential to provide residential development at an increased density. The proposal is considered to adequately designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials and would not have a harmful impact on the visual amenities of the area. The proposal would not unduly impact upon neighboring amenity and may be considered as having addressed the first of the two reasons for refusal on the previous scheme.
- 8.2 Subject to the satisfactory upgrading of the service road and rigorous enhancement of its security via gates lighting and other associated measures, it is considered that the proposals may be considered as having reasonably addressed the second of the reasons for refusal on the last application.
- 8.3 Servicing arrangements, in particular refuse and recycling collection require further examination, however officers consider that a decision may be made on the application provided suitable conditions requiring such details to be agreed are attached to any approval.
- 8.4 The proposal would not unduly impact upon the highway network, including parking provisions (subject to Section 106 Obligations). The proposal would achieve suitable refuse and cycle storage provisions.
- 8.2 On balance, officers consider that the proposals have reasonably addressed earlier reasons for refusal, that the proposals accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case.

## **RECOMMENDATION**

Grant planning permission subject to conditions and a Section 106 Agreement covering the following heads of term;

1. The new dwelling is to be a permit free residential unit
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed]
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed].

### **Conditions:**

- 1) Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.



Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Amended standard condition [Materials]: No development 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 (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: 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4) Standard condition [Site and surface treatment]: No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that 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 have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development and to reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with the following Development Plan policies for Merton: policies 5.13, 7.5 and 7.6 of the London Plan 2016, policies CS14 & CS16 of Merton's Core Planning Strategy 2011 and policies DM D1, DM D2 & DM F2 of Merton's Sites and Policies Plan 2014.

- 5) The dwelling shall not be occupied until all boundary walls, fences or screening as shown on the approved plans have been carried out. The walls, fencing and screening shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development, and to ensure adequate garden space is provided for the flats, in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 6) Standard condition [Refuse storage] No development shall take place until a scheme, for the storage of refuse and recycling, to include formal arrangements for collection by an identified contractor, has been submitted in writing for approval to the Local Planning Authority. The development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and its collection, to ensure access to the site does not detract from the safety or convenience of pedestrian and vehicles, does not detract from the amenities of neighbouring occupiers, and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS.14 and CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Amended standard condition [Cycle storage]: The development hereby permitted shall not be occupied until further details of the proposed cycle parking have been submitted to and approved by the Local Authority. The approved cycle parking must be provided and made available for use prior to occupation and these facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage 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 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 9) Amended standard condition [Demolition & Construction Method Statement]: No development shall take place until a Demolition and Construction Method Statement has been submitted to, and is approved in writing, by the Local Planning Authority to accommodate:
- Parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of construction plant and materials;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- Wheel cleaning facilities
- Measures to control the emission of dust, dirt, smell and other effluvia;
- Measures to control the emission of noise and vibration during construction/demolition
- Non road mobile machinery compliance
- A scheme for recycling/disposing of waste resulting from demolition and construction works

The approved details must be implemented and complied with for the duration of the demolition and construction period.

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, 6.14 & 7.15 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2 & DM EP2 of Merton's Sites and Policies Plan 2014.

- 10) Amended standard condition [Boundaries]: Prior to the first occupation of the development, the proposed boundary treatments as shown on the approved drawings shall be implemented. 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 12) Amended standard condition [Tree Protection] No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan (with specific regard to the mature tree adjacent to the southern boundary of the site at no.163A Mostyn Road), drafted in accordance with the recommendations and guidance set out in BS 5837:2012, has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: To protect and safeguard the existing southerly neighbouring tree in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014.

- 13) Amended standard condition [Landscaping & planting]: No development shall take place until full details of a landscaping and planting scheme (including any green roofs) has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features

to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

- 14) Standard condition [Timing of construction]: 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 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 15) Standard condition [Removal of PD rights]: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 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 plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 16) Standard condition [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.

- 17) Amended standard condition [Hardstanding]: The hardstanding hereby permitted shall be made of porous materials and implemented 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 2016, policy CS16 of

Merton's Core Planning Strategy 2011 and policy DMF2 of Merton's Sites and Policies Plan 2014.

- 18) Non-standard condition [Secured by Design]: The development shall not be occupied until a detailed scheme of security measures, including Security Gates, CCTV, Lighting and Security Fencing is submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently retained thereafter.

Reason: To ensure a safe and secure environment is provided in accordance with policy 7.3 of the London Plan (2016) and policy DM.D2 of the Merton Sites and Policies Plan (2014)

**Informatives:**

1) INFORMATIVE

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework 2019, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance, further information has been submitted following concerns from Officers and the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

2) INFORMATIVE

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

3) INFORMATIVE

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:

- The location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
- The location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
  - Water Efficiency Calculator for New Dwellings; **or**
  - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **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'

4) **INFORMATIVE**

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).

5) **INFORMATIVE**

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

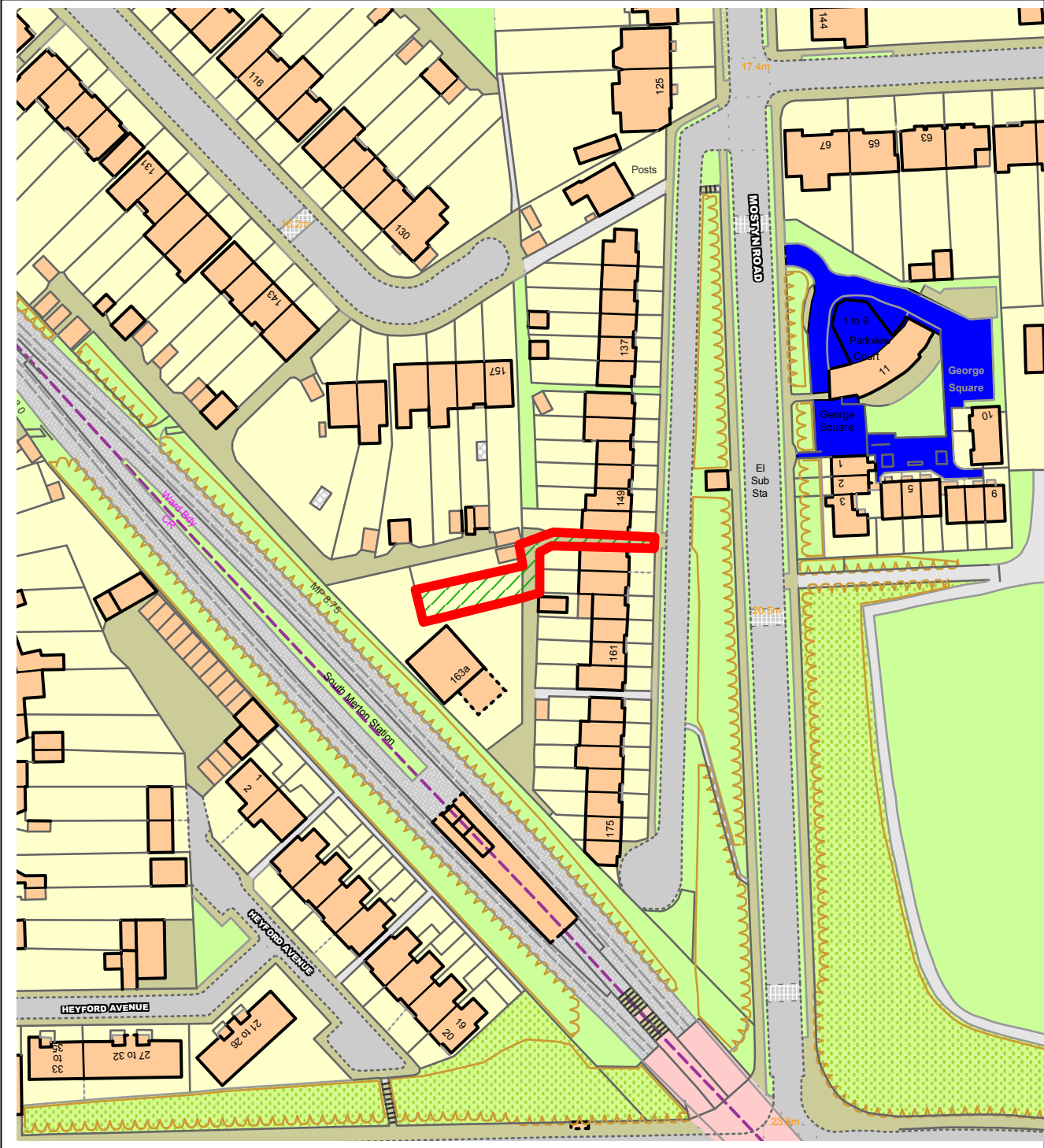
6) **INFORMATIVE**

This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton:

Street Naming and Numbering (Business Improvement Division)  
 Corporate Services  
 7th Floor, Merton Civic Centre  
 London Road, Morden, SM4 5DX  
 Email: [street.naming@merton.gov.uk](mailto:street.naming@merton.gov.uk)

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

# NORTHGATE SE GIS Print Template



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Committee: Planning Applications

Date: 22<sup>nd</sup> August 2019

## **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: **18/P3177**  
Site: 206 Lavender Avenue, Mitcham CR4 3HP  
Development: Erection of a hip to gable and rear roof extension  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> July 2019

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

### **[Link to Costs Decision](#)**

-

Application Numbers: **18/P3617**  
Site: 18 Arras Avenue, Morden SM4 6DF  
Development: Conversion of Wyvern Youth Centre into 6 x flats (comprising 2 x 1 bed, 1 x 2 bed & 3 x 3 bed units) involving re-roofing, installation of skylights, new doors and window opening, with associated parking, refuse, landscaping and cycle store  
Recommendation: Refuse (Committee Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 9<sup>th</sup> July 2019

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

## [Link to Costs Decision](#)

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Application Numbers: **17/P1602**  
Site: Lee House, 2 Lancaster Avenue SW19 5DE  
Development: Two storey extension to residential care home to provide 6 x additional en-suite bedrooms, plus additional communal areas, new reception area, alterations to roof and formation of new parking area.  
Recommendation: Refuse (Committee Decision)  
Appeal Decision: **SPLIT DECISION**  
Decision Specifics: *Two-storey extension to provide 6 bedrooms is dismissed. New reception area, roof alterations and parking area are allowed*  
Date of Appeal Decision: 11<sup>th</sup> July 2019

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

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Application Numbers: **18/P3139**  
Site: 5 Bewley Street, London SW19 1XF  
Development: Erection of dormer windows to Blocks 3, 5 and creating 7 self-contained flats within existing roofspace and erection of a single storey detached cycle store  
Recommendation: Refuse (Committee Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 10<sup>th</sup> July 2019

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

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Application Numbers: **18/P4522**  
Site: Land at Priory Retail Park, 131 High St, Colliers Wood SW19 2PP  
Development: Erection of 2 x single sided digital advertisements and associated logo boxes  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 5<sup>th</sup> July 2019

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

Application Numbers: **18/P4545**  
Site: 94 Home Park Road, Wimbledon Park SW19 7HR  
Development: Proposed is works to the roof (second floor) only: moving existing front dormer to align with oriel window below; increasing rear roof pitch, replacing existing rear elevation roof dormers like for like  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 4<sup>th</sup> July 2019

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

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Application Numbers: **18/P3762**  
Site: 391 Cannon Hill Lane, Raynes Park SW20 9HH  
Development: Erection of a part single, part two storey side and rear extension and extension of existing rear roof extension  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 30<sup>th</sup> July 2019

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

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Application Numbers: **17/P2574**  
Site: Former Sparrowhawk Site, 159 Commonsides East, Mitcham CR4 2QB  
Development: Demolition of residential & office buildings and re-development to provide 29 flats with associated parking and landscaping  
Recommendation: Refuse (Committee Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 18<sup>th</sup> July 2019

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

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Application Numbers: **18/P1160**  
Site: Overseas House, Unit F, Elm Grove Business Centre, Elm Grove, SW19 4HE  
Development: Erection of a first floor rear extension  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 24<sup>th</sup> July 2019

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

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Application Numbers: **18/P3744**  
Site: 55 The Quadrant, Wimbledon Chase SW20 8SW  
Development: Erection of a double side extension, a single storey rear extension and loft conversion  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 16<sup>th</sup> May 2019

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

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Application Numbers: **18/P4027**  
Site: 163 Coombe Lane, Raynes Park SW20 0QX  
Development: Erection of a replacement dwellinghouse  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 3<sup>rd</sup> July 2019

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

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Application Numbers: **18/P4218**  
Site: 118 Haydons Road, South Wimbledon SW19 1AW  
Development: Demolition of existing store/WC at rear of the property to be replaced by a two storey store, WC and office space  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 26<sup>th</sup> July 2019

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

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Application Numbers: **19/P0658**  
Site: 2 Orchard Close, Raynes Park, London SW20 9HU  
Development: Erection of a rear roof extension  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 5<sup>th</sup> August 2019

### [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 redetermined.
- 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 - 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.

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## PLANNING APPLICATIONS COMMITTEE 22 AUGUST 2019

### Planning Enforcement - Summary of Current Cases

**Wards:** All

**Lead officer:** Head Of Sustainable Communities

**Lead member:** Councillor Martin Whelton, Cabinet Member for Regeneration, Housing And Transport, and Councillor Linda Kirby, Chair, Planning Applications Committee

**Contact Officer** Ray Littlefield: 0208 545 3911 - [Ray.Littlefield@merton.gov.uk](mailto:Ray.Littlefield@merton.gov.uk)

**Recommendation:** That Members note the contents of the report.

#### 1. Purpose of report and executive summary

This report details a summary of casework 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.

<b>Current Enforcement Cases:</b>	<b>950</b>	<sup>1</sup> (932)	<b>New Appeals:</b>	(0)	(1)
<b>New Complaints</b>	43	(38)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>25</b>		<b>Existing Appeals</b>	<b>2</b>	(1)
No Breach:	22		<hr/>		
Breach Ceased:	3		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>62</b>	<b>(57)</b>
<b>Total</b>	<b>25</b>	<b>(27)</b>	<b>% Determined within time limits:</b>	<b>96%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</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	0	(0)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	0		<b>Tree/High Hedge Appeal</b>	<b>0</b>	<b>(0)</b>
Others (PCN, TSN)	1	(1)			
<b>Total</b>	<b>0</b>	<b>(0)</b>			
<b>Prosecutions:</b> (instructed)	<b>0</b>	<b>(0)</b>			

Note (**figures are for the period from 9<sup>th</sup> July 2019 to 9<sup>th</sup> August 2019**). 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**

**183A Streatham Road CR4 2AG.** An Enforcement Notice was issued on 1<sup>st</sup> May 2019 relating to the erection of a rear balcony to the existing rear roof dormer of the property. The Notice requires demolishing the rear balcony to the existing rear roof dormer and restoring the property to that prior to the breach. The Notice would have taken effect on 4<sup>th</sup> June 2019, with a compliance period of 2 months if no appeal is made. An appeal has now been lodged with the Planning Inspectorate.

**74 Beeleigh Road, Morden, SM4 5JW.** An Enforcement Notice was issued on the property on 17th December 2018 for 'Without planning permission the erection of a single story front extension. The notice requires the owner to demolish the front extension; and will take effect on 21<sup>st</sup> January 2019 with a compliance period of four months of this date unless an appeal is made. An appeal was made under ground (A) That Planning Permission should be granted. The Council's statement has been submitted.

**The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ.** Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. Instructions have been sent to legal services for the service of a planning enforcement requiring either the demolition of the development or build to the approved scheme. The Planning Enforcement Notice was issued on 11<sup>th</sup> October 2018. The Notice will take effect on 18<sup>th</sup> November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 18<sup>th</sup> November 2018. An appeal was made but withdrawn the following day.

### **Some Recent Enforcement Actions**

#### **Burn Bullock, 315 London Road, Mitcham CR4.**

A Listed Buildings Repair Notice (LBRN) was issued in 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 in 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 in April 2016 concluded that the required works had been carried out to an acceptable standard.

At a site visit in 2017 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. Repairs were made and inspected by the case officer and conservation officer in 2018 who have concluded that the works are satisfactory.

**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. Due to the time that has elapsed since the issuing of the Notice a new Notice was issued and served on 13<sup>th</sup> November 2018 giving 28 days in which to comply with the Notice. To date the Notice has not been complied and direct action is now under consideration.

- **399 Hillcross Avenue, Morden, SM5 4BY**

The Council served an enforcement notice on the 14<sup>th</sup> May 2019 to require the



following steps; - revert the property to a single dwelling; and to remove from the land all materials and debris resulting from the compliance. The property has been changed from a dwellinghouse into four separate flats without planning permission. The compliance date is the 24<sup>th</sup> September 2019.

This property has already complied with the enforcement notice and has been restored back to a single dwelling house. The case has now been closed.

### **7 Streatham Road, Mitcham, CR4 2AD**

The Council served two enforcement notices on 6<sup>th</sup> June 2019, requiring the outbuilding to be demolished and to clear debris and all other related materials. The second enforcement notice is for an unauthorised front, side and rear (adjacent to Graham Road) dormer roof extensions. An appeal was lost for the dormers to be considered permitted development, the notice requires the owner to demolish the unauthorised front, side and rear roof dormer extensions (adjacent to Graham Road) and to clear debris and all other related materials. Both Notices come into effect on 8<sup>th</sup> July 2019 unless appeals are made before this date. To date no appeal has been lodged.

### **3.0 New Enforcement Appeals - 0**

#### **Existing enforcement appeals - 2**

#### **Appeals determined – 1**

**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. The Appeal has now been determined. With the outcome that the decking was considered to be Permitted Development, but the fencing has to be reduced in height or removed. The fencing has now been reduced as required and the Enforcement Notice has now been complied with.

### **3.1 Requested update from PAC - None**

- 4. Consultation undertaken or proposed – None required for 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 – N/A**

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