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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:

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

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

**Date: 16 January 2020**

**Time: 7.15 pm**

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

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# Planning Applications Committee

## 16 January 2020

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 12
- 4 Town Planning Applications  
The Chair will announce the order of Items at the beginning of the Meeting.  
A Supplementary Agenda with any modifications will be published on the day of the meeting.  
Note: there is no written report for this item
- 5 36 Aston Road, Raynes Park, SW20 8BE 13 - 26  
Application Number: 19/P2715                      Ward:  
Dundonald  
  
Officer Recommendation: Grant Planning Permission subject to conditions and S106 Agreement
- 6 Transmitter Mast, Blenheim Close, Raynes Park 27 - 38  
Application Number: 19/P2673                      Ward: West  
Barnes  
  
Officer Recommendation: Grant Planning Permission subject to conditions
- 7 252-254 Haydon's Road, South Wimbledon, SW19 8TT 39 - 50  
Application Number: 19/P3271                      Ward: Trinity  
  
Officer Recommendation: Grant Planning Permission subject to conditions and a S106 legal agreement
- 8 74 Hazelwood Avenue, Morden. SM4 5PR 51 - 60  
Application Number: 19/P3302                      Ward: St Hellier  
  
Officer Recommendation: Grant Planning Permission subject to conditions
- 9 34 Lingfield Road, Wimbledon SW19 4PZ 61 - 70  
Application Number: 19/P3715                      Ward: Village  
  
Officer Recommendation: Grant Planning Permission subject to conditions
- 10 TPO Leeward Gardens, Wimbledon, SW19 71 - 78  
TPO Number: No.743                      Ward: Hillside  
Officer Recommendation: That the Merton (No.743) Tree Preservation Order 2019 be confirmed without modification

11	Planning Appeal Decisions	79 - 82
	Officer Recommendation: That Members note the contents of the report.	
12	Planning Enforcement - Summary of Current Cases	83 - 88

### **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

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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

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# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

14 NOVEMBER 2019

(7.15 pm - 10.05 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),  
Councillor Najeeb Latif, Councillor David Dean,  
Councillor Simon McGrath, Councillor Peter Southgate,  
Councillor Billy Christie, Councillor Rebecca Lanning,  
Councillor Joan Henry and Councillor Dave Ward

ALSO PRESENT Neil Milligan – Building and Development Control Manager  
Sam Lowther – Senior Estates Development Management  
Officer (Ravensbury Item only)  
Tim Bryson – Planning Team Leader North  
Jonathan Lewis – Planning Team Leader South  
Sarath Attanayake – Transport Planning Officer  
Lisa Jewell – Democratic Services Officer

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

Apologies for absence were received from Councillor Russell Makin.  
Councillor David Chung attended as substitute

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

There were no declarations of pecuniary interest.

Councillor Linda Kirby made a statement to inform the Committee that she and Councillor Najeeb Latif had both Chaired recent Design Review Panel meetings. At these meetings neither take any part in the debate or vote on the proposal.

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

RESOLVED: That the minutes of the meeting held on 17 October 2019 are agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 6, 7, 8, 9, 10, 12, 14 and 15.

Order of the meeting – The Chair announced that the items would be taken in the following order 14, 7, 9, 12, 5, 10, 15, 6, 8, 11, 13, 16 and 17.

### 5 61 APPROACH ROAD, RAYNES PARK, SW20 8BA (Agenda Item 5)

Proposal: Application for change of use from A1(retail) to A5 and A3 (restaurant and takeaway)

The Committee noted the officers report and presentation

The Committee received a verbal representation from a resident who made objections including:

- This change will have a negative effect on neighbours
- There are already 10 takeaway units in Raynes Park, and this unit is only 100m from the centre. Current takeaways already struggle
- There is no need for more Takeaways in the area, they detract from a healthy lifestyle
- The drawings are inaccurate, they do not show a dormer or a Velux
- The Report says that the existing flue is taller than the Ridge Height, but photo evidence shows that it is not
- The applicant has no consideration for neighbours who will be subject to noise and smells

In reply to Members questions Officers made comments including:

- Officers have worked with Environmental Health colleagues who have submitted conditions on noise and smell mitigation
- The photo does appear to show that the existing flue ends below ridge height. It can be conditioned to ensure that new flue is above ridge height
- The neighbouring Fish and Chip shop has opening hours which vary during the week. The latest it opens is to 11pm on a Thursday and Friday. It would be unreasonable to limit the proposal's opening hours, with the exception of the Sunday hours, to the same as the neighbour without good planning reason.
- There are two flats above
- There are Public Health concerns with takeaways that are sited near to Schools, but that does not apply in this case

Officers confirmed that they could add a condition requiring the new flue to be taller than ridge height and they could amend the opening times to a 10.30pm close on Sunday

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions in the officers report, a change to 10.30pm for the end of opening hours on a Sunday and an additional condition regarding the height of the exhaust flue

The wording of the additional condition is delegated to the Director of Environment and Regeneration

6 SMART CENTRE, CANTERBURY ROAD, SM4 6PT (Agenda Item 6)

Proposal: Installation of a multi-use games area with erection of perimeter fencing and roof net



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

In reply to Members questions the Planning Team Leader South explained that there was a condition for replacement trees to be planted, and Officers will seek to link this to the use of a spare piece of land on the site.

Officers are not aware of any CCTV for this multi-use games area

## RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

7 LAND ADJ TO 57 GORE ROAD, RAYNES PARK, SW20 8JN (Agenda Item 7)

Proposal: Demolition of garage and erection of a one bedroom 2 storey detached house

The Committee noted the officers report, presentation and additional information in the Supplementary Agenda – Modifications. Officers acknowledged that recent information had been received that suggested that the application had floor area of less than the required 58m<sup>2</sup> but this was the case it was only slightly less and Officers still regarded the scheme as acceptable.

The Committee received a verbal representation from two objectors who made points including:

- There are already problems with parking and dangerous turning vehicles – this proposal will make both worse and reduce pedestrian safety further
- The property is not big enough, there must be a reason for the setting of minimum space standards
- The proposal does not have enough outdoor space and overlooks a main road
- The proposal will block sunlight to its neighbour
- The proposal will cause security issues by creating a narrow side entrance.
- It is not logical to replace a garage with a house

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

- The Garage is no longer fit for use
- A recent application was refused, but this proposal does compliment Gore Road
- It would provide adequate internal and amenity space
- 4 out of 5 adjacent roads are of the same width and have the same issues. This site has a dropped kerb but other kerbs could be used
- The main habitable rooms have windows facing east.

The Ward Councillor, Anthony Fairclough, made a verbal representation including points:

- Amplify resident's concerns
- This application will make the turning circle more difficult and dangerous
- The proposal will affect neighbour amenity
- The standard of accommodation is not policy compliant; it is too small and does not meet the minimum outdoor space standards
- It is not acceptable to suggest that the future occupants can take out a gym membership

The Planning Team Leader North addressed issues raised by objectors:

- Regarding the turning circle in Gore Road, he explained that issues with vehicle turning cannot be considered as a reason to withhold planning permission as the applicant is perfectly entitled to erect a 1m fence on their boundary, tomorrow, without any permission required. If this was done it would have the same effect on the turning circle as the proposal.
- The site is in a CPZ and the proposal is permit free and so will not impact on parking.
- Any effect on light is in non-habitable rooms
- The previous application was not refused on highway grounds

The Planning Team Leader North confirmed that the owner/occupier of the land south of the application site was consulted on the application but chose not to respond. It was suggested at the meeting that this land was owned by Thames water.

In reply to Members' questions Officer made comments including:

- The amenity space is less than would normally expect, but as the house is only one bedroomed Officers have taken a balanced view and believe that the proposal would work.
- It is possible to ask the applicant for a construction logistic plan regarding vehicle turning
- Issues with vehicle turning cannot be considered as a constraint on planning as the applicant could erect a 1m fence on their boundary, tomorrow, without any permission required and this would have the same effect on the turning circle as the proposal
- We do carry out checks on measurements supplied by applicants, in this case there is a small discrepancy
- The 58m<sup>2</sup> is for two storeys, a one bedroomed flat would have a minimum space standard of 50m<sup>2</sup>

Members made comments including:

- Concerned about the floor space being less than 58m<sup>2</sup>, this sets a dangerous precedent
- Should not defer this for 2 months given that size difference is not confirmed and is only very small

A member proposed a deferral for this item, so that the discrepancy in measurement could be investigated, but this did not receive a seconder.

A refusal, for the reasons of size and overdevelopment was proposed and seconded. This was not carried by the vote and Committee then voted on the Officers recommendation

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 Agreement

8 14 GROSVENOR HILL, WIMBLEDON, SW19 4SA (Agenda Item 8)

Proposal: Erection of a two storey dwelling house (with accommodation at basement level and within the roof space) together with provision of off-street parking and associated landscaping

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda – Modification. Members noted that the height of the proposal is the same as that previously allowed

## RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

9 OAKLEIGH, HERBERT ROAD, WIMBLEDON, SW19 3SH (Agenda Item 9)

Proposal: Two storey rear extension and change of use to facilitate 15 bedroom, house in multiple occupation (HMO)

The Committee noted the officers report and presentation, and noted that Condition 10 had been amended so that there were now only 11 occupants allowed.

The Committee received verbal representations from two residents, who raised objections including:

- Bedroom 10, does not have any natural light, neither does the passageways, Staircases, ground floor bathroom
- The proposal is not policy compliant as it only has 2 kitchens, and these have no cookers and insufficient counters
- The proposal does not meet the minimum standard for bathrooms
- The plans submitted are incorrect and misleading
- In some rooms the ceiling height is less than 1.5 and this reduces the floor area
- There is an error in the Planning Officers Report – Oakleigh is not an existing HMO
- 62 Local residents have opposed as this will have an unacceptable impact on the area and is a flawed and misleading application that fails to meet Merton Standards

- Neighbours were not consulted, and the application is of a low standard
- The area is predominantly family homes
- The Reduced proposal is still too big
- The Metropolitan Police are concerned, and there are concerns about safety

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

- Although this property does not currently have HMO use, it has been used as an HMO for the last 8 years. This application seeks to regulate this usage whilst creating higher quality accommodation.
- We have worked closely with Planning Officers, who contest that this proposal does meet standards
- The property already has 11 bedrooms

The Ward Councillor, Anthony Fairclough, addressed the Committee, and made points including:

- The House is currently used as an HMO by a religious community
- Standards of accommodation proposed do not meet Merton Policy or minimum space standards
- Bedrooms do not all have windows
- Kitchens are not of a suitable size or standard
- The development will cause the loss of a family home

The Planning Team Leader North replied to points raised by the speakers:

- The property is still considered to be a C3 Dwelling House
- To operate as an HMO the Property will need to get an HMO License from the HMO Licensing Team
- There are conditions to limit the number of bedrooms and number of occupants
- There are conditions on security measures
- The roof design and room sizes have been taken into account and all bedrooms meet HMO minimum standards

In reply to Members' questions The Planning Team Leader made Points including:

- Confirm that it is not currently a licensed HMO, it has no HMO Licence and is still classed as a C3 Dwelling House. The application includes the change of use
- Bedroom 9 does have a roof light, so all other bedrooms have natural light  
From a planning perspective hallways do not have to have natural light
- The Guidance says 5 occupant per kitchen, this proposal has 11 occupants with 2 kitchens – Officers consider this acceptable

Members commented that the development appeared to be a massive over intensification of the site

**RESOLVED**

The Committee agreed to:

1. REFUSE Planning Permission for the following reasons:

The proposal would result in overdevelopment on a small plot, and is over intensification of the site

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

10 LAND RO 111 KENILWORTH AVENUE, WIMBLEDON, SW19 7LP (Agenda Item 10)

Proposal: Erection of a two bed dwelling house with basement.

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

The Committee received a verbal representation from a resident who raised objections including:

- All neighbours have objected
- Previous application on this site was rejected
- This is a big project on a small plot, the outdoor space will only be 30m<sup>2</sup>, when it should be 50m<sup>2</sup>.
- The basement is very large and its construction will cause a lot of disturbance for neighbours
- The proposal, when built, will not be in keeping with the neighbourhood and will cause noise disturbance and a loss of privacy for neighbours
- There are already considerable problems with sewers and flooding in the area – this will be a further burden

In reply to Members Questions Officers replied:

- The separation distances are 12m at ground floor but 18m at first floor
- Obscure glazing is not proposed because the proposal will have a similar relationship to neighbours as existing properties
- Thames Water have been consulted, there are conditions on flood risk and further details are to be submitted.

Members made comments including:

- This road is too narrow for this proposal
- The separation distance are too small
- The amenity Space is not adequate and is below standard
- The Ptal rating is only 2 but the proposal will be permit free

A motion to refuse was proposed and seconded for the following reasons:

1. Inadequate Separation distances
2. Amenity Space of 30m<sup>2</sup> is below standard
3. There is a very poor Ptal rating but the proposal is also permit free

This refusal was put to the vote but not carried. The Committee continued by voting on the Officers recommendation to approve.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions and S106 Agreement

11 186 MARTIN WAY, MORDEN, SM4 4AJ (Agenda Item 11)

Proposal: Erection of a 1 storey dwellinghouse to rear, with associated refuse storage and cycle and vehicle parking.

The Committee noted the officers report and presentation

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

12 33 QUEENS ROAD, WIMBLEDON, SW19 8NP (Agenda Item 12)

Proposal: Demolition of garage and erection of a 3 storey side extension and two storey rear extension in connection with the refurbishment/conversion of the property (containing 4 existing flats) to provide 3 additional flats (Total 7 flats).

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

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

- The proposal is overbearing and will lead to a loss of light and privacy for neighbours.
- It will increase noise and disturbance, particularly for neighbours overlooking the entrance
- The proposal will put additional strain on the foul water waste system
- The development is not sympathetic to the Conservation Area and will cause harm to the conservation area.
- Loss of a family home, setting a precedent in the area
- Planning Permission for a smaller scheme on this site was refused in 2007 for reasons including harm to the Conservation Area

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

- The property is already divided into flats but of a poor standard
- Trees have been left unchecked and are now causing subsidence
- Taking this opportunity to provide high quality accommodation in a sustainable location
- We have taken account of the Conservation Area by providing architectural detail in the front brickwork which reflects the original brickwork
- Building Gaps are maintained and landscaping introduced

- The proposal does not set a precedent because the property is already flats

The Ward Councillor, James Holmes, addressed the Committee and made points including:

- The refused application in 2007 was a smaller footprint
- This will set a precedent as there're are few flats in the area
- In the Conservation Area Appraisal this building is picked out as making a positive contribution to the Conservation Area
- The current Landscaping is better than that proposed
- There will be a loss of light and privacy for neighbours
- The proposal for 3 parking spaces is not enough, really need 7 or 8

In reply to Members' Questions the Planning Team Leader North made comments including:

- There were originally concerns about the symmetry of the building but this has been addressed by amending the design. The side extension has been moved away from the boundary and from the front.
- The previous scheme in 2007 was different to this design, it contained a lot of windows staircase at the back. This scheme is only slightly wider, and we have to balance this against the need for new homes in the borough
- At the moment this block has 1 parking space and a garage The proposal would include 2 on-site parking spaces and will be permit free. If this block was a new build it would also be permit free but with no on-site parking.
- The trees to be removed will be replaced at 6 the front and rear

Members made comments including:

- The hard landscaping is an unattractive treatment of the frontage, the property should look like its neighbours
- It is overdevelopment in the Conservation Area, it is unattractive and causes a loss of rhythm

A member proposed that an additional condition be added to allow only one parking space at the front and to ensure that the rest of the space was used for additional soft landscaping. This was seconded and so added to the Officer's recommendation

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions, amended condition regarding the parking space and soft landscaping and completion of S.106 Agreement

The wording of the amended condition is delegated to the Director of Environment and Regeneration

13 41 QUINTIN AVENUE, WIMBLEDON CHASE SW20 8LD (Agenda Item 13)

Proposal: Erection of a single storey side extension with balconied roof terrace above, alterations to elevations and rear extension roof and erection of detached garden shed.

The Committee noted the officers report and that this application has been brought to the Planning Applications Committee as the applicant is a Council employee.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

14 RAVENSBURY ESTATE, MORDEN, CR4 4DT (Agenda Item 14)

Proposal: Application for approval of reserved matters (appearance & landscaping) for Phases 2 to 4 following outline permission 17/P1718 for the regeneration of the Ravensbury Estate (on land to the west of Ravensbury Grove) comprising the demolition of all existing buildings and structures; erection of new buildings ranging from 2 to 4 storeys providing up to 180 residential units (c3 use class); provision of replacement community centre (up to 160 sqm of use class d1 floorspace); provision of new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking) and car parking spaces, together with associated highways and utilities works. Landscaping works are also proposed to the east of Ravensbury grove and along Hengelo Gardens.

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda – Modifications. The Committee noted that the proposal before them was for reserved matters and conditions.

The Committee received a verbal Representation from a Resident who made objections, on behalf of the Resident's Association, including:

- We are unhappy with the Tree Survey, not all areas were checked, the proposed loss of mature trees is wrong especially during a Climate Emergency
- Unhappy with lack of representation by Ward Councillors, and political nature of this committee
- Clarion has a poor record of Tree and hedge management, and we are worried
- Unhappy with the height and massing of the proposal
- The density of building in a flood zone is ridiculous
- 89% of residents are unhappy
- Bathroom provision is not adequate in larger properties

The Committee received a verbal representation from the Applicant, who made points including:

- The first phase on the estate is already under construction, this proposal will add 179 new homes with 59% social and affordable housing. The estate will



be tenure blind and all properties meet or exceed London Standards. The Properties are all built to excellent environmental standards

- All category A trees will remain. The removed trees are to be replaced by semi-mature trees
- The Environment Agency have been consulted with regard to flood issues
- The development will provide a community Rose Garden and a larger Community Room
- There has been Community Engagement throughout the design process

In reply to the Objectors comments the Senior Estate Planning Officer made comments including:

- The applicant has engaged with the Council's tree officer regarding the removal of the mature trees on Morden Road. They are to be replaced with semi-mature trees and additional trees are to be planted to increase the total number of trees by 68, and so is considered acceptable
- The Density and Massing of the Proposal was previously accepted in the outline application
- There were conditions in the outline application, previously allowed, to mitigate flood risk
- There was initial concern from the Environment Agency, but floor plans were amended to meet their requirements

The Chair made the point that the Planning Committee was Quasi-Judicial and that Committee members were not politically whipped, it was for each Member to make their own decision on each item

A member queried the likelihood of flood events and the fact that the applicant stated the flood zone would go from 3 to 1. The Senior Estate Planning Officer replied:

- The floor levels of proposed homes originally showed an increase in flood depth offsite onto Morden Road and initial concerns were raised by the Environment Agency and the Councils Flood Risk Officer.
- The applicant was asked to provide revised floor levels which would demonstrate that the flood levels would not increase flood depth offsite. This has subsequently been provided and reviewed by the Environment Agency and Council Officers have recommend approval on that basis.

A Members asked why it was necessary to remove the mature trees on Morden Road. The Senior Estate Planning Officer replied that the mature trees on Morden Road are not logically placed and need to be replaced to allow the new houses to move forward. It makes sense to replace these trees with more, logically placed semi-mature trees.

Members made comments including:

- Whilst I accept that Ginkgo Trees are very good at reducing pollution, they are not an attractive tree and are slow growing. I would urge the applicant to review the removal of the mature trees and either keep or replace with something beautiful.

- I note that DRP gave the proposal a Green , and do feel that overall it is commendable

## RESOLVED

The Committee voted to GRANT approval of reserved matters and conditions.

### 15 129 WORPLE ROAD, WIMBLEDON SW20 8RQ (Agenda Item 15)

Proposal: Demolition and replacement of semi-detached building to form 3 x self-contained flats

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

The Committee received a verbal representation from a resident who made objections including:

- Neighbours have objected to this large extension
- The terraces will cause a loss of privacy and lack of light for neighbours
- Separation distances are not very big
- The glazed extension will be damaged by trees

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

- The case officer has judged the application to be acceptable in its impact on neighbour daylight and sunlight as separation distances are adequate and the rear extension steps down
- The privacy issue has been dealt with by glass screens
- The Applicant owns the attached neighbouring property as a private owner
- This proposal will replace an out-dated building with 3 high quality flats

## RESOLVED

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

### 16 PLANNING APPEAL DECISIONS (Agenda Item 16)

The Planning Applications Committee noted the report on planning appeal decisions

### 17 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 17)

The Planning Applications Committee noted the report on current enforcement cases

## PLANNING APPLICATIONS COMMITTEE 16 JANUARY 2020

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
19/P2715	15/07/19
<b>Address/Site</b>	36 Aston Road
<b>Ward</b>	Dundonald
<b>Proposal:</b>	Conversion of dwellinghouse into 2 flats, including rear roof extension with two roof lights, erection of garden outbuilding and single storey rear extension.
<b>Drawing Nos</b>	Site Location Plan, FL1786 – 2 Revision C
<b>Contact Officer:</b>	Charlotte Gilhooly (020 8545 4028)

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### **RECOMMENDATION**

**GRANT Planning Permission subject to conditions and S106 Agreement.**

### **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: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 4
- External consultations: 0
- Internal consultations: 1
- Controlled Parking Zone: Yes

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### 1. **INTRODUCTION**

This application was originally brought to Planning Applications Committee on the 17 October 2019 due to the number and nature of objections received. At this Committee, the application was deferred by Members for officers to re-consider the proposal in light of legal advice that was sought previously.

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

The application site comprises a two storey terraced dwelling which is located on the south west side of Aston Road in Raynes Park. Aston Road is residential in character. The current property is a single dwelling and there is an outbuilding under construction in the rear garden. The building is not located in a Conservation area and is not a listed building. The site has a

PTAL rating of 4 (on a scale of 0 to 6, with 0 being the worst). There are no further constraints on the site.

### 3. **CURRENT PROPOSAL**

This application seeks planning permission for the conversion of a single dwelling into two self-contained units which will involve 2 x 1 bedroom flats. The proposal will involve the following:

- A flat single storey rear extension: 4.56m wide, 3.8m deep and 3.65m high.
- A pitched outbuilding with one roof light: 4.4m wide, 2.4m/2.5m high and 3.8m deep.
- A rear dormer extension which will be: 4.6m wide, 3.2m deep with an eaves height of 2.2m high and a maximum height of 2.5m.

Flat 1 (ground floor flat) would provide a one bedroom flat with a gross internal floor area of 43.81sqm and a rear outdoor amenity garden area.

Flat 2 (first and second floor) would provide a one bedroom flat over two floors with an internal floor area of 59sqm. No outdoor amenity space has been provided for this flat.

Amended plans: During the assessment of the proposal, the first floor flat (flat 2) was amended from a 2 bedroom unit to a 1 bedroom unit in order to comply with London Space Standards.

### 4. **PLANNING HISTORY**

19/P4171: Erection of a single storey rear extension and a rear roof extension – pending.

### 5. **CONSULTATION**

Consultation letters were sent to neighbouring properties. 14 representations raising objection were received which are summarised below:

#### 5.1 Character

- The conversion into two flats is detrimental to the character of the Apostles area.
- The double fronted doors will be incongruous in the street scene and be out of keeping to character of the host building.
- The proposal would be detrimental to the unique nature and history of the area.

#### 5.2 Amenity

- Concern over the potential for additional noise and nuisance to adjoining properties as a result of the conversion. For example bedrooms adjoining sitting rooms as a result of changing layout of spaces.
- Concern over the strain on local amenity.
- The outbuilding will result in additional noise and result in a loss of privacy.

- Concern the outbuilding will result in being used as an air bnb property or separate dwelling.

### 5.3 Family housing

- The upper floor flat would have no amenity space which is one reason why conversion applications have been refused in the past. When such applications were taken to appeal, the Inspector upheld the Council's decision.
- If this application is approved it will set a precedent to allow a flood gate of developers to buy up houses and convert them into flats.
- The proposal is contrary to the Council's Core Strategy as it will involve the loss of a family sized unit.
- The proposal would involve the loss of a family unit. In the past 10 years development in the area has mostly consisted of flats and very little provision for family homes with gardens. Family homes should therefore be protected as per Council Planning Policy.
- There are too many flats and not enough family units.
- It will transform the area from a nice family neighbourhood to commuter apartments.
- Increasing the population density on services such as GPs, schools which are already under strain.

### 5.4 Drainage

- Concern the existing drainage systems will not be able to cope with additional requirements

### 5.5 Parking

- Concern over impact on parking in the surrounding area.
- Proposal will increase pressure on parking.

### 5.6 Internal

#### Transport Planner

The location of the property has a Public Transport Accessibility Level rating of 4, which indicates a good level of connections and accessibility to public transport for current and future occupiers.

The site is located in a Controlled Parking Zone (Zone RPS) where parking and loading is controlled from Monday to Friday between 8:00am – 6:30pm.

#### Cycle Parking:

Cycle parking should be installed on site in accordance with London Plan standards on cycle parking for new residential developments

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

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

The proposal would require a total of 2 cycle parking spaces, 1 for each one bedroom unit which should be secure & undercover.

Refuse:

Given there is an already established collection route along this road, it is not considered the proposal would have a detrimental impact on the waste collection services in the area.

Recommendation: The proposal is unlikely have a significant impact on the adjoining highway.

Raise no objection, subject to:

- Cycle parking to be implemented

## **6. POLICY CONTEXT**

### **6.1 National Planning Policy Framework (2019)**

- Section 4 – Promoting sustainable transport
- Section 5 – Delivering a sufficient supply of homes.
- Section 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
- 3.11 Affordable Housing Targets
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 8.2 Planning Obligations

### **6.3.1 Merton Local Development Framework Core Strategy (2011)**

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision

- CS 11 Infrastructure
- CS 14 Design
- CS 15 Climate change
- CS 18 Transport
- CS 20 Parking servicing and delivery

#### **6.4 Merton Sites and Policies Plan (2014)**

Relevant policies include:

- DM H3 Support for affordable housing
- DM D1 Urban Design
- DM D2 Design considerations
- DM D3 Alterations and extensions to existing buildings
- DM EP 2 Reducing and mitigating noise
- DM H2 Housing Mix
- DM O2 Nature conservation
- DM T3 Car parking and servicing standards

#### **6.5 Supplementary planning considerations**

- London Plan Housing SPG – 2016
- DCLG Technical Housing Standards - nationally described space standards 2015
- Draft London Plan 2019
- National Design Guide 2019

### **7. PLANNING CONSIDERATIONS**

The key planning considerations of the proposal are as follows:

- Principle of development
- Deferral of application at October Planning Committee
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, parking and cycle storage
- Refuse
- Sustainability
- Developer contributions

#### **7.1 Principle of development**

7.1.1 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.

7.1.2 The development seeks to provide two residential units by increasing the density on site. As a family unit is considered to be three or more bedrooms (Merton's Core Strategy 2014, CS14), the proposal would therefore not involve the loss of a family unit (current dwelling on site is a two bedroom unit). The principle of the development is therefore considered acceptable and compliant with local planning policy. However, it is subject to the following criteria being equally fulfilled and compliant with the planning policies referred to above.

7.1.4 The planning considerations for an extension to an existing building relate to the impact of the proposed extension on the character and appearance of the host building along with the surrounding area and the impact upon neighbouring amenity.

## 7.2 Deferral at October Planning Committee Meeting

7.2.1 The application was deferred at the October Planning Committee for officers to re-consider the proposal in light of legal advice which was referenced by a Councillor during the meeting. Officers have tracked down the legal advice and can provide the following comments:

7.2.2 The legal advice was dated 10<sup>th</sup> July 2006 and outlines its purpose was to advise what weight could be attached to the Council's 2001 Supplementary Planning Guidance (SPG) titled Residential Extensions, Alterations and Conversions dated November 2001. More specifically, the advice was based on Members of the Planning Applications Committee wishing to be advised on whether they can rely upon the SPG minimum floor space standard for conversions. The SPG outlined that conversion schemes for small houses or buildings with less than 120 sq m of floorspace will not normally be permitted. The conclusion of the legal advice was that the SPG was a material consideration, but with little weight to be attached to it. The legal advice was given in 2006.

7.2.3 With regards to the current context (2020), the Council's Future Merton Deputy Head has confirmed that the 2001 SPG is no longer in existence and does not form part of the Local Development Framework for Merton Council. Therefore no weight can be attached to this document. The assessment of the current planning application therefore has to be assessed in accordance with the current Development Plan and guidance. The application has therefore been brought back to Planning Applications Committee with a recommendation to grant subject to conditions.

## 7.3 Character and Appearance

7.3.1 London Plan policies 7.4 and 7.6 Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that are of the highest architectural quality and incorporate a design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings, thus enhancing the character of the wider area. The site lies within the Belvedere sub-area of the Wimbledon North Conservation Area



wherein the character comprises a mixture of traditional dwelling types set in large plots, largely detached.

#### 7.3.2 Single storey rear extension

At 3.8m in depth with a maximum roof height of 2.5m, the proposal is of a scale, form and appearance which would not appear incongruous or out of keeping with the character of the host building or surrounding area. Materials include facing brickwork and white PVC windows to match existing. This element of the proposal is therefore considered acceptable.

#### 7.3.3 Dormer roof extension

The proposed dormer would involve a Juliette balcony. The dormer itself would be set down from the main roof ridge and set back slightly from the rear elevation. Materials include vertical natural slate to dormer cheeks to match existing and white PVC-U windows. This element of the proposal is therefore considered to be subservient to the main roof and in keeping with the character of the main building. There are a number of dormer windows on the rear of houses in the local surrounding area.

#### 7.3.4 Outbuilding

It is noted the outbuilding was under construction during the site visit. However at 2.5m high and 4m deep, the proposal is considered to be of a scale, form and appearance which does not appear as a bulky addition and as the materials involve using fair faced brickwork to match existing, the proposal is considered acceptable.

#### 7.3.5 Two front doors, bins and cycle storage

While the proposal to have two front doors does break up the uniformity of the streetscene of Aston Road, on balance the benefits of an additional unit is considered to outweigh this shortfall. In addition there are two existing properties (12 and 28 Aston Road) which have been subdivided and have two front doors. As such this element of the proposal is not so out of keeping to warrant refusal and is therefore considered acceptable.

#### 7.3.6 As the property is terraced, there is no external access to the rear to store either bins or bikes in the rear garden. As such the only feasible place to have bin and bike storage is at the front of the property. While this is not ideal, it is noted that several properties in the road store bins at the front of the property. As such the principal to store bins and bikes at the front of the site is considered acceptable to the character of the existing streetscene.

#### 7.3.7 Overall, the proposal is considered acceptable to the character and appearance of the host building and the surrounding area.

### 7.4 Neighbouring Amenity

#### 7.4.1 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. The properties which may be affected by the proposal include 34 and 38 Aston Road and 34 and 36 Clifton Park Avenue.

#### 7.4.2 34 and 38 Aston Road

It is noted both adjoining properties have existing single storey rear extensions and the rear of these properties are south west facing. As such the proposed single storey rear extension at 3.8m in depth with a maximum height of 3.65m is not considered to result in a loss of daylight or sunlight or be overbearing and visually intrusive.

7.4.3 Similarly the outbuilding has a maximum height of 2.5m and is 3.8m in depth. As such and due to the minimal height of the proposal and depth, the proposal is not considered harmful to neighbouring amenity.

7.4.4 The proposed dormer roof extension would provide views into the adjoining neighbours' rear gardens but no more than from the first floor rear windows. As such this element of the proposal is also considered acceptable in terms of amenity.

#### 7.4.5 34 and 36 Clifton Park Avenue

As there is a large separation distance of approximately 24m from the rear wall of 36 Aston Road and the rear wall of these neighbouring properties, the single storey rear extension is not higher than 3.65m and the proposed outbuilding is no higher than 2.5m in height, the proposal is therefore not considered to cause a loss of privacy, daylight, sunlight or be visually intrusive and overbearing.

7.4.6 Overall, the proposal is considered acceptable to the amenity of these neighbouring properties in terms of loss of day light/sunlight, quality of living conditions, privacy, visual intrusion and noise.

### 7.5 Standard of accommodation: internal and external spaces

#### 7.5.1 Internal

Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally, and should satisfy the minimum internal space standards (specified as Gross Internal Areas –GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.

Flat No.	No.of beds	No. of persons	No. of storey's	Required GIA (sqm)	Proposed GIA (sqm)	Compliant
1	1	1	1	37*	43.81	Yes
2	1	1	2	58	59.03	Yes

\* Where a one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>, as shown bracketed.

The bedroom for Flat 1 would have a floor space of 9.02m<sup>2</sup> and the bedroom for Flat 2 would have a floorspace of 10.2m<sup>2</sup>. Both these meet the Space Standards for one person dwellings in terms of bedroom size.

As demonstrated by the table above, both of the units meet the London Plan space standards.

#### 7.5.2 External

In accordance with the London Housing SPG and Policy DMD2 of the Council's Sites and Policies Plan, it states that there should be 5sqm of external space provided for private outdoor space for 1-2 person dwellings and an extra 1sqm provided for each additional occupant.

- Flat 1 would provide outdoor amenity space with an area of 41.32sqm, this would satisfy the minimum requirements.
- Flat 2 does not have any amenity space and would therefore not satisfy the minimum requirements. However as Flat 2 would provide accommodation over two floors, the proposal is considered to provide a good standard of accommodation for a one bedroom unit. While the lack of amenity space is considered a shortfall with the scheme, on balance officers raise no objection to the proposal on these grounds.

#### 7.6 Transport, parking and cycle storage

7.6.1 Core Strategy Policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management. Cycle storage is required for all new development in accordance with London Plan Policy 6.9 and Core Strategy Policy CS18. It should be secure, sheltered and adequately lit and Table 6.3 stipulates that one cycle parking space should be provided for a studio/1 bedroom unit and 2 spaces for all other dwellings.

7.6.2 As details have not yet been provided for dedicated storage, it will be conditioned below. In addition as this road is in a Controlled Parking Zone, it is therefore recommended to have a S106 agreement in place to ensure one of the flats is permit free in order to reduce demand for on street parking in the surrounding area.

#### 7.7 Refuse

7.7.1 For the proposed two flats the following are the recommended bin capacity to avoid overflowing bins and residents leaving items on the floor by the bins:

- 1x 180L wheelie bin for refuse
- 1x 180L wheelie bin for paper and cardboard
- At least 1 x 55L box for all mixed recycling – residents can request more than one.
- 23L x Outdoor kitchen caddy

7.7.2 Based on the plans provided, it is considered there is sufficient space to store these bins at the front of the site as this is the most accessible way for waste

to be collected. However as details have not yet been provided for dedicated storage, it will be conditioned below.

## 7.8 Sustainability

- 7.8.1 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 5 of the London Plan (2016).
- 7.8.2 As a minor development proposal, the development should outline how it will achieve a 19% improvement on Buildings Regulations 2013 Part L and submit SAP output documentation to demonstrate this improvement. The development would also need to achieve internal water usage rates not in excess of 105 litres per person per day.
- 7.8.3 The applicants have been made aware of sustainability requirements and I therefore recommend that Merton's Standard Sustainable Design and Construction (New Build Residential- Minor) Pre-Occupation Condition is applied to any grant of permission.

## 7.9. Developer Contributions

- 7.9.1 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

## 8.0. CONCLUSION

- 8.1.1 Opportunity to provide additional residential accommodation should be creatively sought, and increasing the density on the existing site is a recognized route.
- 8.1.2 On balance, and taking into consideration the inherent constraints of the site, the proposed residential units would provide acceptable accommodation and the accompanying extension works to accommodate the conversion are considered appropriate in their layout, heights, scale, form and design and would not be incongruous additions to harm the character of the host dwelling, surrounding area or neighbouring amenity. The proposal would also not have a detrimental impact on highway safety or parking pressure.
- 8.1.3 Therefore, the scheme would adhere to the principles of the policies referred to above and it is recommended to grant planning permission, subject to the attachment of relevant conditions and S106 Agreement.

## 9.0 RECOMMENDATION

Grant planning permission

Subject to the following conditions:

1. A1 Commencement of Development
2. A7 Approved Plans

3. B3 External Materials (as submitted)
4. C02 No permitted development
5. C06 Refuse and Cycling
6. C08 No use of flat roof
7. D11 Construction times
8. E06 Ancillary residential accommodation
9. H06 Cycle parking
10. H09 Construction times
11. No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water 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 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

Subject to S106 Agreement Securing the following:

1. Permits to park in the controlled parking zone will be restricted for the first floor flat only.

Informatives:

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

Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and compliance with the 19% improvement of DER over TER based on 'As Built' SAP 10 outputs (i.e. dated outputs with accredited energy assessor name; 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 10 outputs; ANID

Confirmation of Fabric Energy Efficiency (FEE) performance where SAP 10 section 16 allowances (i.e. CO2 emissions associated with appliances and

cooking, and site-wide electricity generation technologies) have been included in the calculation.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

2. 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 by:

- i) Offering a pre-application advice and duty desk service.
- ii) Where possible, suggesting solutions to secure a successful outcome.
- iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

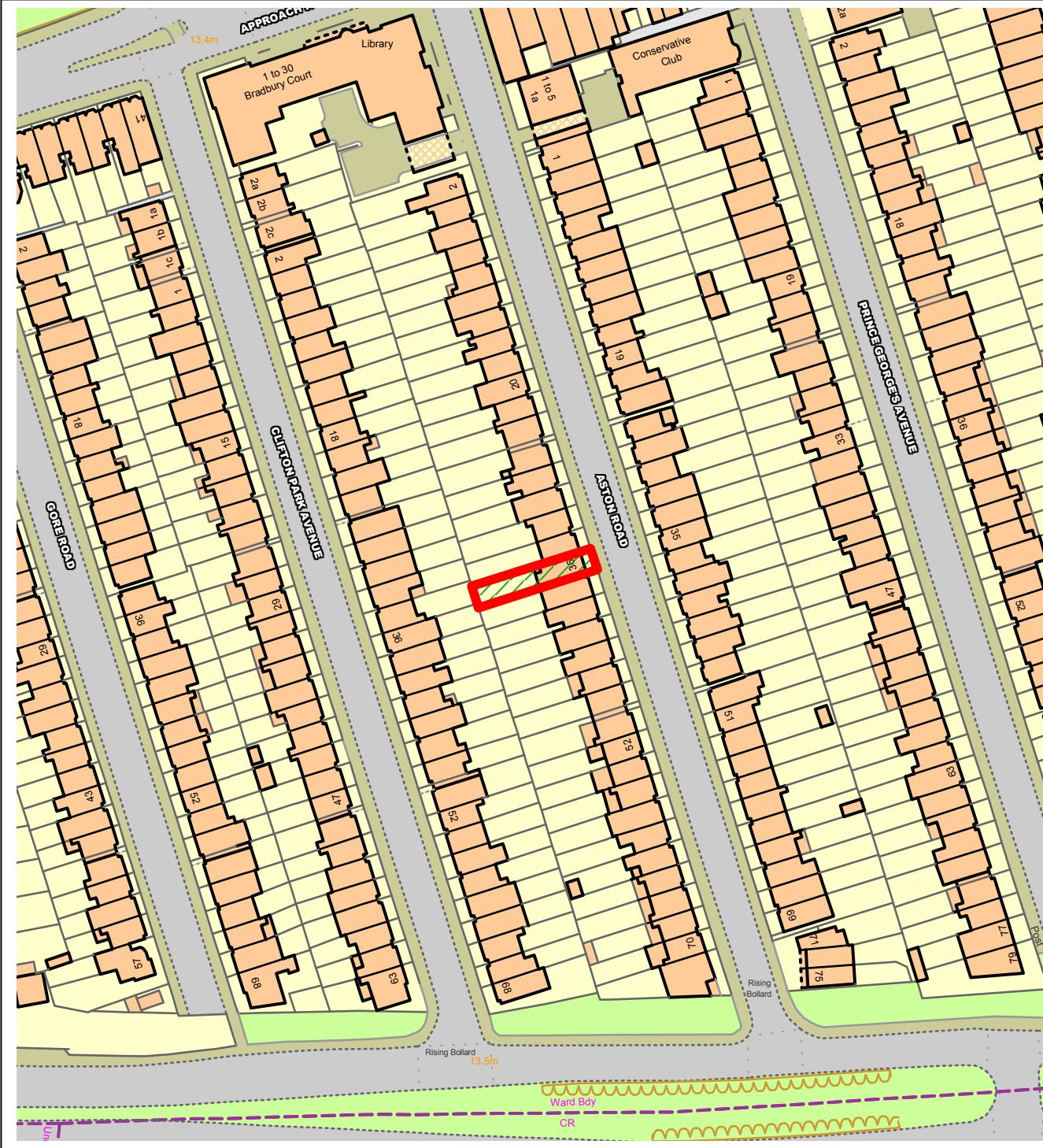
In this instance:

- i) The application was amended during the application process and no further assistance was required.

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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

16 JANUARY 2020

**APPLICATION NO.**

19/P2673

**DATE VALID**

12/07/2019

**Address/Site:** Transmitter Mast, Blenheim Close  
Raynes Park

**Ward:** West Barnes

**Proposal:** REPLACEMENT OF EXISTING EQUIPMENT CABINETS  
AND MONOPOLE WITH A 20 METRE HIGH POLE WITH  
12 x ANTENNA APERTURES AND NEW EQUIPMENT  
CABINETS

**Drawing No.'s:** Site location plan,  
1013138\_MTN002\_50984\_SW0267\_M001\_A 215 & 265.

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

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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: 63
- External consultations: 0
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood Zone: 1
- Designated Open Space: No, but adjacent to Open Space
- ICNIRP Certificate Provided: Yes

**1. INTRODUCTION**

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

**2. SITE AND SURROUNDINGS**

2.1 The application site comprises a triangular parcel of LBM highway land located

on pedestrian pavement at the south-western bend of Blenheim Close within Raynes Park. The site currently encompasses an 11.7m high phase 4 monopole together with 4 associated cabinets which provides 3G and 4G network signal coverage. An existing 5m high lamp post is situated directly in front of the site within the same section of pavement. The site has an approximate area of 29 sq.m.

- 2.2 Blenheim Close is a residential cul-de-sac off Blenheim Road which exhibits semi-detached dwellings to the south-east. To the north is Blenheim Road which features a mixture of detached, semi-detached and terraced dwellinghouses and a residential care-home. The site adjoins the south-eastern corner of no. 10 Blenheim Road to the end of the rear garden with the rear garden of no. 8 across the street to the north-east.
- 2.3 To the south, the site also adjoins a designated Open Space formerly known as the London Electricity Sports Ground (LESSA). This site has been developed in recent years to form the Raynes Park Residents Lawn Tennis Club and associated grounds, together with residential dwellings further south on Meadowview Road.
- 2.3 The site is not located within a conservation area, however, numbers 2 – 8 Blenheim Road to the north-east are Locally Listed buildings.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the replacement of the existing 11.7m high monopole with a new 20m high monopole and the installation of additional ancillary cabinets, as part of a nationwide telecommunications upgrade scheme.
- 3.2 The proposed monopole would have a maximum height of 20m, with an increase in height of 8.3m. The new monopole would be relocated approximately 2m to the east and the width of the column would increase to 0.5m, or that of the existing shrouded headframe, and would have a minimum width of 0.35m. 12 antenna apertures would be installed to the headframe which would have a maximum width of 0.75m at the widest points. Two of the existing cabinets would be removed as part of the proposal, two cabinets would be retained and a total of 7 new cabinets would be installed to the western and southern boundaries of the site. There would therefore be a net increase of 5 cabinets. The proposed cabinets would range in height from 1m to 1.9m.
- 3.3 The proposed works are in connection with national schemes to upgrade existing network coverage from 3G & 4G to 5G as part of a joint venture between EE & 3 mobile operators.
- 3.4 The application is accompanied by ICNIRP certification to the effect that the proposals would not breach the relevant international health safety thresholds for public exposure to radio frequency. A planning statement accompanying the application provides background information regarding site selection.

### **4. PLANNING HISTORY**

- 4.1 06/P0812 - ERECTION OF A MONOPOLE MAST AND 3 ANTENNA, WITH AN OVERALL HEIGHT OF 12 METRES AND THE INSTALLATION OF ASSOCIATED EXTERNAL EQUIPMENT CABINETS AT GROUND LEVEL (APPLICATION FOR DETERMINATION AS TO WHETHER THE PRIOR APPROVAL OF THE AUTHORITY WILL BE REQUIRED FOR THE SITING AND APPEARANCE OF THE DEVELOPMENT).

Application refused 24/05/2006, allowed at Appeal 10/01/2007.

Reason for refusal:

- i) The proposed mast, by reason of its size and siting, constitutes an intrusive feature in this predominantly residential setting which would be harmful to the visual amenities of the Blenheim Close streetscene and adjacent open space, contrary to policies BE.3 5 and BE.3 6 of the Adopted Unitary Development Plan 2003.

In allowing the appeal the Planning Inspector observed that the installation is a relatively secluded location in this part of Raynes Park and the mast would not be conspicuous from many vantage points. The Inspector considered that the pole would have a limited effect on the outlook from houses in Blenheim Road to the north and not be incongruous when seen from the (at the time of the appeal) disused open space to the south.

- 4.2 15/P3462 - REPLACEMENT OF EXISTING 12 METRE TELEGRAPH POLE WITH NEW 12 METRE PHASE 4 MONOPOLE WITH 1 X ADDITIONAL EQUIPMENT CABINET (APPLICATION FOR DETERMINATION AS TO WHETHER THE PRIOR APPROVAL OF THE LOCAL PLANNING AUTHORITY IS REQUIRED FOR THE SITING AND APPEARANCE OF THE DEVELOPMENT).

Prior Approval Not Required 21/01/2016.

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of post sent to 63 neighbouring properties. The outcome of the consultation is summarised as follows:

- 5.2 Representations were received from 6 properties raising the following concerns:

- Visual intrusion to properties
- Harmful impact to visual amenity of area
- Appeal related to a wooden pole, which blended in with treescape, not a metallic pole
- Development of Meadowview Road dwellings has increased number of people impacted
- Much taller than surrounding elements
- Not designed specifically for site
- Lack of consideration for alternative sites
- Suggestions for alternative sites
- Obstruction of pavement
- Structural integrity and increased damage radius from falling
- Increase in sound pollution
- Shadowing
- Impact on locally listed buildings
- Failure to consult local Councillors

- Health and radiation
- Devaluation of property
- Misleading statements from applicant

5.3 LBM Environmental Health Officers: No objection.

5.4 LBM Transport and Highways Officers: No objection.

## **6. POLICY CONTEXT**

6.1 National Planning Policy Framework (2018)

10. Supporting high quality communications infrastructure

6.2 London Plan (2016)

Relevant policies include:

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

7.18 Protecting local open space and addressing deficiency

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

Relevant policies include:

CS 11 Infrastructure

CS 12 Economic Development

CS 13 Open Space, nature conservation

CS 14 Design

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM D1 Urban Design and the Public Realm

DM D2 Design considerations in all developments

DM EP2 Reducing and mitigating noise

DM O1 Open Space

DM D6 Telecommunications

## **7. PLANNING CONSIDERATIONS**

7.1 Material Considerations

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

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Health and radiation
- Transport, highway network, parking and sustainable travel
- Response to objections

Principle of development

7.2 NPPF 2019 paragraph 112 encourages the delivery of improved communications infrastructures, stating: *'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-*

*being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections’.*

- 7.3 Paragraph 115 requires that applications for such developments should be accompanied by the following:
- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
  - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or**
  - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 7.4 Given the presence of the existing monopole, the principle of having telecommunications equipment in this location has been established since 2007. With regard to the principle of upgrading the existing site rather than installing a new mast in an alternative location, the applicant has provided justification within their accompanying documents.
- 7.5 Alternative sites have been considered for a potential mast, including on buildings within the immediate local area and a relocation northwards to Blenheim Road. The nature of 5G signals requires an increased height to provide adequate coverage due to the shorter wavelengths and an increased shadowing effect of adjacent buildings and structures, and therefore there is a lack of buildings within this coverage area that would be tall enough to accommodate this requirement. Taller buildings further from the site would be too far away to provide appropriate signal coverage in the area and relocating the existing mast to Blenheim Road could impede the normal use of the footway and could reduce visibility at the junction for motorists. The existing coverage that the site provides has therefore been determined as the optimal solution to provide maximum benefit to the wider area and without increasing the number of masts required. It is therefore considered upgrading the existing mast is considered acceptable in this instance.
- 7.6 It is recognised that the proposed works seek to meet national and local objectives to upgrade telecommunications infrastructure, in line with NPPF policy. Furthermore, the application is supported by the required documentation and justifications as outlined above. It is therefore considered that the principle of development is acceptable, subject to the proposal meeting national and local policy, namely considering the proposed impact to the character of the area and adjacent open space, neighbouring amenity and the operation of the highway.

Design and impact upon the character and appearance of the area and Open Space

- 7.7 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of their surroundings.
- 7.8 DMD6 of Merton SPP relates specifically to telecommunications equipment, seeking to minimise adverse impacts on visual and environmental amenity and public safety, particularly in residential areas, or sensitive skylines/other sensitive locations.
- 7.9 The site is not within any planning designations itself, however, it is recognised that the site lies adjacent to Open Space in the form of the Raynes Park Residents Lawn Tennis Club. Local policies DM O1 of the Sites and Policies Plan 2014 and CS 13 of the Core Strategy 2011 seek to ensure that developments do not prejudice the use or access of Open Spaces or cause harm to their visual amenity. The shared boundary with the site does not provide any means of access to the open space, and there already exists a monopole and associated equipment in this location. As such, it is not considered the replacement of the monopole or introduction of additional equipment in this location would prejudice its use or means of access.
- 7.10 With regard to the visual impact of the proposal on the Open Space, it is acknowledged that the proposed monopole would be approximately 8m higher than the existing equipment, and would be wider on average, with the majority of the monopole being 0.5m in diameter compared to 0.2m – 0.5m of the current pole. It is acknowledged that similar, albeit shorter, vertical elements are present within the open space to the south east in the form of flood lights for the tennis courts. Whilst not directly similar, the presence of the proposed monopole would not be wholly out of keeping in this context, and together with its siting at the far corner of the space, would aid to reduce its impact. Considering its siting and vertical, slimline design, it is not considered the proposal would materially detract from the visual amenity of the Open Space as to warrant its refusal.
- 7.11 It is also acknowledged that numbers 2 – 8 Blenheim Road to the north-east are designated as Locally Listed buildings. The significance of these locally listed buildings lie primarily in their historic and architectural interest, both individually, and as a group. The architectural interest lies principally in the façade detailing; with gabled façade and decorative plasterwork, carved wooden porches, bay windows, timber balconies and low, sweeping eaves. The proposed monopole would be sited to the rear of no.8, with a separation of approximately 37m due to the large rear garden. Whilst it is acknowledged that the monopole would be more readily visible from the streetscene, given its large separation from the locally listed buildings, together with their scale and height, the monopole would be mostly, if not wholly obscured from the street along this section and not read together with the buildings. As such, it is not considered the monopole would detract from the character or appearance of these buildings individually, or as a group. The architectural interest would therefore be preserved.

7.12 The monopole and cabinets would therefore only have principle views from the streetscene at the junction of Blenheim Road and Blenheim Close, and along Blenheim Close itself. The net increase of cabinets is not considered to result in an overly cluttered or obtrusive form of development and their scale is not considered to be overly dominant on the streetscene. It is acknowledged that the monopole's presence would be increased somewhat significantly due to the increased height, however, such structures have become commonplace on streets and its siting in a secluded location serves to reduce impact with views mainly coming from passing along Blenheim Road to the north. The proposal seeks to meet national objectives to improve network infrastructure, and this is a material consideration in which its impact is assessed. It is considered that whilst there would be some impact on the character of the streetscene, this would be limited by its width and location, and would not be so great as to warrant a refusal against the wider community benefit and national objectives to improve telecommunications quality and coverage.

7.13 As mentioned within the Principle of Development section above, the siting of the proposal has been considered by the applicant as per the requirements of the NPPF 2019. Whilst it is preferable to site such equipment on roofs of existing buildings, given the low level residential nature of the area, sufficient locations are not available in this instance. It has therefore been considered that this is the most appropriate location.

#### Impact upon neighbouring amenity

7.14 London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2 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.

7.15 The monopole is located within a secluded location, away from the majority of surrounding properties, with the closest dwelling being no.1 Blenheim Close. This property is situated to the south-east of the site, being set back from the street and with a separation of approximately 16m. There are north facing windows to the front elevation of this property which could have views towards the proposed monopole, however, given its siting to the east, the views would fall out of a 45 degree angle from the closest window and would therefore not be readily apparent. As such it is not considered there would be a materially harmful impact to this neighbours amenity from the proposed monopole.

7.16 Properties along Blenheim Road to the north would also have views towards the proposal from their rear south facing windows. The rear gardens of these properties are particularly long, resulting in separations of 37m and 35m to numbers 8 and 10 respectively. Whilst it is acknowledged that the proposed pole would be significantly higher and somewhat wider, given its separation and slim, vertical design, it is considered that the proposal would not result in a materially harmful impact to this neighbours amenity in terms of visual intrusion or loss of light.

- 7.17 Similarly, numbers 14, 15 & 16 Meadowview Road would have direct views toward the proposed monopole, however, these properties also benefit from a separation of approximately 45m. As such, it is considered there would not be a materially harmful impact to these neighbours' amenities.
- 7.18 With regards to a potential increase in noise pollution from the equipment, LBM Environmental Health Officers were consulted on this element, and raised no concerns to the proposal. As such, it is not considered there would be a materially harmful impact to neighbouring amenity with regard to noise.

#### Health & Radiation

- 7.19 Whilst the site is located in a residential area, the mobile phone operators are required as part of their central government licence to improve coverage across the whole country and this includes providing sufficient equipment in densely populated residential areas where demand is greatest.
- 7.20 Government guidance to local planning authorities states that where an application includes a certificate of conformity with the ICNIRP guidelines relating to the development, it should not be necessary to consider health impacts further. The NPPF 2019 (paragraph 116) further explains that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
- 7.21 The application is accompanied by an ICNIRP certificate showing full compliance with the above mentioned public exposure guidelines as per the requirement of the NPPF. It is therefore not considered the proposal would impact upon the health of neighbouring residents.

#### Transport, highway network, parking and sustainable travel

- 7.22 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.
- 7.23 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.
- 7.24 The section of pavement on which the proposal would be located is intersected by the corner of the adjoining adjacent space, resulting in the foot way width tapering to the boundary and vehicle crossover of no. 1 Blenheim Close to the east. As such, there is no formal pedestrian access along the site. It is therefore considered the introduction of additional cabinets or replacement monopole in this section would not negatively impact its use. Furthermore, due to the configuration of the street, the proposal would not result in reduced visibility or increased risk of motorist collision.

- 7.25 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:

- Devaluation of properties is not a material planning consideration
- Pre-consultation with local Councillors is not a planning requirement but rather good practise.
- The proposed mast will have to meet the Building Regulations regarding its structural integrity to ensure that it is safely constructed

## **8. CONCLUSION**

8.1 The principle of development is supported by National policy objectives, and the location of telecommunication equipment has been established in this instance. The proposal is supported by the relevant and required documentation to ensure that the location is appropriate and the development meets public exposure guidelines to safeguard health of neighbouring residents. It is considered the proposal would not detract from the character and appearance of the area as to warrant refusal and the proposal is not considered to materially impact upon neighbouring amenity or highway safety.

8.2 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is considered that there are no other material considerations which would warrant a refusal of the application.

## **RECOMMENDATION**

Grant planning permission subject to the following conditions:

### **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]: The facing materials to be used for the development hereby permitted shall be those specified in the approved documents unless otherwise agreed in writing by the Local Planning Authority. 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 DMD2 and DMD3 of Merton's Sites and Policies Plan 2014.

- 4) 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 Polices Plan 2014.

**Informatives:**

- 1) **INFORMATIVE**  
In accordance with paragraph 38 of the National Planning Policy Framework 2018, 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 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**  
You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.
- 3) **INFORMATIVE**  
Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

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

# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 16 JANUARY 2020

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
19/P3271	20/08/2019
<b>Address/Site</b>	252-254 Haydon's Road, South Wimbledon, SW19 8TT
<b>Ward</b>	<b>Trinity</b>
<b>Proposal:</b>	Partial demolition of the existing building and garages, increasing the height of the existing retained building by 400mm, redevelopment of the rear part of the site to provide eight residential units (4 x 2 bedroom, 2 x 2 bedroom and 2 x 3 bedroom flats) within a two storey building with accommodation within the roof space of the new building and within the retained building at 252-254 Haydon's Road.
<b>Drawing Nos</b>	4774/PA/011, 020, 021A, 022, 023A, 024A, 025A, 030A, 031A, 032A, 033A, Design and Access Statement, Planning Policy and Summery Statement, Travel Assessment, Daylight and Sunlight Report, Structural Engineering Report, SUDS Report and Sustainable Design and Construction Statement
<b>Contact Officer:</b>	Richard Allen (020 8545 3621)

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### **RECOMMENDATION**

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

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### **CHECKLIST INFORMATION**

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice: Yes
- Design Review Panel consulted: No
- Number neighbours consulted: 22
- External consultants: None
- Density: n/a
- Number of jobs created: Yes
- Archaeology Priority Zone: No
- Conservation Area: 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 part three storey/part two storey detached building situated on the west side of Haydon's Road at the junction of Cowdrey Road. The existing building contains eight residential units arranged over three floors at the front of the building and two floors at the rear. The surrounding area is comprised of a mix of detached, semi-detached and terraced housing. There is existing off-street car parking access from Cowdrey Road. The application site is within a Controlled Parking Zone (Zone 3E). The application site is not within a Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the partial demolition of the existing building and garages, increasing the height of the existing retained building by 400mm, redevelopment of the rear part of the site with extension off existing building, to provide eight residential units (4 x 2 bedroom, 2 x 2 bedroom and 2 x 3 bedroom flats). Six of the existing flats in the building at the front would remain unaltered.
- 3.2 The two storey rear section of the existing building fronting Cowdrey Road would be demolished as it is in a poor state of repair and an extension (with accommodation within the roof space incorporated). The main section of the new building would be set approximately 1 metre below pavement level in Cowdrey Road. The new building would be 21.5 metres in length, between 8 and 10.5 metres in width and have an eaves height of 6 metres and a part hipped/part flat roof with an overall height of 8.4 metres. The frontage building would be refurbished and re-roofed with an increase in the ridge height of 450mm, along with rear extension.
- 3.3 Internally, at ground floor level the new building would provide 2 x 1 bedroom and 1 x 2 bedroom flats. At first floor level 1 x 1 bedroom and 1 x 3 bedroom flats would be provided. At second floor level 1 x 1 bedroom and 1 x 2 bedroom flats would be formed.
- 3.4 The existing frontage building would be refurbished and the existing 6 x 1 bedroom flats retained and an additional 3 bedroom flat provided within the extended roof space.
- 3.5 Amenity space would be provided for the flats within the new building by patios to the ground floor units and external terraces for the remaining flats. Parking for 20 cycles would be provided within the front curtilage together with refuse and recycling storage. The refuse and recycling storage would be accessible from both within the frontage of the site as well as via Cowdrey Road.

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

- 4.1 In July 1965 planning permission was granted for the erection of three garages within the rear garden (Ref.MER185/65).
- 4.2 In December 1991 an Established Use Certificate was Refused for the use of the premises as five self-contained flats (LBM Ref.91/P0770).
- 4.3 In December 1991 planning permission was granted for the refurbishment and conversion of properties from eight flat units involving demolition of existing rear wing including erection of two-storey rear extension and provision of six parking spaces at the rear with access from Cowdrey Road (LBM Ref.91/P0831).
- 4.4 In March 1993 planning permission was granted for the modifications to parking area previously approved under LBM Ref.91/P0831 to allow retention of three garages (LBM Ref.93/P0036).
- 4.5 In March 2019 a Pre-application meeting was held in respect of redevelopment of the rear part of the site by provision of a new building containing eight flats (LBM Ref.19/P1260).
- 4.6 In July 2019 2019 a Pre-application meeting was held in respect of redevelopment of the rear part of the site by provision of a new building containing eight flats (LBM Ref.19/P1996).

#### 5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification sent to occupiers of neighbouring properties. In response 6 letters of objection have been received. The grounds of objection are set out below: -

-Cowdrey Road is a short Cul-du-Sac and residents already find it difficult to park. The vehicles displaced from the existing garages and parking area will no doubt park in Cowdrey Road. Although the residents of the new flats would not qualify for parking permits, no doubt they would park in Cowdrey Road outside controlled hours and their visitors would also park there.

-The existing electric charging points in Cowdrey Road should be relocated to Haydon's road to free up parking space in Cowdrey Road a short Cul-du-Sac.

-There is a significant lack of parking in Cowdrey Road. The proposed development will only exacerbate the problem.

-Any development of the site should be accompanied by parking within the development site.

-The development does not provide any affordable housing.

-Construction works will cause noise and disturbance.

-The proposed building would be three stories in height, with the western side of the property a shorter distance from the boundary with 2 Cowdrey Road resulting in an enclosing effect.

-Three windows would face onto 2 Cowdrey Road.

- The existing vehicular crossover in Cowdrey Road enables vehicles to turn in the Cul-du-Sac.
- A replacement building should be no larger than the existing building on the site.
- The development should have its own underground car park.

5.2 Wimbledon Society

The Wimbledon society state that the proposal is to make a more intensive use of the land area and mentions a reduction in CO2 emissions of 21% Assuming the new build has a life of 30 years it is regrettable that there is no mention of achieving zero carbon by 2050, bearing in mind Merton has declared a climate emergency. The daylight/sunlight study seems to ignore daylight infringement to the side boundary of the adjoining property. Providing an answer to the problem of housing shortage is welcome but not at the cost of loss of light to neighbours.

5.3 Transport Planning

No comments received – To be updated on mods sheet.

5.4 Flood Risk Officer

No comments received – To be updated on mods sheet.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS14 (Design), CS15 (Climate Change) and CS20 (Parking, Servicing and Deliveries).

6.2 Sites and Policies Plan (2014)

DM H2 (Housing Mix), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM F2 (Sustainable Urban drainage systems (SuDS) and Wastewater and Water Infrastructure), DM T1 (Support for Sustainable and Active Travel), DM T2 (Transport Impacts of Development) and DM T3 (Car Parking and Servicing Standards).

6.3 The London Plan (2016)

3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.12 (Flood Risk management), 5.13 (Sustainable Drainage), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character) and 7.6 (Architecture).

6.4 NPPF (2019)

6.5 National Design Guide (2019)

6.6 Draft London Plan (2019)

7. **PLANNING CONSIDERATIONS**



7.1 The main planning considerations concern the design/visual impact, standard of accommodation, neighbour amenity, parking, refuse/recycling and sustainability issues.

7.2 Design/Visual Impact

Policy CS14 (Design) of the adopted Core Planning Strategy (2011) and Policy DM D2 (Design Considerations in all Developments) of the adopted Merton Sites and Policies Plan (2014) is the relevant policy in considering design matters in relation to applications for alterations and extensions to existing building and new development proposals. The policy seeks to achieve high quality design in developments and protection of amenity.

7.2.1 It is proposed to increase the ridge height of the existing frontage building by 450mm and erect a rear dormer window. The design of the proposed extension and alterations to the existing frontage building are considered to be acceptable in terms of height, scale and proportions. The new building to the rear fronting Cowdrey Road would be sited at a lower level than street level which would result in the eaves and ridge height being lower than the existing terrace of two storey residential properties at numbers 2 -14 Cowdrey Road. Although the new building would have a crown roof rather than a conventional pitched roof, the use of a crown roof has enabled the overall height of the roof to be kept as low as possible. The extended building would therefore, have an acceptable relationship with nearby residential properties in both Cowdrey Road and Haydon's Road. The refurbished frontage building would also result in an improvement to the Haydon's Road street scene. The proposed development also makes satisfactory provision for refuse and recycling storage and cycle storage at the front, off street. The proposal is therefore considered to be in accordance with the aims of policies CS14 (Design) and DM D2 (Design Considerations in all Developments).

7.3 Standard of Accommodation

Details of the floor area of each of the new units and amenity space provision is set out below.

Unit	Bedrooms	Proposed Floor Area sqm	London Plan Standard sqm	Amenity sqm
1	1B/2P	50	50	8
2	1B/2P	50	50	10
3	2B/3P	62	61	23
4	1B/2P	54	50	5
5	3B/4P	84	74	7
6	1B/2P	54	50	5
7	2B/4P	77	70	8
8	3B/6P	81	95	8

7.3.1 The internal floor area of each flat exceeds the minimum standards as set out in the London Plan and each flat has access to its own private amenity space. The size and mix of units are considered to be appropriate for the size of the site and surroundings.

## 7.5 Neighbour Amenity

Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014) seeks to ensure that new development does not have an adverse impact upon neighbour amenity. The proposed new building has been designed to protect the amenities of occupiers of neighbouring properties. Although there would be windows within the rear elevation of the new building facing the side elevation of 2 Cowdrey Road, the windows would be angled towards the street to prevent overlooking to the side window and garden of 2 Cowdrey Road.

- 7.5.1 The concerns of the Wimbledon Society regarding the impact of the new building upon the amenities of neighbouring occupiers are noted. However, the flank wall of the new building is set away from the boundary with 250 Haydon's Road and the ground floor being below street level to reduce the overall height of the new building. Windows within the side elevation facing 250 Haydon's Road at first and second floor levels would be to bathrooms and ancillary windows to kitchens which would be obscure glazed. Therefore, the proposed development is not considered to have an adverse impact upon the amenities of 250 Haydon's Road. The applicant has also submitted a Daylight and Sunlight which concluded that there would be no significant reduction in daylight to 2 Cowdrey Road or 248/250 Haydon's Road or to nearby gardens. Main windows within the new building would face onto Cowdrey Road and the separation distance between the new building and numbers 1, 3 and 5 Cowdrey Road and flank wall of 256 Haydon's Road is considered to be acceptable. The daylight/sunlight report also concluded that although rooms within the new flats would be north facing the levels of daylight would be better than the minimum recommendations of the BRE guidance. The proposal would not therefore cause harm to neighbour amenity and is considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

## 7.6 Parking

The application site is within a Controlled Parking Zone (Zone 3E) and has a PTAL score of 2. The site is conveniently located within a 2-minute walk to Haydon's Road station, and is 1 mile from Colliers Wood station and Wimbledon Town centre. The proposed development would see the existing redundant vehicular crossover removed and the footway reinstated. This would allow for an additional on-street parking bay to be provided, which is to be a disabled parking space. The development would also provide 20 secure cycle parking spaces. Given the site's location it is proposed that the development be designated 'permit free' secured through a S.106 Agreement which is considered to be appropriate in this location. The proposal therefore accords with the aims of policy CS20 (Parking, Servicing and Delivery) of the Adopted Merton Core Planning Strategy (2011) and mitigates the impact of on-street parking pressure in the surrounding area.

## 7.7 Refuse and Recycling

The application would provide communal refuse and recycling storage within the front curtilage of the application site. However, in order to ensure a satisfactory appearance to the communal refuse and recycling store a

planning condition requiring the submission of details of the design of the refuse/recycling store is considered appropriate in this instance, in accordance with policy DM D2 (Design Considerations in all Developments). The area to the front of the building is a large area which can comfortably accommodate refuse/recycling facilities for the total number of flats.

## 7.8 Sustainability

All new developments comprising the creation of new dwellings should demonstrate how development will comply with Merton's Core Planning Strategy (2011) Policy CS15 (Climate Change) (parts a-d) and policies contained in chapter 5 of the London Plan (2016). As a minor development proposal, the development is required to achieve a 19% improvement of Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres per day.

- 7.8.1 Policy CS15 (Climate change) of the Adopted Merton Core Planning strategy (2011) requires that all minor developments submit a sustainable design and construction statement to demonstrate that CO2 emissions are an improvement against the Building Regulations 2013 Part L baseline. As part of the current application the developer has submitted a Sustainable Design and Construction Statement that outlines the proposed energy strategy for the development in order to comply with the Council's targets. The new residential block has been designed to achieve a 21% reduction in carbon emissions (beyond Building Regulations Part L 2013) and a water consumption rate of at least 105 litres per day. The report also states that 18 photovoltaic panels (a 4.5kWp array) would ensure that a carbon reduction of at least 19% is achieved on site. The proposal is therefore considered to be acceptable in terms of policy CS15 (Climate Change).

## 7.9 Drainage and Flood Risk

The applicant has submitted a Sustainable Drainage Report which shows how the proposals will conform with the Sustainable Urban Drainage Systems requirements. Attenuation is proposed to be provided via 2 rainwater harvesting containers and a 25.5 m<sup>3</sup> crate system attenuation tank. Restricted surface water runoff will be conveyed by gravity to the existing surface water network. The proposal is therefore considered to be acceptable in terms of Policy DM F2 (Sustainable Urban Drainage Systems (SuDS) and; Wastewater and Water Infrastructure).

## 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 new building and the alterations and extensions to the existing frontage buildings are considered to be acceptable in design terms. The proposal would not harm neighbour amenity and will provide 8 new residential

units in a residential area. Accordingly, it is recommended that planning permission be granted subject to completion of a S.106 Agreement that the development be designated 'permit free'.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

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

1. That the development be designated 'permit free'.
2. That the developer pay the Council's legal and professional costs in drafting, completing and monitoring the agreement.

And subject to the following conditions: -

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development –Door and Windows)
7. C.4 (Obscure Glazing)
8. C.6 (Refuse and Recycling)
9. C.9 (Balcony/Terrace Screening)
10. D.11 (Hours of Construction)
11. F1 (Landscaping/Tree Planting)
12. 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.

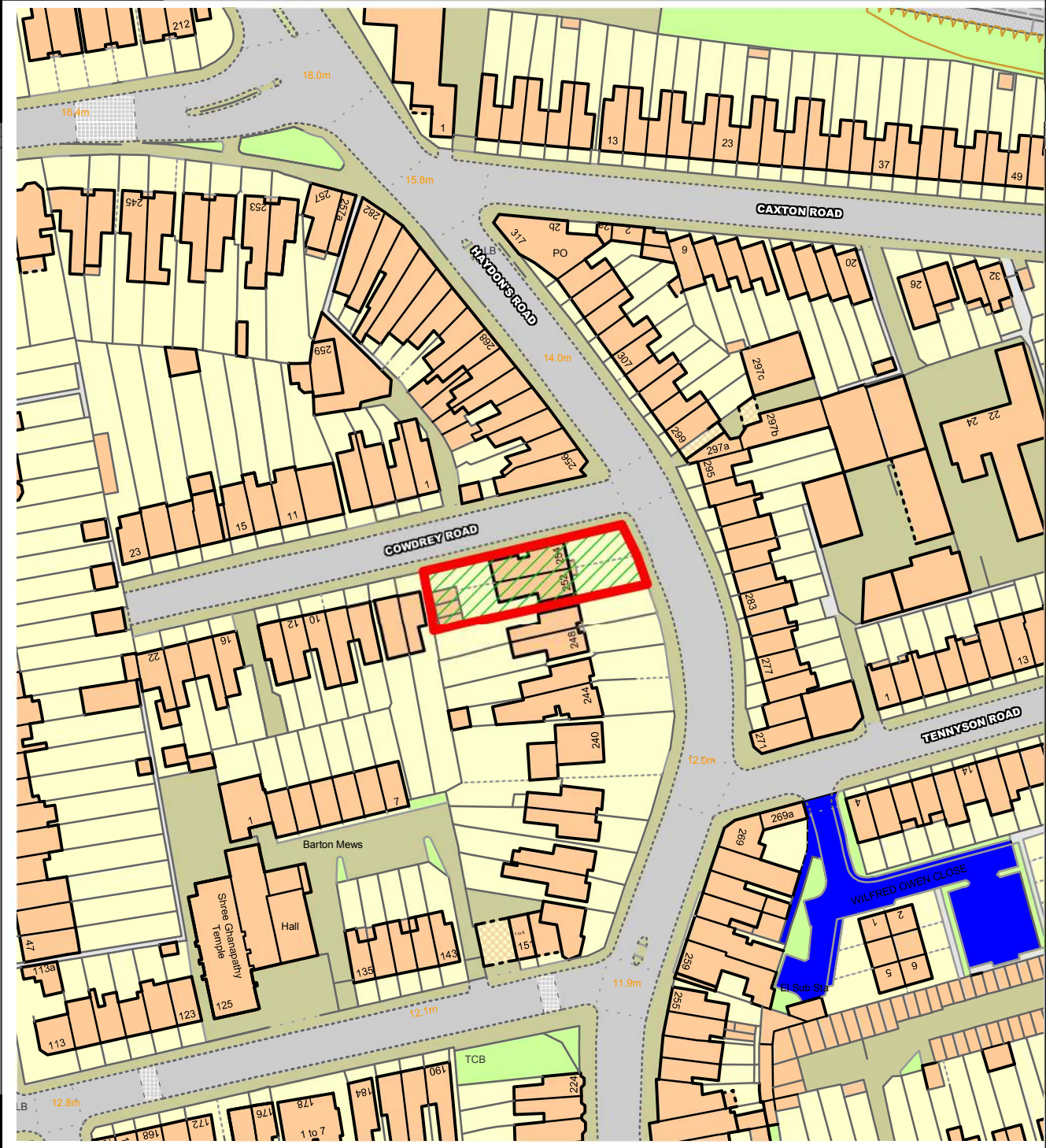
Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies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

13. H.6 (Details of Cycle Parking)
  14. H.10 (Construction Vehicles/Site Working)
  15. L.3 (Climate Change)
  16. INF1 (Party Wall Act)
- 

[Click Here](#) for full plans and documents related to the application

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 16 JANUARY 2019

**APPLICATION NO.**  
19/P3302

**DATE VALID**  
06/09/2019

**Address/Site:** 74 Hazelwood Avenue  
Morden  
SM4 5PR

**Ward:** St Helier

**Proposal:** Demolition of existing detached garage and erection of a 2 storey (with roof level) end of terrace 3 bed dwellinghouse.

**Drawing No.'s:** 1390/014 Rev A; 1390/015 Rev A; 1390/016 Rev B; 1390/017 Rev B; 1390/018 Rev B; 1390/019 Rev B; 1390/020 Rev A; 1390/021 Rev A; 1390/022; 1390/023; 1390/024 Rev B.

**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: 10
- External consultations: 0
- Controlled Parking Zone: Yes, Zone M2
- Archaeological Zone: No
- 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 end of terrace residential dwelling located on the western side of Hazelwood Avenue in Morden. There is an existing single storey detached garage at the side of the property which this proposal seeks to demolish in order to erect a new dwelling. The property

benefits from an area of hardstanding and a dropped kerb to the front of the existing garage.

- 2.2 The surrounding area is predominantly residential displaying a uniform character of 1930's terrace and semi-detached properties.
- 2.3 The site is not located within a Conservation area nor is the property locally or statutorily listed.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of the existing detached garage and erection of a two storey (with roof level accommodation) end of terrace 3 bed dwellinghouse.
- 3.2 The proposed dwellinghouse would replicate the style and appearance of the existing terrace properties, and have the following dimensions:
  - 5.84m width;
  - 9.14m depth;
  - 5.95m eaves height;
  - 8.4m maximum height;
  - A single storey rear extension of 3m depth, 2.6m eaves height and 3.5m maximum height is also proposed at the rear of the new dwellinghouse.
- 3.3 The new dwellinghouse would provide a 4 bed 6p unit with an internal GIA of 129sqm.
- 3.4 The rear garden would be subdivided and the new dwellinghouse provided with a separate garden area of 52sqm.
- 3.5 The front garden would provide an off-street parking space with an area for refuse bin store.

### **4. PLANNING HISTORY**

- 4.1 19/P3093: APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED HIP TO GABLE ROOF CONVERSION, ERECTION OF A REAR ROOF DORMER WITH JULIETTE BALCONY, INSERTION OF 2X ROOFLIGHTS ON FRONT ROOFSLOPE AND ERECTION OF A SINGLE STOREY REAR EXTENSION. – Certificate of lawfulness issued 14/10/2019

### **5. CONSULTATION**

#### External

- 5.1 Public consultation was undertaken by way of letters sent to 10 neighbouring properties. 6 representations were received, the summary of their objections are as follows:
  - Concerns with party wall;
  - Loss of privacy and overlooking;
  - Loss of light;
  - Overshadowing;

- Increased traffic generation;
- Noise and disturbance resulting from construction and use;
- Impact on neighbouring foundations;
- Building work resulting in exposure to hazardous materials and dangerous scaffolding;
- Size and bulk of the proposal;
- De-value the property of neighbouring property;
- Impact on shared boundary fences;
- Tree on pavement not to be destroyed;
- Did not understand development description to be for a new dwelling and thought it was extension works;
- Would remove gaps between buildings.

### Internal

- 5.2 Transport officer – The site is located in an area with a PTAL of 4 which is very good being well located to all the services and facilities.

**Car Parking:** The site is located in a Controlled Parking Zone (M2) where parking is controlled from Monday to Friday between 10:00am – 4:30pm. The new house will have an off street parking space to the front. There would be no parking for the existing 74 Hazelwood Avenue. Considering the sustainable location, the loss of parking for the existing dwelling is not considered to have a negative impact on the surrounding highway network.

**Cycle Parking:** Cycle parking should be installed on site in accordance with London Plan standards on cycle parking for new residential developments: 1 per studio and one bed dwellings and 2 per all other dwellings. The proposal would require 2 cycle spaces to satisfy the London Plan and London Housing SPG standards.

**Refuse:** Refuse arrangement would be as existing.

No objection raised subject to:

1. Car parking as shown maintained.
2. Condition requiring Cycle parking.
3. Condition requiring Refuse collection.

## 6. **POLICY CONTEXT**

- 6.1 NPPF - National Planning Policy Framework (2019):  
Part 5 Delivering a sufficient supply of homes  
Part 12 Achieving well-designed places

- 6.2 London Plan 2016:  
3.3 Increasing housing supply  
3.4 Optimising housing potential  
3.5 Quality and design of housing developments  
5.1 Climate change mitigation  
5.2 Minimising carbon dioxide emissions

- 5.3 Sustainable design and construction
  - 5.17 Waste Capacity
  - 6.3 Assessing effects of development on transport capacity
  - 6.9 Cycling
  - 6.13 Parking
  - 7.4 Local character
  - 7.6 Architecture
  - 8.3 Community infrastructure levy
- 6.3 Merton Sites and Policies Plan July 2014 policies:  
 DM D2 Design considerations in all developments  
 DMD3 Alterations and extensions to existing buildings  
 DM T2 Transport impacts of development  
 DM T3 Car parking and servicing standards
- 6.4 Merton Core Strategy 2011 policy:  
 CS 9 Housing provision  
 CS 14 Design  
 CS 15 Climate change  
 CS 17 Waste management  
 CS 18 Transport  
 CS 20 Parking servicing and delivery
- 6.5 Supplementary planning documents  
 London Housing SPG 2016  
 Technical Housing standards – nationally described space standards 2015

## **7. PLANNING CONSIDERATIONS**

- 7.1 The key planning considerations of the proposal are as follows:
- Principle of development
  - Design and impact upon the character and appearance of the area
  - Impact upon neighbouring amenity
  - Standard of accommodation
  - Transport, parking and cycle storage
  - Refuse
  - Sustainability
- Principle of development
- 7.2 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.
- 7.3 The development seeks to provide a further residential unit on site by increasing the density through the construction of a new dwellinghouse to adjoin to the end of the terrace. The principle of doing so is considered

acceptable and in line with policies to increase provision of additional homes and seeking opportunities through intensification of the site.

- 7.4 However, the scheme is also subject to all other criteria being equally fulfilled and compliant with the policies referred to above.

#### Character and Appearance

- 7.5 Policy DM D2 of Merton's Sites and Policies Plan requires development 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 and to use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting. The requirement for good quality design is further supported by the London Plan London Plan Policies 7.4 and 7.6 and Merton's Core Strategy Policy CS14.
- 7.6 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.
- 7.7 The proposed design of the new end of terrace addition would mirror the appearance of the existing dwellinghouse, so, from the street elevation, appear as a continuation of the existing terrace properties.
- 7.8 The scheme has also been amended to provide a hipped roof over the new dwelling which is considered to better assimilate with the surrounding terrace blocks. Considering the reduction in the separation gap between 74 and 76, a hipped roof would to some degree, reduce the sense of enclosure between the properties and appear less bulky in its overall form.
- 7.9 Whilst the width of the new dwellinghouse would be marginally slimmer than the width of the existing properties, 5.83m instead of 6.37m, this would not be considered such a significant difference which would result in an unacceptably disproportionate appearance when viewed from the streetscene.
- 7.10 Therefore, the proposed character and appearance of the new dwellinghouse would not be considered harmful toward the host dwelling and surrounding 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.

#### **76A and 76B Hazelwood Avenue**

- 7.12 There is a single storey garage attached on the southern elevation of 76A/76B

Hazelwood Avenue which is set back from the boundary line by approximately 1.6-1.7m, the main building is set back from the boundary line by around 4.5m with no existing windows on the side elevation of the property.

- 7.13 The proposed end of terrace addition would follow the same depth of the main dwellinghouse, 74 Hazelwood Avenue, with a 3m single storey rear extension and a setback of 0.1m from the shared boundary. Given the setback of the adjacent property, it is not considered the proposed new build would have an unacceptable impact toward numbers 76A and 76B's light or outlook.
- 7.14 A window has been proposed on the first floor side (northern) elevation, however this would serve a bathroom and be obscured glazed, so there would unlikely be overlooking or privacy issues.

### **72 Hazelwood Avenue**

- 7.15 The proposed end of terrace addition would not project beyond the rear building line of the main dwellinghouse, 74 Hazelwood Avenue, and would mimic their proposed 3m single storey addition (currently under construction). Therefore, it is unlikely the proposed development would be visible toward 72 Hazelwood Avenue and would not have a detrimental impact toward their outlook and light.

### **Abbotsbury Road**

- 7.16 The rear building line of the new dwellinghouse would not project further than the established building line of the properties along Hazelwood Avenue, thereby retaining a separation distance of approximately 32m between the rears of the properties on Hazelwood Avenue to those on Abbotsbury Road.
- 7.17 This is considered a reasonable separation distance which would unlikely result in a harmful impact toward properties on Abbotsbury Road's light, outlook or privacy.

### Standard of accommodation

#### **Internal**

- 7.18 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally, and should satisfy the minimum internal space standards (specified as Gross Internal Areas –GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.
- 7.19 The dwellinghouse would provide a three storey 4b6p unit with an internal GIA of 129sqm. The London Plan and Technical housing standards require 112sqm, the proposal would comfortably accord with the required internal space standards.

### **External**

- 7.20 Policy DMD2 of the Council's Sites and Policies Plan requires new houses to provide a minimum garden area of 50 sqm as a single usable regular shaped amenity space.
- 7.21 The existing garden would be subdivided to provide the new dwellinghouse with a garden area of 52sqm. This would be compliant with required policy standards.

### Transport, parking and cycle storage

- 7.22 Core Strategy Policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management. Cycle storage is required for all new development in accordance with London Plan Policy 6.9 and Core Strategy Policy CS18. It should be secure, sheltered and adequately lit and Table 6.3 under Policy 6.13 of the London Plan stipulates that 1 cycle parking space should be provided for a studio/1 bedroom unit and 2 spaces for all other dwellings.
- 7.23 The site has a PTAL of 4 which is considered very good, and is located in a Controlled Parking Zone, M2. The additional unit would be provided with an off-street car parking space resulting in the loss of the parking space for the existing dwellinghouse. The Transport officer has been consulted and has raised no objection to this arrangement. Considering the sustainable location of the application site, the loss of parking for the existing dwelling is not considered to have a negative impact on the surrounding highway network.
- 7.24 The new dwellinghouse would be provided with reasonable front and rear garden spaces which would be able to accommodate the provision of cycle storage. A condition will be attached requiring further details of this cycle provision to be submitted to the LPA should the application be minded for approval.

### Refuse

- 7.25 The proposed front garden plan indicates an area of the front garden to be provided for refuse bin storage. This is considered an appropriate location for convenient access and collection. Therefore, the proposal is considered to accord with Policy 5.17 of the London Plan and Policy CS 17 of the Core Strategy.

### Sustainability

- 7.26 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 5 of the London Plan (2016). As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.

7.27 The application is accompanied with a Design and Access statement which includes a section on Sustainability. In this instance, it is considered acceptable in order to secure the above policy requirements, that a pre-occupation condition be attached to the permission if it were to be approved.

## **8. CONCLUSION**

8.1 The scale, form, design, positioning and materials of the proposed new end of terrace dwellinghouse are not considered to have an undue detrimental impact toward the character or appearance of the host dwelling, streetscene or on neighbouring amenity. Therefore, the proposal complies with the principles of policies referred to in Section 6 and it is recommended to grant planning permission subject to conditions.

### **RECOMMENDATION**

Grant planning permission

Subject to the following conditions:

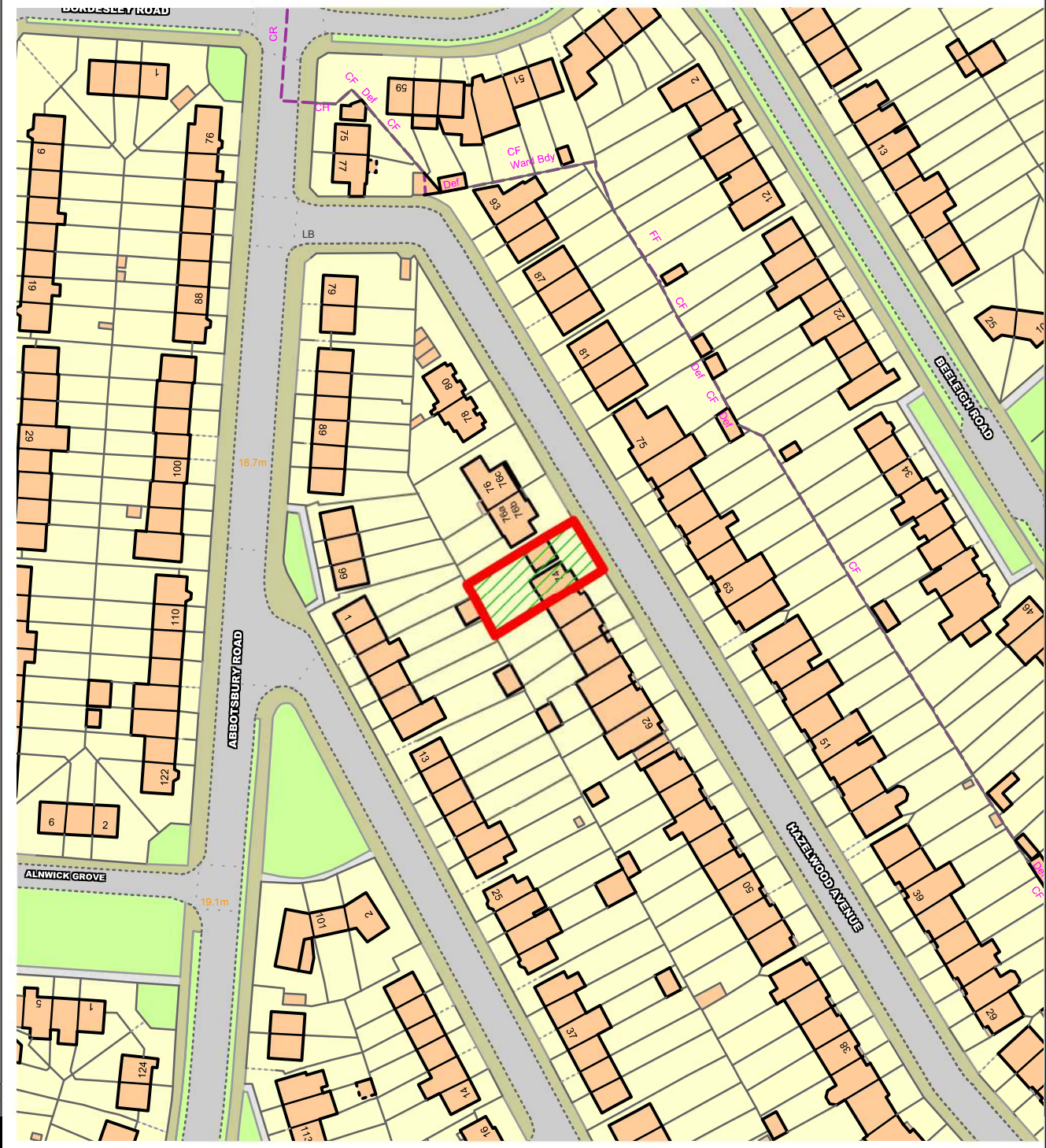
1. A1 Commencement of Development
2. A7 Approved Plans
3. B1 External Materials as specified
4. C01 No permitted development (extensions) – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.
5. C03 Obscure Glazing – before the development is first occupied, windows on the side (northern) elevation shall be obscure glazed and fixed shut to a height of 1.7m above internal finished floor level and shall be permanently maintained as such thereafter.
6. C07 Refuse & Recycling – implementation
7. D11 Construction hours
8. H04 Provision of Vehicle parking – vehicle parking area to be provided prior to occupation of development and to be retained for parking purposes for occupiers and users of the development and for no other purpose.
9. H06 Cycle Parking – details to be submitted
10. Non-standard condition – pre-occupation condition for sustainability
11. INF Party Walls Act
12. INF 20 Street naming and numbering
13. Note to Applicant – approved schemes

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



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## PLANNING APPLICATIONS COMMITTEE 16 JANUARY 2020

**APPLICATION NO.**  
19/P3715

**DATE VALID**  
21/10/2019

**Address/Site** 34 Lingfield Road, Wimbledon, SW19 4PZ

**Ward** **Village**

**Proposal:** Demolition of existing garage and erection of a three-bedroom dwelling house involving extension to existing basement.

**Drawing Nos** 17480\_PA\_17F,18G,17480\_PA\_19F,17480\_PA\_20E,  
17480\_PA\_21E, Design and Access Statement

**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 – 18
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes
- Controlled Parking Zone: Yes (CPZ VO)

#### 1. **INTRODUCTION**

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

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

- 2.1 The application site comprises a detached garage located to the west side of 34 Lingfield Road, a large three storey detached dwelling house currently comprising 4 flats, situated on the south side of Lingfield Road. To the west of the site is 35 Lingfield Road, a large three storey detached dwelling house

currently comprising 4 flats. To the east of the site lies 33 Lingfield Road, a detached two storey building. Opposite the site to the north is a Listed Building. The application site is within the Merton (Wimbledon West) Conservation Area.

### **3. CURRENT PROPOSAL**

- 3.1 The current proposal involves the demolition of the existing garage building and erection of a three-bedroom dwelling house involving extension to existing basement. The proposed dwelling house would be 21.5 metres in length, be between 5 and 6 metres in width and have an eaves height of 5.5 metres and have a pitched roof with a ridge height of 7.7 metres. The proposed dwelling would be set back from the site frontage by 8 metres.
- 3.2 Internally, at basement level a bedroom, study, utility and gym would be provided. At ground floor level an entrance hall, kitchen, dining and living room would be provided. At first floor level two bedrooms would be provided. The proposed house would have gross internal floor area (GIFI) of 230m<sup>2</sup>.
- 3.3 The proposed dwelling has been designed to be subservient to the existing building at 34 Lingfield Road (currently occupied as flats) and has a similar form to a traditional 'coach house' albeit in a contemporary style.
- 3.4 The existing plot of 34 Lingfield Road would be sub-divided to provide with the space occupied by the current garage site and the garden immediately to the rear of the existing garage allocated to the new dwelling house. A new fence would be erected at the rear dividing the garden.

### **4. PLANNING HISTORY**

- 4.1 In April 1981 planning permission was granted for the erection of a detached garage (Ref.MER235/81).
- 4.2 In October 1986 planning permission was granted for the formation of storage space below the approved garage (Ref.MER795/86).
- 4.3 in June 2018 a pre-application meeting was held in respect of the demolition of the existing garage and erection of a three-bedroom dwelling house (LBM Ref.18/P0846).
- 4.4 In February 2019 a planning application was submitted for the demolition of the existing garage and erection of a three-bedroom dwelling house (LBM Ref.19/P0886). However, the application was withdrawn by the applicant on 7 June 2019.

### **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 10 letters of objection have been received. The grounds of objection are set out below: -

-The occupier of the property opposite the application site (7 Lingfield Road) states that the large oversized windows to the front elevation will directly overlook number 7 Lingfield Road causing loss of privacy.

-Although the report states that there would be minimal loss of light this is not the case as its inevitable that a building will have a profound effect and cause loss of light to basement windows in 7 Lingfield Road.

-The building of an additional property will exacerbate parking problems in Lingfield Road.

-The contemporary design of the building is at odds with the rest of the road where there are no other buildings of this sort and the proposal will not improve the overall impression of an attractive road within a conservation area.

-The occupier of flat 1, Kingsley Court, 35 Lingfield Road states that the proposal will result in loss of light to flats 1 and 2.

-The tenant of flat 2, 34 Lingfield Road has a right of access via the in/out driveway and the proposed development would block the access.

-The proposed building is a disproportionately tall, narrow building with oversized windows to the front and rear and obtrusive windows to the western elevation overlooking number 35 Lingfield Road.

-The proposed development would be an eyesore in the conservation area. The recent application at 1A Lingfield road retained the façade of the original building.

### 5.3 Conservation Officer

As submitted the Conservation Officer expressed concern regarding the proportions of the windows to the front elevation of the proposed dwelling. Following discussions with officers the design of the windows to the front elevation of the proposed dwelling were revised and reduced in width. The Conservation Officer has no objections to the revised window arrangement.

### 5.4 Tree Officer

The tree officer has no objections to the proposed development subject to the existing (neighbouring) trees being protected during the development.

### 5.5 Flood Risk Manager

No comments received – To be updated on mods sheet.

## 6. POLICY CONTEXT

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

CS6 (Wimbledon Sub-Area), CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change), CS16 (Flood Risk Management), CS17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport) and CS20 (Parking, Servicing and Delivery).

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

DM O2 (Nature conservation, Trees, Hedges and Landscape Features), DM H2 (Housing Mix), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets), DM EP4 (Pollutants), DM F1 (Support for Flood Risk Management), DM F2 (Sustainable Urban Drainage Systems (SuDS) and; Wastewater and Water Infrastructure), DM T1 (Support for Sustainable Transport and active Travel), DM T2 (Transport Impacts of Development), DM T3 (Car Parking and Servicing Standards) and DM T5 (Access to the Road Network).

6.3 The London Plan (2016)

Increasing Housing Supply), 3.4 (Optimising Sites potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.9 (Mixed and Balanced Communities), 5.1 (Climate Change Mitigation), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 5.7 (renewable Energy), 5.11 (Green Roofs and Development Site Environs), 5.13 (Sustainable Drainage), 6.3 (Assessing Effects of Development on Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage assets and Archaeology), 7.14 (Improving Air Quality), 7.19 (Biodiversity and Access to Nature) and 7.21 (Trees and Woodlands).

6.4 Other guidance:

West Wimbledon Conservation Area Character Assessment 2003  
DCLG Technical Housing Standards – Nationally Described Space Standards 2016  
The National Planning Policy Framework 2019  
The National Design Guide (2019)  
Draft London Plan (2019)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern design/conservation, basement construction, neighbour amenity, impact on trees, parking/cycle parking, sustainability and refuse and recycling issues.

7.2 Design/Conservation Issues

7.2.1 Policy DM D4 (Managing Heritage Assets) of the Adopted Merton Sites and Polices Plan (2014) seeks to conserve and where appropriate enhance Merton's heritage assets and distinctive character. The proposed new dwelling would be subservient to the existing residential building and the neighbouring flats at 35 Lingfield Road.

7.2.2 The south side of Lingfield road immediately adjacent to the application site is characterised by large detached mansion blocks set within large plots. Opposite the application site on the north side of Lingfield Road are more modest two storey/two and a half story terraced, semi-detached and detached dwellings within smaller plots. The application property comprises a large Villa occupied as four flats with a large detached garage sited between the Villa

and the boundary with 35 Lingfield Road. The application site is one of the largest plots in Lingfield Road and there are no objections to the principle of demolition of the existing garage and constructing a new detached dwelling house in its place.

- 7.2.3 The new house will present a gabled frontage with asymmetrical window openings onto Lingfield Road. The adopted design makes reference to the vernacular forms and uses traditional materials such as facing brickwork and clay roof tiles. Visual interest would be created by the use of soldier course brickwork and the roof drainage is concealed, with rainwater pipes run within the external walls. The contemporary design approach is for a neatly detailed, modern version of a family home with a discreet impact upon the street scene. Windows have been designed to maximise daylight into the proposed house and consideration has been given to the position of windows so that there is no overlooking onto neighbouring properties. The proposed building would be set slightly back from the front building line of the main building (No.340, and thus respecting the street scene. The proposed dwelling would maintain a 1.0 m gap to the west boundary and maintain a large gap to the existing mansion block of number 34. Taking this into account, and the overall scale and size of the new dwelling, officers are satisfied that the 'infilling' of this gap with the dwelling proposed would not cause a harmful impact on the character of the Conservation Area and streetscene. A sample of materials condition is recommended to ensure that the finished brickwork to be used would be high quality and suitable. The proposal is therefore acceptable in terms of policies CS14 (Design) and DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

### 7.3 Basement Construction

- 7.3.1 The current proposal involves the enlargement of the existing basement as part of the proposed new dwelling. The existing garage has a basement of 66m<sup>2</sup> floor space. The existing basement would be incorporated into the new development with a small increase in floor space (25m<sup>2</sup>) to give a total basement floor space of 91m<sup>2</sup> (including the light well to the rear garden elevation). The basement extension would extend to the rear and thus limiting its visual impact to the rear, where a lightwell would serve it for access to natural light. There are no objections to the enlargement of the existing basement in connection with construction of a new dwelling house as it would be of a small-scale addition. The submitted Drainage Report outlines that a large part of the site would remain permeable and that measures proposed include a green roof and a rainwater harvesting tank. The provision of an enlarged basement is considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

### 7.4 Neighbour Amenity

- 7.4.1 Although there would be windows within the side elevation of the proposed dwelling facing number 35 Lingfield Road, two windows at ground level would be secondary to a kitchen and bathroom and two windows at first floor level would be secondary to bedrooms. The position of the windows would not

result in any undue overlooking and/or loss of privacy to number 35 Lingfield Road as the first floor windows can be obscurely glazed, controlled via condition. Although there are windows to flats within the side elevation of 34 Lingfield Road facing the application site, the proposed dwelling would be set off the boundary with 34 Lingfield Road and the window within the side elevation of the new dwelling would serve a stairwell.

- 7.4.2 The proposal will result in an uplift in built form in comparison to the existing garage. The application has been accompanied with a Daylight/Sunlight Report which has assessed the effects on surrounding neighbouring windows. To the west of the site lies 35 Lingfield Road, which comprises 3 flats. The assessment has assessed the effects on the side facing windows on number 35, which would face towards the proposal. The assessment concludes that the impact of the proposal would still maintain appropriate levels of daylight and sunlight, in line with the BRE Guidelines. Officers note the objections and accompanying photographs from the neighbouring occupiers of the basement flat (Flat 1) at number 35. Whilst officers acknowledge that there would be some impact on daylight and sunlight to the basement side window and to the window above serving Flat 2, the effects would not be severe and an appropriate level of natural light would remain.
- 7.4.3 A number of other windows have been assessed on numbers 7-9 Lingfield Road and 34 Lingfield Road which demonstrates the proposal would not have a harmful impact on these neighbouring windows.
- 7.4.4 Taking into account the uplift in built form and the results of the Daylight/Sunlight analysis, officers do not consider that the proposed new dwelling would cause a materially harmful impact on daylight or sunlight received to neighbouring habitable rooms.
- 7.4.5 Therefore, the proposed new dwelling is not considered to have such a detrimental impact upon neighbour amenity as to warrant refusal of the application.
- 7.4.6 The proposed rear section extending into the garden would be single storey with a flat roof. Taking into account the single storey nature and limited height, officers are satisfied that the depth and position of this section of the proposed dwelling would not cause material harm to the amenities of the occupiers to the west at 35 Lingfield Road.
- 7.4.7 The proposal is considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

## 7.5 Trees

- 7.5.1 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 trees to be removed are category C trees (low value) and a landscaping scheme can be secured through condition seeking additional tree planting. The proposals are therefore considered to be acceptable in terms of



policy DM O2 (Nature Conservation, Trees, Hedges and Landscape Features).

## 7.6 Parking/Cycle Parking/Refuse and Recycling

7.6.1 The proposal would provide two off-street car parking spaces for the new dwelling house and covered cycle storage for two cycles. One parking space would also be retained for use by flat 2 in 34 Lingfield Road. The proposal would also provide a refuse and recycling store, separate from the existing flats. A new refuse and recycling store would be provided for the existing four flats at 34 Longfield Road, located the eastern boundary of the site. There is adequate space within the front garden for the construction of a new refuse store to accommodate the eight bins required for the existing four flats. There is an existing parking space allocated for the ground floor flat. The three other flats do not have allocated parking spaces. The existing parking space would be retained and two new spaces provided on part of the existing 'in/out' driveway in front of the property. The provision of two spaces for the new dwelling is considered to be acceptable in this instance. It is not considered there would be a significant effect on on-street parking arising from the proposal. Officers note the objections regarding rights of access for one of the flats at number 34 over the front area of the site, however, this is a civil matter and not for the Council to get involved. The proposal is therefore considered to be acceptable in terms of policy CS20 (Parking).

## 7.7 Sustainability

7.7.1 All new developments comprising the creation of a new dwelling should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 5 of the London Plan (2016). As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.

## 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 design of the proposed dwelling is considered to be acceptable and the proposal would not harm neighbour amenity. The proposal would also preserve the character and appearance of the Merton (Wimbledon West) Conservation Area. Accordingly, it is recommended that planning permission be granted, subject to conditions.

## RECOMMENDATION

## **GRANT PLANNING PERMISSION**

Subject to the following conditions: -

1. A.1 (Commencement of Development)
2. A.7 (Approved Plans)
3. B.1 (Approval of Facing Materials)
4. B.4 (Details of Surface Treatment)
5. C.1 (No Permitted Development)
6. C.2 (No Permitted Development-Windows and Doors)
7. C.6 (Refuse and Recycling-Details to be Submitted)
8. D.11 (Hours of Construction)
9. F.1 (Landscaping Scheme)
10. H.4 (Provision of Parking)
11. Prior to commencement of development a Basement Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority and the development completed in accordance with the approved details.

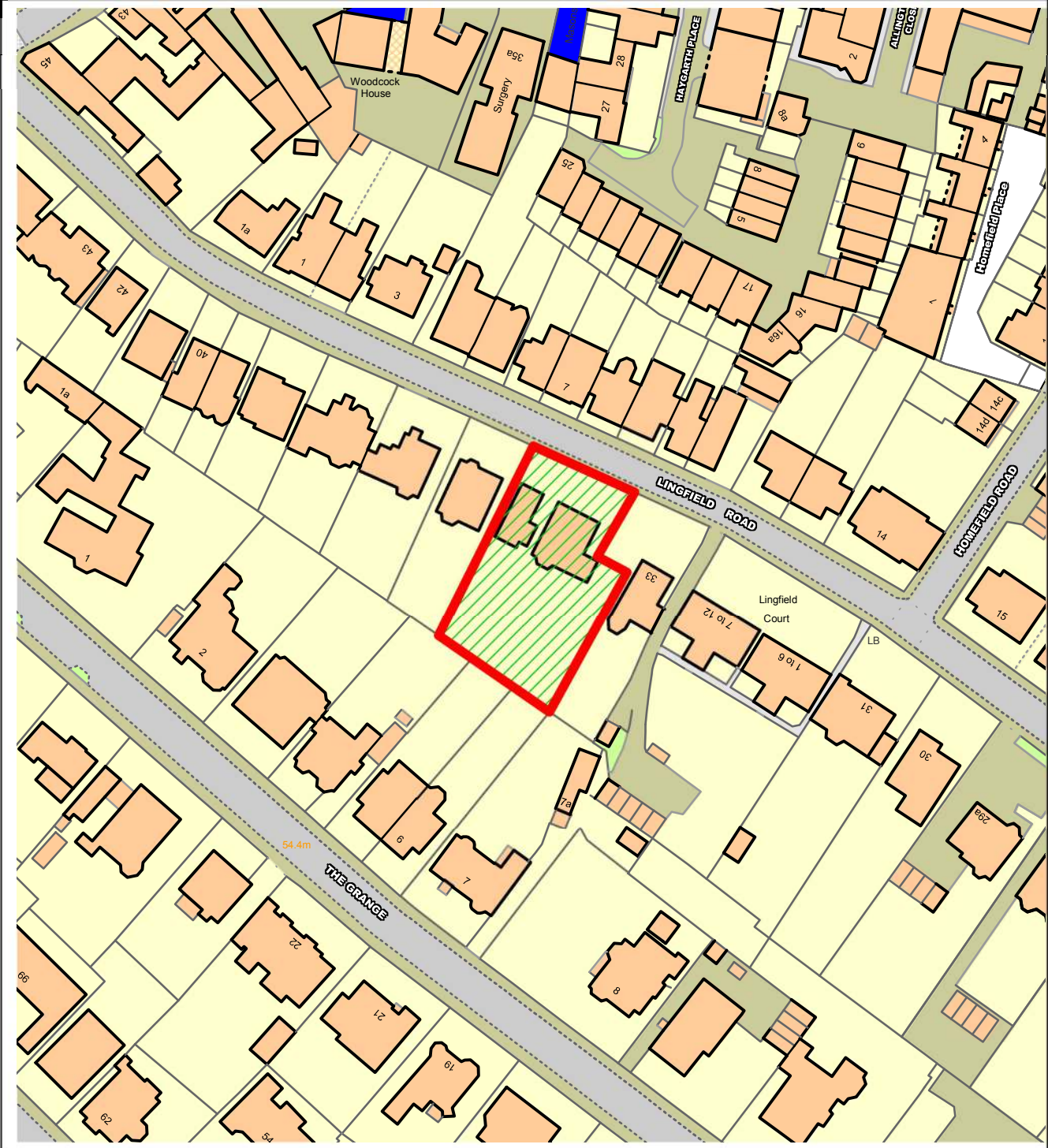
Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the Adopted Merton Sites and Policies Plan (2014).

12. F.5 (Tree Protection)
13. C.8 (No Use of Flat Roof)
14. H.4 (Provision of Parking)
15. Method of Construction Statement
16. Obscure Glazing (first floor side facing windows)
17. Details of Green Roof and water harvesting tank
18. INF1 (Party Wall Act)

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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 16 January 2020

**Ward:** Hillside

**Subject:** Tree Preservation Order (No.743) at Land at Leeward Gardens, Wimbledon, SW19

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

**Contact Officer** Rose Stepanek: 0208 545 3815  
rose.stepanek@merton.gov.uk

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**Recommendation:** That the Merton (No.743) Tree Preservation Order 2019 be confirmed without modification.

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

This report considers the objection that has been made to the making of this tree preservation order. Members must consider the objection before deciding whether or not to confirm the Order, with/without modification.

### **2. Planning History**

- 2.1 In February 1969 planning permission was granted for the erection of 52 houses and 20 flats. (Ref. MER977/68). Planning condition (2) requires the following: 'The trees indicated on the deposited drawing No. 464/74C as "to be retained" shall be retained and maintained to the satisfaction of the Local Planning Authority together with any subsequent approved replacements thereof.'
- 2.2 The records show that a number of requests were received in 1968 from concerned individuals and organisations asking for a tree preservation order to be made in respect of the retained trees to maintain the green and pleasant nature of the locality.
- 2.3 On the 18/09/1968, the Merton (No.4) Tree Preservation Order 1968 took effect. This was later confirmed by the Minister of Housing and Local Government on the 18/03/1969.
- 2.4 Included within that Order, is a Walnut tree, which is listed as T91. This tree is marked on the map attached to the tree preservation order as being located in approximately the same position as the current Honey Locust tree that is the subject of this report. There would appear to be no records to show when the Walnut tree was removed, or why, and likewise there would appear to be no records as to whether the Honey Locust is a replacement tree as required by the tree preservation order regulations. However, in view of the planning condition above, it could be argued that this tree is subject to the planning condition, and is a replacement tree.

- 2.8 In September 2019, a local resident asked the Council to make a tree preservation order on the Honey Locust tree. The reason for this is: "The land is currently being offered for sale and I am concerned that the mature tree may be removed at short notice." For the avoidance of any doubt in relation to the legal situation described above, and to avoid any delay where the Council has been made aware of a reported risk of the tree being removed at short notice, a new tree preservation order was made to protect this individual tree. This is known as the Merton (No.743) Tree Preservation Order 2019, and copy of the plan is appended to this report.

### **3. Legislative Background**

- 3.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular trees have a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 3.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 8 reasons were given that include references to the visual amenity value of the Honey Locust to the area; that the tree has an intrinsic beauty; the tree makes significant contribution to the character and appearance to the local area; that the Honey Locust forms part of our collective heritage for present and future generations; that the Honey Locust is an integral part of the urban forest; that the Honey Locust contributes to the local bio-diversity; and protects against climate change.
- 3.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

### **4. Objection to the Order**

- 4.1 The Council has received an objection to the Order from the Harrowdene Freehold Company (HFC) who are the registered landowner.
- 4.2 The objection has been summarised as follows:
- That the tree is described as being in "...the communal amenity open space adjacent to 37 Leeward Gardens.' HFC dispute the description of the space, especially in the light of the area being confirmed as being in private ownership.
  - 'The site has been maintained by Merton Council from the construction of Leeward Gardens c.1970 until sometime around late 2017/early 2018 when the Council ceased maintenance. During 2019 it has come to light that the site may belong to HFC due to an error in the adoption process when Leeward Gardens was constructed. This is in the process of being investigated and rectified. Merton Council have never formally communicated to HFC that they were ceasing maintenance or

that they considered HFC to be responsible for the site. Any tree orders should be postponed until after the ownership is resolved.'

- 'The tree was planted by Merton Council on land they now say that they do not own. If HFC are deemed the owners of the site then Merton Council had no right to plant the tree.'
- The Order provides no definition of what is meant by an 'amenity tree'.
- The tree is in poor condition.
- Again question the description of the tree being in a communal amenity space and forming part of the general landscape amenities, when it is now claimed the property is privately owned.
- Claim the tree is in poor condition and so it does not make a significant contribution to the area.
- Question the reason relating to the Order being made to 'safeguard the amenities of the local community' and that this would be true if the land was owned by Merton Council, rather than the present ownership being in dispute.
- The Council has not demonstrated there is any risk to the tree.
- HFC is aware of one resident in Leeward Gardens being concerned about the future of the tree and take the view that the imposition of the Order is of 'dubious value' and 'is an inappropriate response to that concern.'
- HFC ask the Council to engage with the residents of Leeward Gardens to '..jointly devise a plan for the future of this space.'

## **5. Planning Considerations**

5.1 The Tree Officer would respond to each of the objector's respective points as follows:

- The Honey Locust tree is situated upon a small unenclosed pocket of land. The openness of this small pocket of land can be best described as being, in the notional sense, a 'communal space' and that description does not imply any indication of actual legal ownership. A search of the Land Registry records confirmed that this small area was included in the land owned by the HFC.
- This is not a planning matter, and this concern should be raised with the other relevant sections within this department.
- According to the records held on the Council's Merton Maps computer programme, this tree is marked as a highway tree. However, no further information relating to this tree was available at the time of this report from the Leisure & Culture Greenspaces Team who have responsibility for highway/street trees. Whilst the ownership and maintenance of the land may be in dispute, it remains the case that the Council attached certain conditions to the development of Leeward Gardens, and planning condition (2) remains active and relates to the retention and

replacement of trees retained as part of the development. The importance placed on those trees was further reinforced by making a tree preservation order in 1968. The Honey Locust tree represents a continuance of the local green amenities that accords with the aims and intentions of the original planning consent.

- 'Amenity' is not defined in law, so Authorities can exercise their own judgement when deciding whether a tree merits protection. Orders may be used to protect trees if it is considered that their removal would have a significant impact on the local environment and its enjoyment by the public. Prior to the making of this tree preservation order, the legal status of this tree was unclear and there remained the potential risk of this tree being removed at any time. This new tree preservation order will remove any such doubt and shall make the tree subject to the current regulations. As this tree is considered to be a significant tree in the context of its location and visibility, it is deemed to be the correct use of the Act.
- The tree appears to be reasonably good health. Should it ever be found that the tree needed to be removed at any time, then a replacement tree could be secured through the tree preservation order.
- This dispute with the Council about the ownership/maintenance of the land in question is not a planning matter, and this should be raised with the other relevant sections within this department.
- As above. The objector has not presented an arboricultural case to support the repeated claim that the tree is a 'poor specimen'.
- The Honey Locust tree is located in a central position within this area of Leeward Gardens and is fully visible to all of the surrounding properties, as well as being a welcome source of greenery for the general public. This tree preservation order protects this amenity for those residents and for the general public. Ordinarily, a tree preservation order is intended to be used on privately owned trees, rather than highway trees owned by the Council. However, for the reasons explained above, this tree preservation order removes any doubts as to who has responsibility for the land, and therefore the tree.
- The resident who asked for the tree preservation order identified the risk. The Government guidelines advise that it is not necessary for there to be an immediate risk for there to be a need to protect trees.
- For all of the reasons stated above, this tree preservation order is considered to be the correct and appropriate response to a vulnerable tree.
- This matter would need to be discussed with the relevant sections within this department.

## **6. Officer Recommendations**

- 6.1 The Merton (No.743) Tree Preservation Order 2019 should be confirmed without modification.



**7. Consultation undertaken or proposed**

None required for the purposes of this report

**8. Timetable - N/A**

**9. Financial, resource and property implications**

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority.

**10. Legal and statutory implications**

The current tree preservation order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge would have to be in the High Court.

**11. Human rights, equalities and community cohesion implications - N/A**

**12. Crime and disorder implications - N/A**

**13. Risk Management and Health and Safety implications. – N/A**

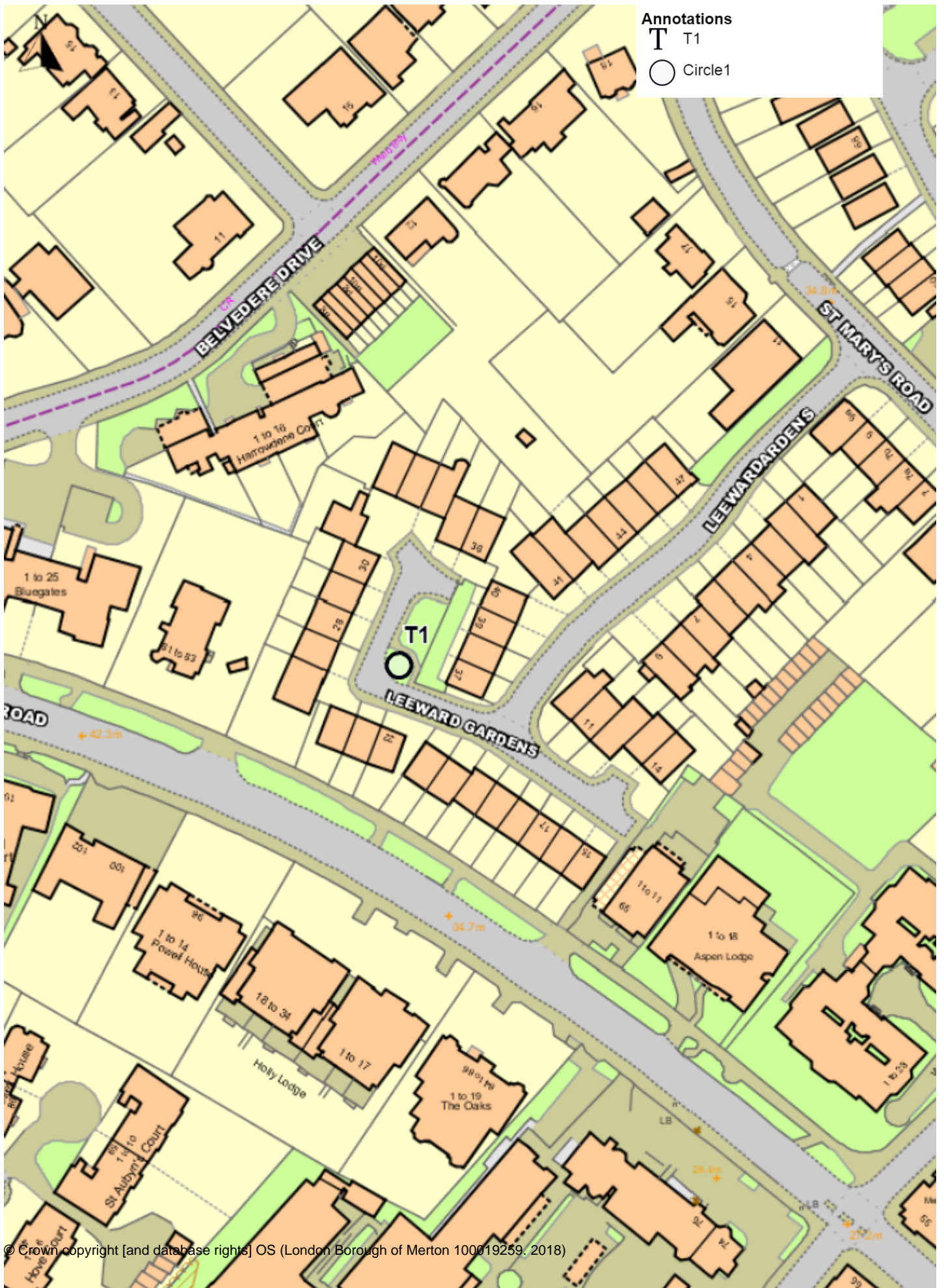
**14. Appendices – the following documents are to be published with this report and form part of the report Background Papers**

Tree Preservation Order plan

**15. Background Papers**

The file on the Merton (No.743) Tree Preservation Order 2019  
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

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**Merton (No.743) Tree Preservation Order 2019**

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## PLANNING APPLICATIONS COMMITTEE 16 JANUARY 2020

### **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/P4442**  
Site: 14 Highbury Road, Wimbledon Village SW19 7PR  
Development: Demolition of garage and erection of single storey rear extension, rear roof extension, alterations to roof terrace and excavation of basement level beneath part of garden  
Recommendation: Refuse (Committee Decision)  
Appeal Decision: **ALLOWED**  
Cost Decision: **ALLOWED**  
Date of Appeal Decision: 11<sup>th</sup> December 2019

[Link to Appeal Decision Notice](#)

[Link to COSTS Decision](#)

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Application Numbers: **19/P0143**  
Site: 87 Robinson Road, Tooting SW17 9DN  
Development: Demolition of building and erection of 3 storey block of 9 x flats  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Costs Decision: **REFUSED**  
Date of Appeal Decision: 25<sup>th</sup> November 2019

[Link to Appeal Decision Notice](#)

[Link to COSTS Decision](#)

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Application Numbers: **19/P0796**  
Site: 6 Greenoak Way, Wimbledon SW19 5EN  
Development: Erection of a detached garage  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 20<sup>th</sup> November 2019

[Link to Appeal Decision Notice](#)

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Application Numbers: **19/P1429**  
Site: 121 Springfield Avenue, Wimbledon Chase SW20 9JS  
Development: Retention of existing outbuilding  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 21<sup>th</sup> November 2019

[Link to Appeal Decision Notice](#)

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Application Numbers: **19/P1501**  
Site: Advertising hoarding adjacent 316 Haydon's Road, South Wimbledon SW19 8JZ  
Development: Replacement of existing advertisements with 1 x 48 sheet illuminated advertisement hoarding which automatically changes image.  
Recommendation: Refuse (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 6<sup>th</sup> December 2019

[Link to Appeal Decision Notice](#)

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### 3. 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).

**4. CONSULTATION UNDERTAKEN OR PROPOSED**

None required for the purposes of this report.

**5. TIMETABLE - N/A**

**6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

**7. LEGAL AND STATUTORY IMPLICATIONS**

An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

**8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

None for the purposes of this report.

**9. CRIME AND DISORDER IMPLICATIONS**

None for the purposes of this report.

**10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

See 6 above.

**11. BACKGROUND PAPERS**

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 16 January 2020

**Wards:** All  
**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES  
**Lead Officer:** HEAD OF SUSTAINABLE COMMUNITIES  
**Lead Member:** CABINET MEMBER FOR REGENERATION, HOUSING AND TRANSPORT COUNCILLOR MARTIN WHELTON 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)

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

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### 1. Purpose of report and executive summary

This report details a summary of 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.

#### November 2019 / January 2020

<b>Current Enforcement Cases:</b>	<b>661</b>	<sup>1</sup> (1006)	<b>New Appeals:</b>	(5)	(1)
<b>New Complaints</b>	78	(39)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>345</b>		<b>Existing Appeals</b>	<b>3</b>	(2)
No Breach:	42		<hr/>		
Breach Ceased:	12		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):			<b>Tree Applications Received</b>	<b>55</b>	<b>(34)</b>
Other	291		<b>% Determined within time limits:</b>	<b>97%</b>	
<b>Total</b>	<b>345</b>	<b>(27)</b>	<b>High Hedges Complaint</b>	<b>0</b>	<b>(0)</b>
<b>New Enforcement Notices Issued</b>			<b>New Tree Preservation Orders (TPO)</b>	<b>0</b>	<b>(1)</b>
Breach of Condition Notice:	0		<b>Tree Replacement Notice</b>	<b>0</b>	
New Enforcement Notice issued	3	(0)	<b>Tree/High Hedge Appeal</b>	<b>0</b>	<b>(0)</b>
S.215: <sup>3</sup>	1				
Others (PCN, TSN)	0	(1)			
<b>Total</b>	<b>0</b>	<b>(0)</b>			
<b>Prosecutions: (instructed)</b>	<b>0</b>	<b>(1)</b>			

Note (**figures are for the period from 2nd November 2019 to 6th January 2020**). 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**

**283 Galpins Road CR7 6EY.** This is concerning a s215 notice served on untidy land. A s215 notice was issued on 23 December 2019. This notice will take effect on 22nd January 2020 requiring the Land to be tidied up / cleared.

**31 Edgehill Road, Mitcham, CR4 2HY.** This is concerning a raised platform/garden that has been raised by approximately 90cm. An enforcement notice has been served to remove the raised platform and reduce the garden level by 90cm. The notice would have taken effect on 18/12/19, with a compliance date of 18/03/20, however an appeal has been submitted.

**155 Canterbury Road, Morden, SM4 6QG.** This is concerning an outbuilding in the rear garden that has had a retrospective planning application refused. An enforcement notice has been served on the property for the outbuilding to be demolished, the notice takes effect 9th December and the compliance period is two months. However it has now been appealed to the Planning Inspectorate. The appeal is now ongoing.

**208 Bishopsford Road, Morden, SM4 6DA.** This is concerning the erection of a single storey rear extension onto an existing extension on the ground floor. A Planning Enforcement Notice has been issued requiring the demolition of the Extension. The Notice was issued on 4<sup>th</sup> October 2019, the Notice will come into effect on 10<sup>th</sup> November 2019 with a compliance period of 3 months, unless an appeal is made before 10<sup>th</sup> November 2019. An appeal was submitted but rejected by the Planning Inspectorate as it was received by The Planning Inspectorate one day late.

**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. A Planning Enforcement Notice was issued on 11th October 2018 requiring either the demolition of the development or building to the approved scheme. The Notice took effect on 18th November 2018 with a compliance period of 12 calendar months. An appeal was made but subsequently withdrawn the following day. The owner decided to comply with the approved permission and is in the process of returning some the residential units back to their authorised office use. Bath and shower units have been removed; the office units are currently being advertised for let. The garage flat is no longer being used for residential and is in the process of being returned to a garage. Planning Application 19/P1527 for Discharge of Conditions has been submitted and is currently being considered.

**2 Dahlia Gardens, Mitcham, CR4 1LA.** An enforcement notice was served on the 19th August 2019 for an outbuilding to be demolished and all materials resulting in this to be removed from the Land or to revert the outbuilding to be in accordance with permitted development rights under a previous application - 18/P0103. The Notice takes effect on 24<sup>th</sup> September 2019, unless an appeal is made before this date. The compliance period is 3 months from the date the enforcement Notice takes effect. An Appeal has now started. For technical reasons this Notice has been withdrawn, depending on the outcome of the current planning appeal the enforcement Notice may be re-issued.

**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 2)** This is regarding a side extension not built in accordance with approved plans and being used as a self

contained unit of accommodation. A planning Enforcement Notice was subsequently issued on 24th September 2019 and took effect on 24th October 2019. The Notice requires the cessation of the use of side extension as separate self-contained unit, and the removal of all those fixtures and fittings that facilitate the unauthorised use of the extension including the permanent removal of the facilities in use for cooking facilities, kitchen unit, sink, worktop, appliances, and food preparation areas. This Notice has a compliance period of 3 calendar months.

## **2.1 Some Recent Enforcement Actions**

**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.

Direct action has now been taken, with the site being cleared by contractors and is now in a satisfactory condition regarding the S215 notice. The property has been safeguarded and is under consideration on how to reinstate the property back into its residential use. A charge will also be placed on the property to recoup the cost of the works undertaken. The planning enforcement case is to now be 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 came into effect on 8<sup>th</sup> July 2019 unless appeals were made before this date. No appeals were lodged. The compliance date of the Enforcement Notice relating to the outbuilding to be demolished and to clear debris and all other related materials has now passed without compliance. The second enforcement notice was not complied with and now prosecution proceedings are being undertaken.

The plea hearing has now taken place at Lavender Hill Magistrates Court, where the defendant pleaded not guilty and the second hearing is due on the 14th January 2020.

### **3.0 New Enforcement Appeals – 4**

**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 1)** This is regarding a side extension not built in accordance with approved plans. A planning Enforcement Notice was subsequently issued on 24th September 2019 and would have taken effect on 24th October 2019. The notice requires the demolition of the rear extension. This Notice has a compliance period of 3 calendar months. An Appeal was electronically submitted, but not yet started.

**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. An Appeal to The Planning Inspectorate has been made and the Appeal has started.

**47 Edgehill Road CR4 2HY.** This is concerning a rear extension not being built to the dimensions provided on the prior approval application. A Planning Enforcement Notice was subsequently issued requiring the demolition of the single storey rear extension. The Notice would have taken effect took effect on 16th September 2019, with a compliance period of 3 calendar months. An Appeal has been electronically submitted, but not yet started.

**33 HASSOCKS ROAD, LONDON. SW16 5EU:** This was regarding the unauthorised conversion from a single dwelling into 2 x self contained flats against a refusal planning permission. A planning Enforcement Notice was subsequently issued on 10th September 2019 and would have taken effect on 15th October 2019. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect. An Appeal has been electronically submitted, but not yet started.

**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 1)** This is regarding a side extension not built in accordance with approved plans. A planning Enforcement Notice was subsequently issued on 24th September 2019 and takes effect on 24th October 2019. The Notice requires the cessation of the use of side extension as separate self-contained unit, and the removal of all those fixtures and fittings that facilitate the unauthorised use of the extension including the permanent removal of the facilities in use for cooking facilities, kitchen unit, sink, worktop, appliances, and food preparation areas. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect. An Appeal has been electronically submitted, but not yet started.

**76 Shaldon Drive, Morden, SM4 4BH.** An enforcement notice was served on 14th August 2019 relating to an outbuilding being used as a self-contained unit. The notice requires the removal of all kitchen facilities, fixtures, fittings, cooker, worktops, kitchen units. The notice takes effect on 16th September 2019, with a compliance period of 1 month. An Appeal has been electronically submitted, but not yet started.

**3.1 Existing enforcement appeals - 2**

**3.2 Appeals determined - 1**

**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 required the owner to demolish the front extension; and would have taken effect on 21<sup>st</sup> January 2019 with a compliance period of four months of that date unless an appeal was made. An appeal was made under ground (A) That Planning Permission should be granted. This Appeal was determined by Decision Letter dated 30<sup>th</sup> September 2019, the appeal was allowed and planning permission granted for the retention of the single story front extension

**3.3 Requested update from PAC**

None

**4. Consultation undertaken or proposed**

None required for the purposes of this report

**5 Timetable - N/A**

**6. Financial, resource and property implications - N/A**

**7. Legal and statutory implications - N/A**

**8. Human rights, equalities and community cohesion implications - N/A**

**9. Crime and disorder implications – N/A**

**10. Risk Management and Health and Safety implications. – N/A**

**11. Appendices – the following documents are to be published with this report and form part of the report Background Papers – N/A**

**12. Background Papers**

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