

PLANNING APPLICATIONS COMMITTEE
17 March 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	15/P4768	11/12/2015
Address/Site	31B Arterberry Road, Raynes Park, London, SW20 8AG	
Ward	Raynes Park	
Proposal:	Erection of 2 x 5 bedroom semi-detached three storey dwellings including accommodation at lower ground floor level.	
Drawing Nos	664/008 P2, 002 P1, 003 P1, 004 P1, 005 P1, 006 P1, 007 P1, 009 P1, 010 P2, 011 P1, 012 P2, 013 P1, 014 P2, 015 P1, 016 P2, 017 P1, 018 P1, 019 P1, 020 P1 and 306 P1	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Planning Permission subject to conditions and S106 agreement

CHECKLIST INFORMATION.

Heads of agreement: - Affordable housing
Is a screening opinion required: No
Is an Environmental Statement required: No
Has an Environmental Impact Assessment been submitted – No
Press notice – Yes
Site notice – Yes
Design Review Panel consulted – No
Number of neighbours consulted – 10
External consultations – No.
PTAL Score – 2
CPZ – RPE

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a vacant plot of land within Arterberry Road, Wimbledon. The former house on the site was recently demolished following the grant of planning permission for its demolition and the construction a replacement house (08/P3096 and 09/P1295).
- 2.2 The application site is set well away from the road in a secluded position. Access to the site is via a narrow driveway which runs past 31 Arterberry Road and is adjacent to the driveway serving 1 & 2 Highview Place. Due to the natural topography of the land, the application site sits below Arterberry Road and land levels are naturally lower towards the rear of the site.
- 2.3 To the east of the application site, 31 Arterberry Road is a two storey detached building split into 4 flats. The building's rear elevation faces directly towards the application site and part of its northern flank elevation marks the side boundary of the narrow access to the application site.
- 2.4 To the west of the application site are two detached houses known as 1 and 2 Highview Place. The houses are situated a considerable distance away from the Arterberry Road frontage. Access to the houses is from a driveway to the north of the application site. The three storey houses have a flat roof modern design approach and accommodation at lower ground level at the rear.
- 2.4 To the south of the application site, at the bottom of the hill, is a recently built two storey detached house known as 29 B Arterberry Road.
- 2.5 The surrounding area is characterised by detached and semi detached houses. The application site is located within the Wimbledon West Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1.1 The proposal is for the erection of 2x 5 bedroom semi-detached three storey dwellings including accommodation at lower ground floor level. The proposed three storey buildings would have a modern design approach

with a flat roof design. House A would have predominantly brick elevations whilst house B would have a rendered front elevation.

- 3.2 Two onsite car parking spaces are provided, one for each house. House A has a car parking space to the side and House B to the front within the existing driveway.
- 3.3 The floor space (GIA) and amenity space standards of individual residential units are as follows compared to London Plan 2015 requirements and Merton planning policy DM D2 Design considerations in all developments).

<u>Proposal</u>	<u>Type(b)bed (p) person</u>	<u>Proposed GIA</u>	<u>London Plan</u>	<u>Amenity Space (sq m)</u>	<u>London Plan/ Merton requirement</u>
House A	<u>5b4p</u>	<u>328</u>	<u>123</u>	<u>224</u>	<u>50</u>
House B	<u>5b4p</u>	<u>288</u>	<u>123</u>	<u>186</u>	<u>50</u>

4. **PLANNING HISTORY**

- 4.1 WIM4087 - Planning permission was granted under delegated powers on 18/12/58 for the conversion of the existing house (31) to form 3 flats, erection of a new extension also comprising 3 flats and the erection of two detached dwelling houses (31B and 31C).
- 4.2 WIM4906 – Outline planning permission was granted under delegated powers on 5/4/60 to erect a dwelling house at rear of the site, with access through a private road to Arterberry Road.
- 4.3 WIM5438 – Planning permission was granted under delegated powers on 13/1/61 for the erection of one dwelling house and garage.
- 4.4 10 June 2008 Appeal Decisions
- 4.4.1 In 2007, two similar applications were submitted to demolish the existing house and replace it with a pair of semi-detached houses. 07/P1306 related to two 5-bedroom properties and 07/P2533 related to two 4-bed properties. Both were accompanied by Conservation area consent applications to demolish the existing house (07/P1307 and 07/P2614 respectively).
- 4.4.2 The two planning applications were both refused under delegated powers on the grounds of overdevelopment, detrimental impact on the character and appearance of Wimbledon West Conservation Area, visually intrusive

- impact on neighbours and loss of trees. The two applications for conservation area consent were refused on the basis that demolition of 31B Arterberry Road would be premature in the absence of an acceptable scheme for the redevelopment of the site.
- 4.4.3 Appeals were lodged on all four applications and were considered by the Planning Inspectorate in a single decision notice dated 10 June 2008. The two appeals against refusal of conservation area consent to demolish the house were allowed on the basis that the house was of unremarkable appearance and did not make any positive contribution to the conservation area as a whole.
- 4.4.4 The two appeals relating to the construction of a pair of semi-detached houses were both dismissed. The Inspector considered that there was no effect on the character or appearance of the conservation area, but that both proposals were unacceptable in terms of disturbance, loss of daylighting and visual intrusion to neighbouring occupiers.
- 4.5 07/P3499 – Conservation Area consent for demolish existing house in connection with erection of a pair of semi detached houses - Withdrawn.
- 4.6 07/P3501 – For full planning permission for redevelopment of site involving demolition of existing house and construction of a pair of new semi-detached houses - Withdrawn.
- 4.7 29 January 2009 Appeal Decision
- 4.71 08/P0353 - Demolition of existing house and construction of a three storey (with accommodation at lower ground floor level) 6-bedroom dwelling house was refused in May 2008 for the following reasons:
1. The proposed development by reason of its design, size, massing and position would result in an unneighbourly over-development of the site, out of keeping with and harmful to the character and appearance of the Wimbledon West Conservation Area and the Arterberry Road street scene and visually intrusive and unduly dominant to neighbouring occupiers contrary to policies BE.1, BE.15, BE.16 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003)
 2. The proposed development would result in the loss of a Robinia tree at the rear of the existing house, which makes a positive contribution to the character and appearance of the Wimbledon West Conservation Area. The loss of the tree would be contrary to policy NE.11 of the Adopted Merton Unitary Development Plan (October 2003).
- 4.72 An appeal was lodged, which was dismissed on 29 January 2009. The

Inspector considered the felling of the Robinia tree to be justified, and found that the proposal preserved the character and appearance of the conservation area. He did not consider that the living conditions of occupiers of 1 Highview Place and the upper floors of no. 31 would be materially harmed. His grounds for dismissing the appeal proposal were centred on the impact on the ground floor rooms of no.31 in terms of visual intrusion, resulting from 'the sheer size and the arrangement of its massing in relation to the established property next door'.

- 4.8 08/P3096 – Full planning permission was granted subject to conditions by the Planning Application Committee on 5/6/09 for the demolition of existing house & garage and construction of a three storey 6 bedroom dwelling house with integral garage and accommodation at lower ground floor level.
- 4.9 09/P1295 - Full planning permission was granted subject to conditions by the Planning Application Committee on 12/11/09 for the demolition of existing house and the erection of a two storey detached house with accommodation at roof level, lower ground and basement level (amendment to previous permission 08/P3096)

Note - the application was identical to the application previously approved at Committee in March 2009 (ref 08/P3096) except that it sought to introduce a basement with the same footprint as the lower ground floor above it).

5. **CONSULTATION**

- 5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1 In response to consultation, 8 letters of objection received. The letters raise the following points:
- The proposed development is too large, visually intrusive and unduly dominant, overdevelopment.
 - Loss of trees. Existing trees contribute greatly to the general greenness of this part of the Conservation Area
 - Despite previous appeals, the proposal has reverted to a pair of semi-detached houses. The scheme is larger in footprint than the single house approved layout, primarily because the previous garage space is now to be used for habitable rooms, with parking within the curtilage.
 - Noise disturbance
 - Loss of daylight and infringes the 45 degree line from the centre of the lower ground floor window of 1 Highview Place.

- Extensive basement proposed. The basement extending deep into the front garden of unit B appears to occupy more than half of the front garden space. Adverse impact upon water table and tree roots. The basement bedroom window in unit B is only lit from a narrow light well and faces onto a 3 storey high wall. Basement has not been supported with hydrology report etc. Deep excavations and history of subsidence and hill sliding away
- Increase traffic and noise and car parking provision is unrealistic. Details showing the notional turning/reversing tracking shown on the drawing is not attainable, an indication that two houses could not sensibly be accommodated on site.
- Concerns that the access is too narrow. This would be a health and safety risk, could cause damage to neighbouring properties and bordering wall and is inadequate for heavy machinery. The access is also outside the ownership of the applicant.
- Legal covenant restricts any development on this site to one dwelling
- No evidence in the application of the residents' responses to their consultation
- Incorrect details of the ownership form completed
- Planning description wrong
- Modern design does not complement the neighbouring properties or the Conservation Area.

6. **POLICY CONTEXT**

6.1 Merton Core Planning Strategy (July 2011)

CS8 – Housing Choice

CS9 – Housing Provision

CS12 – Economic Development

CS14 - Design

CS15 – Climate Change

CS18 – Active Transport

CS19 – Public Transport

CS20 - Parking, Servicing and Delivery

6.2 Adopted Merton Sites and Policies Plan (July 2014)

DM H2 Housing Mix

DM H3 Support for affordable housing

DM.D2 Design Considerations in All Developments

DM.D4 Managing Heritage Assets

DM.EP2 Reducing and Mitigating Noise

DM E3 Protection of scattered employment sites

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DMR2 Development of town centre type uses outside town centres

- 6.3 London Plan (July 2011)
 - 3.3 (Increasing Housing Supply),
 - 3.4 (Optimising Housing Potential),
 - 3.5 (Quality and Design of Housing Developments),
 - 3.8 (Housing Choice),
 - 5.1 (Climate Change Mitigation),
 - 5.3 (Sustainable Design and Construction).
 - 7.3 (Designing Out Crime)
 - 7.4 (Local Character)
 - 7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations related to this application are the principle of development, the design of the new houses and the impact upon the Arterberry Road street scene and the Wimbledon West Conservation Area, the standard of accommodation provided, impact upon neighbouring amenity, trees and parking/highways considerations.

7.2 Amendments

- 7.2.1 The height of the single storey side addition of house A has been lowered by 0.4m. The upper level of the flank elevation of house A, facing 31 Arterberry Road, has introduced part render in order to break down the massing of brickwork.

7.3 Principle of Development

- 7.3.1 The site forms part of an established residential area within the Wimbledon West Conservation Area and the proposal involves the redevelopment of the site, the original house having been demolished, to provide two replacement dwellings. Whilst the current proposal is for a pair of semi-detached houses rather than a single house, the principle of demolition and of a replacement dwelling on this site has been established by the grant of planning permissions 08/P3096 & 09/P1295. Planning application 09/P1295 was identical to 08/P3096 except that it introduced a basement with the same footprint as the lower ground floor above it. The current proposal has been designed to work broadly within the massing envelope of planning approval 09/P1295 but would not include a basement beneath the lower ground floor.
- 7.3.2 In terms of providing two dwellings on this site, there is no principle objection subject to the normal planning considerations set out below. It is noted that neighbours have raised concerns regarding a covenant restricting development to one dwelling and the driveway being outside

the ownership of the applicant, however these are private matters and are not planning considerations.

7.4 Design and Layout

7.4.1 The application site is set well away from the road, in a secluded position on lower land levels than Arterberry Road. Any replacement house or houses on the site would therefore have a localised impact upon the visual amenities of the area and Wimbledon West Conservation Area.

7.4.2 The replacement houses have been designed to work broadly within the siting and massing of the approved scheme 09/P1295. Rather than the traditional design approved under 09/P1295, the proposed houses would have a modern form and detailing with large elements of glazing and a flat roof design. House A would have predominantly brick elevations on floors above natural ground floor level and a render finish at lower ground level (plus part render on the east facing flank elevation). House B would have a rendered front and lower ground floor elevations and brickwork elevations elsewhere. The proposed modern design approach would respond to the adjacent houses to the west of the application site, known as 1 & 2 Highview Place. Given the secluded location of the site and the eclectic mix of housing types in the vicinity, there is no objection to the proposed modern design. The proposed houses are therefore considered to conserve the heritage asset (Wimbledon West Conservation Area) as required by planning policy DM.D4 Managing Heritage Assets

7.5 Neighbour Amenity

7.5.1 As noted above, the proposed development has been designed to work broadly within the footprint of the approved scheme 09/P1295. The context of the site has not materially changed since the time of the assessment under planning application 09/P1295. The previous decision is therefore a material planning consideration in this instance.

31 Arterberry Road

7.5.2 This neighbouring property is split into four flats. It has a shallow rear garden and its rear windows face directly towards the application site. This creates an intimate relationship between neighbours which has been subject of debate and reasons for refusal under previous planning applications and appeals. The proposed development has been designed to work broadly within the external envelope of the house approved under planning permission 09/P1295, previously considered to be acceptable in terms of its impact on neighbouring properties.

7.5.3 The proposed ground floor side addition of House A has been lowered in

height by 0.7m compared to the side addition approved under 09/P1295. The side addition's flank elevation would be inset 8.42m from the rear facing bay window at 31 Arterberry Road. At the upper levels, the flank wall would be inset 13.02m from the rear facing bay window at 31 Arterberry Road and a part render/part brick finish has been introduced in order to break down the perceived bulk and massing. The 25 degree angle between the ground floor bay window and the top of the proposed building has been maintained in the proposed scheme (as for 09/P1295). Given the design and siting of the proposed houses, it is considered that there would be no undue loss of amenity to this property.

- 7.5.4 Flank windows at the upper levels and a first floor balcony are proposed. Therefore, in order to protect neighbour amenity from overlooking, the side facing windows would need to be obscured glazed and non-opening 1.7m above internal floor level and the balcony would need a 1.7m high side screen. These requirements can be secured via a suitable planning condition.

33 Arterberry Road

- 7.5.5 This neighbouring property is located to the southeast of the application site. Its large rear garden partly backs onto the rear garden of House A. However this neighbour is well distanced away from the proposed houses, ensuring that there is no undue loss of amenity.

29B Arterberry Road

- 7.5.6 This neighbouring property is orientated at a right angle to the application and is situated on the adjoining site at the bottom of the hill adjacent to the rear gardens of the proposed houses. The proposed houses would sit at an elevated level due to the natural changes in ground levels, however given the orientation of this neighbouring property and 34.1m separation between neighbours, it is considered that there would be no undue loss of amenity.

1 Highview Place

- 7.5.7 This neighbour sits to the west of the application and due to the slope of the land sit above the ground level of the application site. The proposed houses would respond to the front building line of this house and therefore there would be no undue impact upon its front room. The neighbouring house has its accommodation spilt into the main part of the house (three storeys with accommodation at lower ground level) and a two storey side addition (accommodation at lower ground and ground level). The proposed houses have been designed with a staggered rear building line that step away from this neighbouring property. At lower ground level,

House B would be inset least 1m from the boundary and would project 9m and 4.2m beyond the neighbour's games room and lower ground floor of the main house respectively. At ground floor level and upper levels, House B would be distanced 2.2m and 6.85m from the flank wall of the garage and main house thereafter. At ground and upper levels, House B would project 3.2m and 0.4m (ground floor) and 2m and 1.03m (upper levels) beyond the neighbours garage and rear bay window of the main house respectively. It must be noted that the two storey side addition serves non-habitable space (garage and games room). The main part of the house is well distanced away from the proposed development, being at least 6.85m from the flank wall of House B. Given the level of separation between neighbours and the staggered rear building line of the proposed houses, it is considered that there would be no undue loss of amenity.

7.5.9 Side screens to the rear terraces would need to be secured via a suitable planning condition to ensure that there is no undue loss of privacy.

7.6 Basement

7.6.1 It should be noted that, unlike planning permission 09/P1295, the current application does NOT seek to introduce a basement beneath the lower ground floor. The proposed semi-basement/lower ground level would have a limited impact upon the visual amenities of the area with the only elements visible from above ground level being the proposed front light well and lower ground floor at the rear. The application site is not clearly visible from Arterberry Road due to the setback location of the site and amount of vegetation. The light well and sunken terrace would therefore have no impact upon the visual amenities of the street scene and conservation area. The Council's tree officer has confirmed that there are no trees with public amenity value that would be affected by the proposal.

7.6.2 Neighbours have expressed concerns in relation to the proposed lower ground/basement level and its impact upon flooding, drainage and the structural stability of adjacent properties. As noted above, this element is less extensive than the previously approved application 09/P1295. In relation to the requirements of Policy DM.D2, the applicant commissioned an independent structural engineer (Structa) to produce a Construction Method Statement which provides a detailed assessment for the preparation and construction of the basement.

7.6.3 The reports acknowledge the narrow access to the site, however they consider that with careful planning the scheme can be built effectively and safely. A ground investigation completed at the site states that the most suitable method of forming the lower ground floor will be by installing a secant pile wall around the perimeter of the lower ground floor in order to provide support to adjacent ground and buildings, followed by excavation

of the lower ground floor to formation level. The stability assessment indicates that the proposed lower ground floor excavation should remain stable following the installation of an appropriate piled retaining wall around its perimeter, with piles extending to approximately 6m below the base of the excavation. The rate of groundwater inflows within excavations into the London Clay are likely to be limited and should be able to be adequately controlled with the use of conventional sump pumping techniques. The construction of the basement would also be subject of building control regulations; however the Council's Structural Engineer has confirmed that they have no objections to the proposed construction subject to planning conditions.

7.7 Standard of Accommodation

7.7.1 The proposed houses would provide a satisfactory standard of accommodation for future occupiers, comfortably complying with the Mayor's minimum GIA and Council's amenity standards.

7.8 Traffic, Parking and Highways

7.8.1 Access to the site would be from the existing pedestrian and vehicular access, which runs parallel to the side flank wall of 31 Arterberry Road. Whilst it is acknowledged that the width of the access to the site is narrow, this is an established access, which already serves the site. A planning condition requiring details of construction management plans would ensure that the development is constructed in a suitable manner that limits impact upon neighbouring amenity and highway networks.

7.8.2 The low PTAL rating of 2 would mean that some form of private transport is likely to be required for future occupants. The concerns of neighbours in regards to the amount of off-street car parking has been, however the London Plan states a maximum parking provision of up to 2 car parking spaces for 4 or more bedroom houses. It is acknowledged that the amount of car parking could be considered low for the development that proposes two, five bedroom houses, however the developer can decide how many car parking spaces they wish (or can accommodate) and in this instance the amount of off-street car parking is policy compliant. It is also worth noting that future occupiers would be fully aware of parking limitations.

7.9 Trees

7.9.1 The applicant has provided an arboricultural report with the application that assesses the impact on trees on the site. The report states that the proposed development will retain all significant B category trees and will only require the removal of one category C tree, the false acacia of low amenity value. The Council's tree officer has confirmed that she has

objections subject to conditions relating to tree protection and site supervision.

8. Affordable Housing

8.1.1 Planning policy CS8 (Housing Choice) of Merton's Core Planning Strategy states that the Council will seek provision of an affordable housing equivalent to that provided on-site as a financial contribution on sites where there is a net increase of between 1-9 units. The site originally contained a single family dwelling house, therefore there is a net increase of 1 unit for the purposes of the affordable housing contribution. In line with the above requirement, the affordable housing contribution in this instance would be £186,438.

9. Local Financial Considerations

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

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

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

11.1.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission. The houses will be required to meet the equivalent energy and water saving requirements of Level 4 of the Code for Sustainable Homes

11. **CONCLUSION**

11.1.1 The proposed development will provide 2 new family dwellings which are considered to satisfactorily relate to the context of the site and maintain an acceptable relationship with neighbouring properties. They are of a similar massing and footprint to the single house previously approved and are

considered to have no greater impact on neighbouring properties. The secluded position of the site means that the houses will not be very visible from the public realm, but in any event, their modern design is considered compatible with neighbouring development. The standard of residential accommodation proposed is considered to meet the needs of future occupiers, with an appropriate level of amenity space and room sizes with good levels of outlook and light. There would be no undue impact upon neighbouring amenity, trees, traffic or highway conditions. The proposal is in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

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

1. That the developer makes a financial contribution towards Affordable housing (£186,438).
2. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B1 Materials to be approved
4. B4 Details of Surface Treatment
5. B5 Levels
6. B5 Details of boundary treatment
7. C06 Details of refuse & recycling
8. C07 Refuse implementation
9. C08 Use of Flat Roofs

10. C09 Balcony Screening
11. D11 Construction Times
12. F05 Tree protection
13. F8 Site Supervision (Trees)
14. H06 Cycle Parking – Details to be submitted
15. H07 Cycle Parking to be implemented
16. Construction Management Plan
17. Construction Method Statement (basement)
18. Drainage details
19. Landscaping scheme
20. Landscaping Implementation
21. Removal of pd rights
22. Energy and water - sustainability

Note to Applicant

Planning Informative

1. *It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).*