

PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

APPLICATION NO.
16/P1620

Address/Site: 59 Dora Road, Wimbledon Park, London, SW19 7EZ

Ward: Wimbledon Park

Proposal: DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 x SEMI-DETACHED DWELLINGHOUSES

Contact Officer: Tim Lipscomb (020 8545 3496)

RECOMMENDATION Grant planning permission subject to the completion of a signed Section 106 Legal Agreement and conditions.

CHECKLIST INFORMATION

- Heads of agreement – Permit free housing (for one of the two units) and alterations to existing Traffic Management Order.
- Is a screening opinion required: No.
- Is an Environmental Impact Statement required: No.
- Press notice: No.
- Site notice: Yes.
- Design review panel consulted: No.
- Number of neighbours consulted: 16.
- External consultations: Historic England GLAAS (Archaeology).
- Archaeology: Not in a Priority Zone.
- Flooding: In flood zone 1.
- PTAL Score – 1b (very poor).
- CPZ – Yes.
- Density 36.7 dwellings per hectare.

Plans:

15133LS Topographical Survey
214-LP-01 Rev PL1 Site Location Plan
214-EX-01 Rev PL1 Existing Site Plan
214-EX-02 Rev PL1 Existing Front Elevation
214-EX-03 Rev PL1 Existing Rear Elevation
214-EX-04 Rev PL1 Existing Section
214-PL-00 Rev PL2 Existing and Proposed Streetscape
214-PL-01 Rev PL3 Proposed Block Plan
214-PL-02 Rev PL5 Proposed Ground Floor and Site Plan
214-PL-03 Rev PL3 Proposed Lower Ground Floor Plan
214-PL-04 Rev PL3 Proposed First Floor Plan
214-PL-05 Rev PL3 Proposed Second Floor Plan
214-PL-06 Rev PL3 Proposed Front Elevation
214-PL-07 Rev PL3 Proposed Rear Elevation
214-PL-08 Rev PL4 Proposed Side Elevation

1. INTRODUCTION

- 1.1 The matter is brought before the Planning Applications Committee due to the number of objections.

2. SITE AND SURROUNDINGS

- 2.1 The site comprises 59 Dora Road, a detached bungalow.
- 2.2 The site is located to the northern side of Dora Road. The surrounding area is predominantly residential. Buildings in the immediate vicinity of the site are generally 2/2.5 storey, although there are some 3 storey buildings.
- 2.3 There is a Magnolia tree located in the front garden of the site, which is subject to a Tree Preservation Order (TPO) and a Lime tree in the rear garden which is also the subject of a TPO. There are also some mature trees along the boundaries of the site in the rear garden.
- 2.4 The rear garden is terraced to take account of the change in levels (the site slopes up from front to rear).
- 2.5 A driveway provides parking for up to three cars. There are two parking bays on the street immediately in front of the site.
- 2.6 The Vineyard Hill Road Conservation Area is adjacent to the site (to the northwest).
- 2.7 The site is not located within a Conservation Area. The building is not locally or statutorily listed. The site is adjacent to an Archaeological Priority Zone (beyond the eastern boundary of the site). The site is within Flood Zone 1 (low probability of flooding).

3. CURRENT PROPOSAL

- 3.1 The proposal is for the demolition of the existing bungalow and the erection of a pair of semi-detached dwellings.
- 3.2 The proposed dwellings would be 2.5 storeys, with accommodation in the roofspace and also with additional residential floor space within basements. Each dwelling would provide five bedrooms. The southernmost dwelling of the two (proposed No.57) would have off-street parking for one vehicle.
- 3.3 The application has been amended in order to retain the protected Magnolia tree to the frontage and as such, the northernmost dwelling of the two (proposed No.59) would not have any off-street parking.
- 3.4 The existing vehicular access would be closed.

- 3.5 The proposal would necessitate the slight re-arranging of parking bays on the road to the frontage of the site. However, there would be no overall loss of parking bays (the two existing parking bays would be replaced).
- 3.6 The height of the proposed dwellings, when measured from the raised ground level would be 9.5m. The proposed dwellings would measure 10.1m in height to the ridge, when measured from the existing ground level. The finished ground floor level of the existing bungalow is +11.820, whereas the finished ground floor level of the proposed dwellings would be between +12.367 and +12.667. Therefore, the ground level of the proposed building would be raised by 0.547 - 0.85m.
- 3.7 The ground to the frontage of the site would be levelled. The site currently slopes up from the road (+10.500 to +10.7000) to the front of the bungalow (+11.820). The ground level would be levelled off at a height of +10.667 to provide a flat driveway and access to the basement area. External steps would provide pedestrian access from the driveway to the front door. The proposed basements would extend beyond the 'above ground' footprint of the proposed dwellings and would cover part of the rear gardens. An open, sunken courtyard would be provided to the immediate rear of the proposed dwellings providing light to the subterranean rooms beneath the proposed dwellings. The finished ground level in the rear garden, to the rearmost part of the site, would be between +12.367 and +13.9 (the existing level of the garden ranges from +12.6 to +13.87).
- 3.8 The dwellings would have gable end roofs, with gable out-shot projections to the front elevations. Flat canopy roof, three storey out-shots would be located to the rear elevations, with solar panels above.
- 3.9 Construction materials would be clay tiles, bricks, metal framed glazing and permeable paving.
- 3.10 Three category C trees are proposed to be removed (T4, T5 and T7), with a further tree recommended for removal (T3). However, tree T3 is outside the site within a separate ownership and therefore its removal does not form part of the application. A semi-mature tree is proposed to the frontage of the site (to the frontage of the southernmost proposed dwelling).
- 3.11 Bicycle storage facilities are shown in the rear garden of each proposed dwelling.
- 3.12 Bin storage is shown in an enclosure to the front of the site.

4. PLANNING HISTORY

4.1 There are no planning records for the site other than works to trees in 2012 (12/T0195).

4.2 No.61 Dora Road

06/P0203 - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A PAIR OF 5 BEDROOM SEMI DETACHED HOUSES. Grant Permission subject to Conditions 09-02-2006

06/P1337 - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A PAIR OF 5 BEDROOM SEMI - DETACHED HOUSES (AMENDMENT TO PREVIOUS APPROVAL 06/P0203 DATED 28TH APRIL 2006 INVOLVING CONVERSION OF PREVIOUSLY PROPOSED INTEGRAL GARAGES INTO LIVING ACCOMMODATION

5. POLICY CONTEXT

5.1 London Plan (2015) policies (as amended by Minor Alterations to the London Plan March 2016):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 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
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

5.2 Adopted Merton Core Planning Strategy (July 2011)

- 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
- CS18 Active Transport
- CS19 Public Transport
- CS20 Parking, Servicing and Delivery

5.3 Sites and Policies Plan and Policies Map (July 2014)

- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM O2 Nature Conservation, Trees, hedges and landscape features
- DM D1 Urban design and the public realm
- DM D2 Design considerations in all developments
- 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

5.4 Other guidance:

Merton's New Residential Development SPG 1999

Merton's Design SPG 2004

DCLG Technical Housing Standards – Nationally Described Space Standard 2016

- 5.5 The site is not in an identified area of flood risk area and has no site specific designations on the adopted Merton Sites & Policies Plan Proposals Map. The existing building is not statutorily or locally listed. The site is adjacent to the Vineyard Hill Road Conservation Area (to the immediate northwest).

6. **CONSULTATION**

- 6.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. 22 objections received from 18 address points, objecting on the following grounds:

- A legal covenant restricts development on this site so planning permission should not be granted.
- Overlooking and loss of privacy to No.34 Vineyard Hill Road and No.55 Dora Road.
- Loss of light to No.55 Dora Road.
- Loss of light to patios of Nos.61 and 61A.
- Loss of long distance views to No.55 Dora Road and associated devaluing of property.
- The planned development is oversized for the plot.
- Overshadowing to No.34 Vineyard Hill Road due to proposed tree planting.
- Light pollution.
- Concern regarding potential adverse structural impacts due to basement construction.
- Concern regarding loss of on-street parking.
- Affordable housing contributions should be sought, notwithstanding viability considerations. The current proposal results in the loss of an affordable dwelling for elderly people.
- Lime tree TPO is not referred to in the tree report. The impact on this tree should be taken into account.
- Concern regarding the loss of the TPO Magnolia tree.
- Concern regarding impact on trees across the site.
- Tree T7 should be retained to provide privacy screening between the site and the roof terrace of No.55
- The design of the house is completely out of synch with No.57 and is considerably larger.
- The fact that there are two dwellings next door which have been developed should not be a starting point for this development, which is out of keeping with the Edwardian character of the street.
- Rear projection of proposed development is greater than neighbouring houses.
- Dormer windows proposed are completely out of keeping and create a stand out horrendous feature.
- It was a condition of the development at Nos.61 and 61a that there be no glazing to the rear dormers to avoid overlooking. This condition should apply in this development also.
- Proposed gardens are disproportionately small.
- Concerns regarding flooding.

- Concerns regarding parking and congestion (including parking throughout the construction process).
- Concerns that site notice has not been displayed.
- Request that tree to frontage be a Cherry Plum Nigra (as opposed to the proposed Whitebeam) in line with the existing trees at No.55.
- Trees provide a foraging area for bats.
- The proposal is not in line with Merton's Strategic Plan to conserve front gardens.

6.2 Transport Planning:

Although the site is not particularly well serviced by public transport (PTAL 1A) Wimbledon Park Station and bus route 156 are available within a reasonable walking distance. Whilst parking shows signs of stress some spaces are generally available. Therefore having one property without an off-street parking space is therefore only expected to have a minor impact. Therefore no objection.

The development will require the removal and replacement of the two on street parking bays immediately outside the front of the property which, because it is within an existing CPZ, will require a consultation regarding the changes and loss to parking and the applicant will be required to pay for this consultation and any subsequent changes to the traffic management order and changes to the road markings.

Advise s.106 agreement for preventing the occupiers of the house with one off-street parking space obtaining a parking permit.

6.3 Tree and Landscape Officer (response to amended application retaining the Magnolia tree):

No further arboricultural objection is seen to the proposed development. I would recommend attaching the following planning conditions:

- Tree Protection: The details and measures for the protection of the existing retained trees as specified in the approved document 'BS5837 Arboricultural Report Impact Assessment & Method Statement' dated 26 September 2016 including the drawing titled 'Tree Protection Plan' numbered 'CCL09485B/TPP Rev 1' shall be fully complied with. The methods for the protection of existing trees shall follow the sequence of events as detailed in the document and shall include arboricultural supervision for the duration of all site works.
Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.
- The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of site works. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
Reason: To protect and safeguard the existing retained trees in accordance with policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.

6.4 Climate Change Officer:

- The submitted SAP calculation / energy statement indicates that the proposed development should achieve an 19% improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan (2015) - and is equivalent to the 25% improvement over Part L 2010 required under former Code for Sustainable Homes Level 4.
- The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day (equivalent to Code for Sustainable Homes Level 4).
- I am therefore content that the proposed energy approach to the development is policy compliant and recommend that Merton's Standard Sustainable Design and Construction (New Build Residential) Pre-Occupation Condition is applied to address these issues:

'No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4.

Evidence requirements are detailed in the "Schedule of Evidence Required - Post Construction Stage" under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).

6.5 Flood Risk Management Engineer:

The proposed Borehole did encounter ground water during drilling, however, to ensure conservative design and to allow for seasonal fluctuations in ground water level, we would recommend that the design takes into account full hydrostatic pressure. The CMS also needs to consider how and where they propose to dewater, should this be required.

In terms of drainage, the scheme proposes to pump to manholes at ground level which will then discharge via gravity to the public sewers. We would recommend that the design includes self contained pumps and non return valves also, to help avoid sewer surcharge.

The scheme proposes that peak surface water discharge rates from the proposed development will be reduced to a minimum of 50% of the current condition with the use of attenuation & flow control. An attenuation tank is shown in layout plan, but no calculations have been provided to demonstrate that this tank can accommodate all events up to and including the 1 in 100 year storm including +30% for climate change and this will be required by condition below. Also, permeable paving is shown for the driveway but no detail is given to its make up. Surface water flows should be prevented for flowing unrestricted onto the public highway.

No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12,

5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
- vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

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

Informative:

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

6.6 Structural Engineer:

There are no significant changes to the CMS apart from addition of geotechnical information and the borehole logs. Although they have added the borehole log in the amended CMS, we would still like to see a Ground Investigation Report with the borehole log and interpretation of these logs by a Geotechnical Engineer and any recommendations following this.

The planning application can be approved with the below condition.

The following documents must be submitted and approved by the case officer prior to works commencing on site:

- Demolition Method Statement - prepared by the Contractor undertaking the demolition works. A survey has to be conducted to identify any hazardous materials such as materials containing asbestos, lead etc. The method statement should incorporate any recommendations from the survey report and include the subsequent management, handling and safe disposal of such materials. The DMS should consider the effect on the adjacent foundations while removing the existing foundations and associated mitigation measures.
- Detailed Construction Method Statement produced by the Contractor responsible for the excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.
- Ground Investigation Report
- Construction drawings

- Temporary works drawings

Since the site has a considerable slope, I would recommend installing movement monitoring devices to adjacent ground and property as a precautionary measure.

6.7 Historic England - Archaeology:

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest as the site is not within an Archaeological Priority Area and the proposed works are too small scale to result in an archaeological impact at this location.

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the demolition of the existing building and its replacement, the design of the replacement houses, including provision of basement level accommodation, together with neighbouring amenity, impact on trees, biodiversity, parking, highway safety and sustainability issues.

7.2 **Principle of development**

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

7.2.2 The site is a brownfield site within a residential area and as such the principle of replacement housing development in this location is acceptable in land use terms, subject to the policies of the Development Plan.

7.2.3 The existing building sits comfortably within the plot but does not make a particularly positive contribution to the character of the area and there is no objection to the loss of the existing building in architectural terms, provided that any redevelopment is of a suitably high standard.

7.2.4 The existing dwelling house is not within a Conservation Area, not locally listed and not statutorily listed. Therefore, there is no in principle objection to the demolition of the existing building subject to the replacement scheme being acceptable in respect of all other material planning considerations, including design and appearance, impact on neighbours, sustainability, quality of accommodation provided, impact on trees, biodiversity, parking and highway safety.

7.3 **Provision of housing**

7.3.1 Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities and that the Council will work with housing providers to provide a minimum of 4,107 additional homes (411 new dwellings annually) between 2015 and 2025. Merton LDF Core Strategy policies CS8 & CS9 also seek to encourage proposals for well-designed and located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.

7.3.2 This proposal will provide an additional unit of family accommodation and is therefore considered to accord with these policies. Consequently the use of the site for residential purposes is supported in principle.

7.4 **Character of the Area**

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

7.4.2 Policy DM D2 seeks to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D2 also seeks to ensure that trees are protected from adverse impacts from development. Core Planning Policy CS14 supports this SPP Policy.

7.4.3 The surrounding area is characterised by substantial semi-detached dwellings, along with some detached dwellings. Buildings in the area are generally 2-2.5 storeys in height, with some examples of three storey buildings. Bungalows are not a common feature of the locality.

7.4.4 The proposal would involve the subdivision of the site to form two plots. The width of the resultant plots would be similar to the majority of residential plots along the street and it is considered that the subdivision of the site in the manner shown would be acceptable.

7.4.5 In terms of height, the proposed dwellings would continue the rhythm and pattern of the existing streetscene and would not appear out of keeping.

7.4.6 The proposal would retain sufficient space to the sides of the dwellings to avoid a terracing effect or cramped appearance within the streetscene.

7.4.7 The building lines of the proposed development are considered to be suitable. There would be an adequate setback from the frontage to avoid an overbearing effect on the streetscene and the separation distance between the two proposed dwellings and the neighbouring dwellings is similar to that generally found in the locality. The proposed dwellings would extend slightly further to the rear than the neighbouring properties but it is considered that this marginal projection would not result in harm to the character of the area.

7.4.8 The proposal includes a three storey out-shot to the rear elevation. There is some reservation over the bulky, cumbersome appearance of this element of the proposal, in particular, the roof form. However, it is acknowledged that this element of the proposal is to the rear and would not be prominent within the streetscene. In addition, it is noted that there is a variety of dormer types to neighbouring dwellings and the proposed roof form would not appear particularly out of keeping. Therefore, on balance, it is concluded that the design of the proposed dwellings would be acceptable.

7.4.9 The proposal involves the lowering of ground levels to the frontage of the site to provide a level driveway. This extent of excavation has the potential to adversely impact on the character of the streetscene by making the subterranean part of the proposed dwellings more visually apparent. However, the proposed layout and soft/hard landscaping has been configured in such a way as to minimise this impact.

7.4.10 Merton's Core Planning Strategy states that Merton's high quality suburban streetscapes are generally characterised by consistent front building setbacks, vegetated front gardens and adequate on-street parking provision. The detrimental impact of the conversion of existing single dwellings into two or more smaller units of accommodation can be:

- Interruption of consistent dwelling front setbacks due to off-street parking within front gardens.
- Reduction in front garden space and vegetation due to the installation of hard standing within front setbacks.
- Saturation of on-street parking resulting in car dominated environments.

However, due to the design and layout of the frontage of the site it is considered that the quality of the suburban streetscape would be maintained, as the setback would fit in with neighbouring dwellings, a significant amount of planting would be incorporated in the frontages and car parking would be relatively discreet.

7.5 Basement Accommodation

7.5.1 The proposal includes the construction of basements to each proposed dwelling. The basements would stand within the footprint of the proposed dwellings and there would also be a sunken courtyard to the immediate rear of each dwelling.

7.5.2 Developments including basements are required to comply with the requirements of Policy DM D2 in relation to basements.

7.5.3 The basement would be wholly contained within the curtilage of the application property and would be designed to maintain and safeguard the structural stability of the application building and nearby buildings, as evidenced by the submitted Subterranean Construction Method Statement, provided that certain pre-commencement conditions are imposed (criterion b i).

7.5.4 The proposed basement would not cause harm to heritage assets (criterion b ii) and there would be no impact on a listed building (criterion b iii).

7.5.6 The extent of the basement does not exceed 50% of either the front, rear or side garden of the property and result in the unaffected garden being a usable single area (criterion b iv).

7.5.7 The proposal includes sustainable drainage information and concludes that the proposal would not unduly impact and underlying hydrology or overload the near surface geology (criterion b v). The Council's Flood Risk Management Engineer has considered the details and raises no objection subject to conditions.

7.5.8 The proposal would involve the loss of trees T4, T5 and T7 (criterion b vi). However, the loss of these trees is not solely related to the provision of a basement. In any event, it is considered that the replacement planting proposed would satisfactorily mitigate for the loss of these trees.

7.5.10 The basement would be served by extensive windows to the rear and also windows to the front and it is considered that the design of the light wells and windows would also ensure that any harmful impact on visual amenity is avoided (criterion b viii).

7.5.11 The submitted Energy Statement demonstrates that the application would make the fullest contribution to mitigating the impact of climate change by meeting the carbon reduction requirements of the London Plan (criterion b ix).

7.5.12 Therefore, having regard to the requirements of Policy DM D2, the proposal is considered to be acceptable in terms of its impact on visual amenity.

7.6 Impact on trees

7.5.1 There is a magnolia tree in the front garden which is protected by way of a Tree Preservation Order. Following significant public objection to the loss of this tree the application has been amended to ensure that this tree can be retained. (This amendment has resulted in the loss of one off-street parking space for the proposed development).

7.5.2 A new tree is proposed to the frontage of the site and is considered to be suitable. The comments of the neighbour, that the tree should be a Cherry Plum Nigra, to match the existing trees, is noted, however, a degree of variation is welcomed and it is not considered to be necessary to insist that the tree be a Cherry Plum Nigra.

7.5.3 The Lime tree in the rear garden, which is also protected, would be retained.

7.5.4 The other trees on site which are earmarked for removal are considered to not make such a contribution to public amenity that they should be retained and no objection is raised on this basis, subject to the implementation of the landscaping scheme as shown on the submitted plans.

7.5.5 The Council's Tree Officer has commented on the proposals and sets out that the existing Magnolia tree and other retained trees can be successfully retained with the layout shown.

7.5.6 In terms of the new tree to the frontage, the application has been amended to show lower planting beds, which would accommodate the new tree more satisfactorily. The Tree Officer raises no objection to the single semi-mature tree to the frontage of the site, which would suit the proposed landscape beds. Additionally, the two semi-mature trees to the rear of the site are considered to be suitable for the area.

7.5.7 The scheme would successfully retain the existing Magnolia tree to the frontage and other significant trees on site and the proposal is considered to be acceptable in terms of its impact on trees.

7.6 Neighbouring Amenity

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

7.6.2 The neighbouring property to the northeast side of the site (No.61) is a 2.5 storey, semi-detached townhouse, with subterranean parking. There are no side facing

windows to the dwelling on the flank wall facing the site. There is a single storey out-shot to the rear of No.61.

- 7.6.3 The main bulk of the proposed replacement dwellings would not project beyond the rear building line of No.61, but there would be a single storey projection beyond the rear building line of No.61 of some 2.0m, with a separation distance to the boundary of 2.7m. This marginal, single storey projection beyond the neighbour's rear building line is considered to not result in material harm to residential amenity.
- 7.6.4 The other neighbouring property, No.55, to the southwest, has a number of side facing windows. At ground floor these appear to serve a hallway, utility room and kitchen (dual aspect with another window to the other side of the dwelling). At first floor the windows serve a stairway and bathroom and the window in the gable end of the second floor serves the stairway leading to the converted loft. The majority of these windows serve secondary habitable areas, other than the kitchen, which is a dual aspect room with a light source (window) to the other side. Therefore, whilst there would be some loss of light to these windows, it is considered that the proposed development would not result in a material harm by way of loss of light to the rooms served by these windows.
- 7.6.5 The rear two-storey building line of the proposed dwellings would extend beyond the rear two storey building line of the neighbouring property, No.55, by some 0.7m, with a separation distance to the boundary of 1.2m. The proposed three-storey rear out-shot would project beyond the rear two-storey building line of No.55 but not beyond the existing roof terrace. There would be a separation distance of 3.3m from the proposed three-storey rear out-shot to the boundary. There would be a slight impact on the first floor rear facing window of No.55 (a sole aspect bedroom) and roof terrace as a result of this relationship. However, it is noted that a 45 degree line could be taken from the neighbour's first floor rear facing bedroom window and would not be interrupted by the building line of the proposed extension. The separation distance to the boundary is such that a reasonable level of outlook and light would be retained to the neighbouring property.
- 7.6.6 The comments raised by objectors have been carefully considered. Whilst there is considered to be some marginal impact on adjoining properties, the impact is considered to not be materially harmful. The loss of long distance views cannot be considered as a material planning consideration and therefore objection cannot be reasonably raised on this basis. Whilst the impact on the character of the area and neighbouring amenity are material considerations, the impact on house prices is not a material planning consideration. Any overlooking from the rear facing dormer windows to the rear facing windows of the property to the rear, No.34 Vineyard Hill Road, would be at a separation distance of over 35m and whilst there may be some increased intervisibility, it would not amount to material overlooking. There would be some limited overlooking from the rear facing windows to the garden of No.34, at a separation distance of approximately 13.5m. However, this relationship is not unusual in suburban environments and it is considered that this relationship would not result in a material loss of privacy. The proposed tree planting has the potential to result in some overshadowing of neighbouring properties, however, the planting of two trees to the rear boundary would not be so harmful as to warrant a refusal. It is also of note that no planning permission is required to plant trees and therefore, it is considered to not be reasonable to refuse permission on this basis. In terms of light pollution, there would be additional light spill from the proposed development due to the increase in windows. However, an objection based on light pollution for this small scale residential development, in this developed area, could not be reasonably substantiated.

7.6.7 The proposal is considered to not result in material harm to residential amenity. The proposal is considered to comply with Policy DM D2 in terms of neighbouring amenity.

7.7 Standard of accommodation

7.7.1 London Plan Policy 3.5, as amended by Minor Alterations to the London Plan (March 2016) states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing. The DCLG publication: "Technical housing standards – nationally described space standard" (2016) provides further guidance, which has been adopted by the Mayor for London.

7.7.2 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.

7.7.3 The proposed development would comfortably satisfy the requirements of the London Plan in terms of unit and room sizes and amount of external amenity space.

7.7.4 The scheme would provide rear gardens of over 50sqm and as such the minimum requirements of Policy DM D2 in relation to external amenity space would be achieved.

7.7.5 The proposal is considered to be acceptable in terms of the standard of accommodation.

7.8 Highway, traffic and parking considerations

7.8.1 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

7.8.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores.

7.8.3 The site has a PTAL rating of 1b (very poor). The original application showed one off-street parking space for each unit. However, following amendments to the proposal, to retain the existing protected Magnolia tree, the proposed layout has been revised to show one off-street parking space to proposed No.57 and no off-street parking space to proposed No.59.

7.8.4 The London Plan expresses parking standards as a maximum, rather than a minimum requirement. The Council's Transport Planner has reviewed the proposed parking provision and considers that whilst parking shows signs of stress, some spaces are generally available. Therefore, having one property without an off-street parking space is therefore only expected to have a minor impact. On this basis, no objection is raised.

7.8.5 Whilst it would be unusual for a dwelling of this size to not have off-street parking, the applicant has chosen to omit the parking for this unit in order to retain the protected

Magnolia tree. However, the impact on overall parking demand would be minor and as such it is considered, on balance, that the parking provision would be acceptable.

- 7.8.6 The application has confirmed that the new driveways would have permeable surfacing materials and would not drain onto the highway.
- 7.8.7 The proposal would involve changes to the layout of on-street parking bays to the frontage of the site. There are currently two on-street parking bays directly to the front of the site. The proposal would retain two parking bays but arranged in a different position. This would require works to the public highway and as such the existing Traffic Management Order would need to be altered, to take account of the changes in the layout of parking bays and parking restrictions. This matter would be controlled by way of a s.106 Agreement. The costs of this alteration would need to be met by the applicant.
- 7.8.8 Cycle parking, in line with the requirements of the London Plan (2015) (minimum of two secure, covered spaces per dwelling), are shown on the plans and no objection is raised on this basis.
- 7.8.9 The additional traffic generated by the proposed development is unlikely to have an adverse impact on the highway network and no objection is raised on this basis.
- 7.8.10 Subject to a legal agreement relating to parking permits and an alteration to the existing Traffic Management Order, the proposal is considered to be acceptable in terms of highway impacts.

7.9 Refuse and recycling

- 7.9.1 Policy CS20 of the Core Strategy (July 2011) states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.9.2 A space for refuse and recycling storage is shown adjacent to the proposed dwelling. There would be sufficient space to accommodate the storage area and the positioning, to the side of the dwellings, would ensure that the refuse and recycling storage would not appear overly prominent when viewed from the street.

7.10 Archaeology

- 7.10.1 The site is adjacent to an Archaeological Priority Zone and the proposed development would involve ground disturbance. Historic England has commented on the application and raises no objection as the site is not within an Archaeological Priority Zone and the proposed works are too small scale to result in an archaeological impact at this location.

7.11 Biodiversity

- 7.11.1 Policy DMO2 seeks, amongst other things, to protect land of ecological value. The NPPF has a presumption in favour of sustainable development, seeking positive improvements in the quality of the built, natural and historic environment including moving from a net loss of biodiversity to achieving net gains for nature.

7.11.2 The application is accompanied by an ecological survey which states that no evidence of protected species was found on site. The survey indicates that there is a potential for foraging bats to use the trees on site but given the size of the site and the availability for foraging in the wider area, it is unlikely that the removal of the habitat from the site would result in a negative impact on protected species.

7.11.3 The survey has been carried out by a qualified ecologist and it is considered that the submitted survey demonstrates that the proposal would not result in harm to protected species. As such, no objection is raised in terms of biodiversity.

7.12 Sustainable design and construction

7.12.1 New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage. The most relevant London Plan policies are 5.1 (Climate Change Adaptation), 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) which seek to minimise energy usage and reduce carbon dioxide emissions.

7.12.2 Policy CS15 sets out minimum sustainability requirements for development proposals.

7.12.3 On 25 March 2015 the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March 2015. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

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

7.12.5 The application is accompanied by an Energy Statement. The Council's Climate Change Officer has commented on the proposals and is satisfied that the proposals would meet Merton's policy requirements, subject to a condition to ensure that the proposed development achieves CO2 reductions and internal water usage standards equivalent to Level 4 of the Code for Sustainable Homes.

7.12.6 Therefore, the proposal is considered to be acceptable in terms of sustainable design and construction and would comply with Policy CS15 in this regard.

7.13 Affordable Housing

7.13.1 LDF Core Planning Strategy policy CS8 seeks the provision of a mix of housing types including affordable housing. Policy CS8 seeks financial contributions towards off-site affordable housing for schemes providing 1-9 additional residential units. However, the council considers that the Government's 2014 statements (advising councils not to seek affordable housing contributions from small sites) have greater weight than the relevant part of Merton's 2011 Core Planning Strategy policy CS8 (d) and therefore the London Borough of Merton has currently stopped seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less. Following

this change, the council will not seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than 1,000sqm; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 housing choice, is not being applied. Therefore, no affordable housing contribution is required.

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

7.14 Other matters

7.14.1 The majority of issues raised in objection letters have been addressed in the body of the report. However, in addition, the following comments are offered:

- The NPPF 2012 and the London Plan both make it clear that financial viability is a material planning consideration. Therefore, it would not be reasonable to impose a contribution for affordable housing if it renders the scheme financially unviable. However, in any event, as set out above in this report, the requirement for affordable housing contributions on schemes yielding less than 10 dwellings has been dropped following a statement issued by central Government in 2014.
- The side facing elements of glazing in the dormer windows for the development at the adjacent site, Nos.61 and 61A were conditioned to be obscurely glazed but not the rear facing windows. The current scheme does not include side facing windows to the proposed dormer windows, therefore, there would not be additional overlooking.
- The gardens proposed are smaller than a number of gardens in the area. However, this is mainly due to the depth of the garden at No.34 Vineyard Hill Road. The width of the gardens would be similar to others in the area and would provide a sufficient level of external amenity space, whilst also not harming the character of the area.
- Merton planning department encourages applicants to display a site notice. However, as neighbouring properties have been notified in writing, the site notice is not a statutory requirement.
- Planning permission does not convey an ultimate right to develop and if there are legal obstacles to developing the site these should be resolved. The existence of a legal covenant is not a material planning consideration but is a private civil matter.
- A detailed Construction Method Statement is recommended to be secured by way of condition and this will ensure that the structural stability of the basement is acceptable. The Council's Structural Engineer has considered that proposals and raises no objection to the construction.
- There would be no overall loss of on-street parking bays. However, there would be an increased demand of one dwelling to park on the street. However, for the reasons set out in this report, the parking provision is considered to be acceptable.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

9.1 The principle of development is considered to be acceptable. The proposal would provide one additional residential unit towards meeting the borough's housing target.

- 9.2 The proposed development is considered to be acceptable in relation to the impact on visual amenity, residential amenity, trees, standard of accommodation and highway impacts.
- 9.3 The proposal is considered to be acceptable in planning terms and permission should be granted subject to the receipt of a suitable legal agreement.

Recommendation:

Grant planning permission subject to planning conditions and the completion of a S106 agreement covering the following heads of terms:

- 1) Restriction on future occupiers of proposed No.57 obtaining parking permits
- 2) Highway works
- 3) The applicant agreeing to meet the Council's costs of preparing drafting and monitoring the section 106 obligations.

Conditions

1. A.1 Commencement of development for full application
2. A.7 Approved plans: 15133LS Topographical Survey, 214-LP-01 Rev PL1 Site Location Plan, 214-EX-01 Rev PL1 Existing Site Plan, 214-EX-02 Rev PL1 Existing Front Elevation, 214-EX-03 Rev PL1 Existing Rear Elevation, 214-EX-04 Rev PL1 Existing Section, 214-PL-00 Rev PL2 Existing and Proposed Streetscape, 214-PL-01 Rev PL3 Proposed Block Plan, 214-PL-02 Rev PL5 Proposed Ground Floor and Site Plan, 214-PL-03 Rev PL3 Proposed Lower Ground Floor Plan, 214-PL-04 Rev PL3 Proposed First Floor Plan, 214-PL-05 Rev PL3 Proposed Second Floor Plan, 214-PL-06 Rev PL3 Proposed Front Elevation, 214-PL-07 Rev PL3 Proposed Rear Elevation, 214-PL-08 Rev PL4 Proposed Side Elevation No.57, 214-PL-09 Rev PL4 Proposed Side Elevation No.59, 214-PL-10 Rev PL4 Proposed Section, 214-PL-11 Rev PL2 Proposed section through No.59, CCL09485B/TTP Rev 1 Tree Protection Plan, Design and Access Statement Rev B dated October 2016, Ecological Constraints Survey dated 21 March 2016, Energy Statement for Planning dated March 2016, Subterranean Construction Method Statement dated 20 October 2016 and Arboricultural Report dated 26 September 2016.
3. B 1 Material to be approved
4. B.4 Surface treatment
5. B.5 Boundary treatment
6. C.1 No Permitted Development (Extensions)
7. C.4 Obscured Glazing (Opening Windows)
Before the development hereby permitted is first occupied, the windows in the first and second floors of the northeast and southwest elevations shall be glazed with obscured glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

8. C.7 Refuse and recycling (Implementation)
9. C.8 No use of flat roof
10. D.10 External lighting
11. D.11 Construction times.
12. F.1 Landscaping/ Planting Scheme.
13. F.2 Landscaping (Implementation)
14. Tree Protection: The details and measures for the protection of the existing retained trees as specified in the approved document 'BS5837 Arboricultural Report Impact Assessment & Method Statement' dated 26 September 2016 including the drawing titled 'Tree Protection Plan' numbered 'CCL09485B/TPP Rev 1' shall be fully complied with. The methods for the protection of existing trees shall follow the sequence of events as detailed in the document and shall include arboricultural supervision for the duration of all site works.

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

15. Non-standard condition
The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of site works. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: To protect and safeguard the existing retained trees in accordance with policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.

16. F09 Hardstandings
17. H02 Vehicle Access to be provided
18. H.3 Redundant crossovers.
19. H04 Provision of Vehicle Parking
20. H05 Visibility Splays
21. H.7 Cycle Parking to be implemented
22. H09 Construction Vehicles
23. H.10 Construction vehicles
24. Non-standard condition

No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
- vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

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

25. Non-standard condition

No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4.

Reason: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2015 and CS 15 of the Merton Core Planning Strategy 2011.

26. Non-Standard condition

Prior to the commencement of development, the following documents must be submitted and approved by the Local Planning Authority in writing:

- Demolition Method Statement - prepared by the Contractor undertaking the demolition works. A survey has to be conducted to identify any hazardous materials such as materials containing asbestos, lead etc. The method statement should incorporate any recommendations from the survey report and include the subsequent management, handling and safe disposal of such materials. The DMS should consider the effect on the adjacent foundations while removing the existing foundations and associated mitigation measures.
- Detailed Construction Method Statement produced by the Contractor responsible for the excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.
- Ground Investigation Report
- Construction drawings
- Temporary works drawings

The development shall be carried out in strict accordance with the approved details.

Reason: In order to comply with the requirements of Policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.

INFORMATIVES

1. INFORMATIVE

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

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

2. INFORMATIVE

Evidence requirements relating to sustainability are detailed in the "Schedule of Evidence Required - Post Construction Stage" under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).

3. INFORMATIVE

Advice regarding permeable and porous hardstandings can be found in the document 'Guidance on the Permeable Surfacing of Front Gardens' available at <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

4. INFORMATIVE

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

5. 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.

7. INFORMATIVE

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

8. INFORMATIVE

As the site has a considerable slope, officers recommend installing movement monitoring devices to adjacent ground and property as a precautionary measure.

9. INFORMATIVE

This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

10. INFORMATIVE

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