

PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P3405	19/09/16
Address/Site	Briar Dene, 15 Langley Road, Merton Park, London, SW19 3NZ	
Ward	Merton Park	
Proposal:	Demolition of the existing bungalow and the erection of a two-storey detached dwelling house (plus accommodation in the roof space). Alterations to existing garage involving a replacement roof and new windows.	
Drawing Nos	Sunlight & daylight review dated 10/11/16; Design & Access Statement dated 13/11/16; Heritage Statement dated 13/11/16; Energy & Sustainability Statement dated 13/08/16; P2050 rev 1, P2100 rev 1, P21001 rev 1, P2102 rev 1, P2103 rev 1, P2200 rev 1, P2201 rev 1, P2202 rev 1, P2300 rev 1, P4000 rev 1.	
Contact Officer:	Mark Brodie (8545 4028)	

RECOMMENDATION

GRANT Planning Permission subject to conditions.

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 – 4
- External consultants: Historic England
- Density: 133 h.r.p.h
- Number of jobs created: n/a
- Archaeology Priority Zone: yes
- Conservation Area – Yes. Merton Park, John Innes

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 1960's single-storey bungalow and associated single-storey double garage located within the John Innes Merton Park Conservation Area. The existing detached garage was built circa 1900 and comprises flint walls and clay pantile roof and is locally listed. The John Innes (Merton Park) character Assessment (2006) does not identify the existing bungalow at no.15 Langley Road as having any architectural or group value and is not locally listed. The current building is noted to making a "neutral contribution" to the character and appearance of the conservation area. The garage however, is considered to make a "positive contribution". The character assessment identifies that many of the houses at the western end of Langley Road were built in the 1960's and 1970s, with house numbers 1, 3, 5, 7, 9, 10, 12, 14 and 17 also seen to make a "neutral contribution" to the character and appearance of the conservation area. The character statement also identifies no.79 Church Lane, (a two-storey detached house whose rear garden abuts the application site to the east) as having a "neutral contribution" to the character and appearance of the conservation area. No.19 Langley Road, two plots to the west is identified as having a "negative contribution" to the character and appearance of the conservation area. The character assessment highlights that "most of Langley Road offers no consistent building frontages, so that a building line is not readily discernible".

With the exception of the application site the surrounding properties are predominantly two-storeys in height and many have converted loft accommodation to offer a third internal floor.

3. CURRENT PROPOSAL

- 3.1 The current application involves the demolition of the existing single-storey bungalow and the erection of two-storey (plus accommodation within roof) detached double fronted five bed roomed house. The proposed house would measure (overall width 15m, overall depth 11m, height at eaves 5.2m, height at ridge 8m, a centrally placed single storey rear conservatory would project an additional 3.2m to the rear). The house would be positioned some 3m at first floor level from the eastern boundary and 1.7m from the western boundary. The house would be set back some 8.5m from the front boundary of the site and the front and rear elevations would generally align with the neighbouring property (no.17 Langley Road) to the west. The house incorporates hipped roofs to either side; four gabled dormers within rear roof slope; a centrally placed two-storey hipped roof front projection; a hipped roof single-storey side and front extension and a single storey hipped roof porch. At ground floor level the proposed house would comprise a study, lounge, family room, dining room, kitchen and utility room. At first floor it would comprise 5 bedrooms four of which would have en-suite bathrooms. At second floor level a playroom and office is proposed. Materials include flat

clay tiles (Tuscan colour), buff colour textured stock brick; composite timber double glazed windows.

- 3.2 The existing detached garage would be retained and repaired with internal asbestos roof removed and roof tiles/windows replaced to match existing.
- 3.3 Amended Scheme: The main changes to that originally submitted includes replacing centrally placed gabled projection to a hipped roof; a reduction in depth of the single-storey projection to the east side including changing its gabled roof profile to become a hipped roof; reduction in projection of front porch including changing gabled roof profile to a hipped roof.
- 3.4 In support of the proposal the applicant has submitted a sunlight/daylight report which in summary states:- There are two dwellings which flank 15 Langley Road, including 17 Langley Road and 79 Church Lane that overlook the development site and could in turn be affected by the proposed scheme. This scheme is positioned some distance from 16 Langley Road when any change in light produced by the proposal would be negligible and within BRE guidelines. The BRE Guide advises that a 25-degree line taken from the centre of the lowest window on the neighbouring building can be used to establish the basis for consideration in relation to light should be approached. If the whole of the new development is lower than this line then it is unlikely to have a substantial effect on the daylight enjoyed by occupants in the neighbouring building. In the case of 79 Church Lane the proposed development would likely fall below this 25 degree angle and the effects on daylight and sunlight amenity would therefore be negligible. The proposed scheme will include additional height along the western boundary closest to 17 Langley Road. However, it does not appear that any of the windows within the flank wall (which face the development site) serve habitable rooms. As a separate consideration, the overshadowing position has been reviewed for the rear garden of 79 Church Lane. The BRE test considers the sun-on-ground assessment which measure the available sun reaching the ground on March 21st (the solar equinox). Whilst the proposed scheme will seek to increase the height on the site, the slope angle of the roof and general openness of the area (low local obstructions) would result in excellent retained sunlight levels reaching the ground surface. The proposed development would likely fall within the application of BRE Guide and loss of daylight and sunlight amenity to neighbouring residential receptors and amenity spaces, if any, would be negligible.

4. **PLANNING HISTORY**

- 4.1 MER605/66 Retention of existing house and erection of attached house and erection of two houses with garages in curtilage of no.78 Church Lane.

5. **CONSULTATION**

- 5.1 The application has been advertised by conservation area site and press notice procedure and letters of notification to occupiers of 4 neighbouring properties in relation to the original submission. In response 4 letters of

objection have been received from local residents Church Lane and one objection from the John Innes Society raising the following concerns:

- Overdevelopment of a small site in a cramped and intrusive form of development harmful to the visual amenities of neighbouring occupiers.
- Would result in the loss of light and privacy.
- The siting, bulk and massing will seriously and adversely affect the amenities of occupiers of no.79 Church Lane in terms of sunlight, visual intrusion, and shadowing. The forward projection of the three-storey front gable, in particular will seriously detract from our established amenities overshadowing garden and habitable rooms.
- The proposed development would by virtue of its design, form, scale massing and bulk (a) fail to complement the surrounding townscape; (b) fail to reinforce local distinctive patterns of development with a quality design that has regard to surroundings; (c) fail to preserve or enhance the character and appearance of MPCA; (d) constitute an inappropriate and visually dominant form of development due to its disproportionate roofline and prominent projection towards the street; (e) fails to protect the visual amenities of neighbouring properties
- Would not improve the character of the conservation area and would be contrary to Unitary Development Plan policies BE1, BE4, BE8, BE15, BE16 and BE21.
- A key feature of the conservation area is its spacious layout and street scene and irregular frontage patterns, maintained by significant gaps and different heights between many of the buildings. Currently there is a visual gap at the end of the street between the existing building and the buildings in Church Lane. This is achieved by the single-storey garage and bungalow which contributes to the spacious street scene of the area. The existing low-rise dwelling has little or no impact on the outlook from neighbouring properties. The scale of existing building is such that it maintains the sense of spaciousness between the existing buildings.
- The established irregular street frontage pattern and alignments are not respected by proposing to build upon the same building line as the neighbouring property and by building so far in front of the established site building line. When viewed along the street it will present a continuing monolithic appearance and have a very intrusive impact on the street scene. The verticality and awkward proportions of the proposed building emphasises the resulting lack of harmony on the street scene.
- Existing bungalow contributes positively to the character of the conservation area adding variety to the built form and a satisfactory justification has not been made for the demolition of the existing building or that there would be substantial planning benefits which would decisively outweigh its loss and its demolition would be premature.
- Height of the building would be visually intrusive
- Welcome the fact that the property is shifted towards Langley Road (north), improving its alignments with neighbouring properties in Langley Road and placing it north of the extended boundary line between 78 & 79 Church Lane. This alone would be beneficial to the light, privacy views and visual amenities of neighbours as well as improving the continuity and frontage onto Langley Road, however object as the proposed house is too high and out of scale with

surrounding properties. And would result in the loss of light and privacy for 76, 77, 78 and 79 Church Lane.

- Would fail to preserve or enhance the character of the Merton Park Conservation Area.
- Preference for the property to be reduced in height with skylights replacing casement windows on the rear upstairs and reduced to single-storey where it is adjacent to the boundary wall with no.79 Church Lane (the eastern boundary).
- The applicant should be aware that titled deeds to the property that owners of 78 and 79 Church Lane have exercisable covenants which constrain certain developments and give right of approval over any design.
- A compromise could be reached in the submitted design to reduce its impact upon the conservation area and in particular the amenities of occupiers of no.79 Church Lane including the omission of the three-storey front gable; moving building in south easterly position; removal of three ground floor windows that directly overlook the garden of 79. The two first floor windows although shown with obscured glazing are casement windows that when open would afford views of no.79. These should be fixed windows with fanlights removed completely
- Disruption associated with building works. If the Council are minded to grant planning permission then there should be stringent limits included within the conditions pertaining to the permitted working times and a requirement to keep road access free at all times. Any damage to the road surface must be repaired at no cost to the existing residents.

5.2 The John Innes Society objected to the proposal as originally submitted: No objections to the design of the house as such, but query whether the site is the right place for it. The reason the present building is a bungalow is that anything higher will block sunlight from the west from reaching 79 Church Lane and its garden. That will seriously detract from its amenities. A full height house will also be visually intrusive for several of the nearby houses on Langley Road and Church Lane, so they will no longer enjoy the very pleasing open character of the neighbourhood.

5.3 Conservation Officer Comment - The proposed amendments are an improvement. They help to maintain the significance of the locally listed garage. Materials condition required in order to assess in relation to the context.

Concerns about alterations to the garage. The roof does not appear to be in bad condition and it would be preferable that it is not re-roofed. However if there is a case for re-roofing then the new tiles will need to be submitted for approval, along with more information regarding the replacement window and door at the rear of the locally listed garage.

5.4 Transport Planning & Projects Officer – The proposal will not generate a significant level of trip generation. It is thought that any vehicles associated with the increase in bedroom numbers can be accommodated on site as the driveway area to the front of the property can accommodate at least two vehicles, as well as the provision for two parked vehicles in the retained garage. The garage could accommodate four cycle parking spaces which

would exceed the minimum cycle parking standards stated in the London Plan. Bins have been provided within a suitable proximity of the entrances to the development for the use of future. The bins are also a reasonable proximity from the public highway and can easily accessed by refuse operatives. The proposed development will not generate a significant negatively impact on the performance and safety of the surrounding highway network, as such a recommendation for approval is supported.

- 5.5 Future Merton – Climate Officer - The submitted energy statement indicates that the proposed development has been designed in accordance with the mayors energy hierarchy and demonstrates compliance with DM H4 – Demolition and redevelopment of a single dwelling house Merton's. Whilst the energy strategy does not make specific reference to achieving a 19% improvement in CO2 emissions on Part L 2013 I am satisfied that the proposed strategy would not struggle to meet this target. Whilst the energy strategy is of sufficient quality the CO2 reductions of 19% will need to be secured by condition in order to meet the 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 Code for Sustainable Homes Level 4.

Content that the proposed energy approach to the development is policy compliant and recommends that Merton's Standard Sustainable Design and Construction (New Build Residential) Pre-Occupation Condition is applied to the development.

- 5.6 Historic England - (The Greater London Archaeological Advisory Service) – Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application. I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.
- 5.7 4 neighbours and original objectors re-consulted on amended scheme – 3 objections from nos. 76, 78 and 79 Church Lane: the amendments to minor architectural details do nothing to change objections as originally stated above. The objector from no. 79 acknowledges that the amendments go a long way to address concerns regarding design and are appreciative of efforts made but still reiterate original objections outlined above. Any further comment to be reported verbally.

6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011)
CS14 (Design).

- 6.2 Sites and Policies Plan (July 2014)
DM D1 (Urban design and the public realm); DM D2 (Design Considerations in all Developments); DM D4 (Managing Heritage Assets);), DM H4 (Demolition and Redevelopment of a Single Dwelling House), DM 02 (Nature

Conservation, Trees, Hedges and Landscape Features); DM T3 (Car Parking and Servicing Standards).

6.3 The London Plan (March 2015)

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

6.4 John Innes (Merton Park) Character Assessment (2006).

Briar Dene (the application property) is noted to making a “neutral contribution” to the character and appearance of the conservation area. The garage however, is considered to make a “positive contribution”. The character assessment identifies that many of the houses at the western end of Langley Road were built in the 1960’s and 1970s, with house numbers 1, 3, 5, 7, 9, 10, 12, 14 and 17 also seen to make a “neutral contribution” to the character and appearance of the conservation area. The character statement also identifies no.79 Church Lane, (a two-storey detached house whose rear garden abuts the application site to the east) as having a “neutral contribution” to the character and appearance of the conservation area. No.19 Langley Road, two plots to the west is identified as having a “negative contribution” to the character and appearance of the conservation area. The character assessment highlights that “most of Langley Road offers no consistent building frontages, so that a building line is not readily discernible”.

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the demolition of the existing house, the design of the new dwelling and its impact on the character and appearance of the John Innes (Merton Park) Conservation Area, together with standard of accommodation, neighbour amenity, parking and sustainability issues

7.2 Demolition of Existing Building

The existing dwelling house is of little architectural merit and there are no objections to the demolition of the existing building subject to a satisfactory replacement building and compliance with relevant adopted Merton Core strategy policies and policies within the Merton Plans and Policies Plan in particular policy DM H4 (Demolition and Redevelopment of a Single Dwelling House), DM D4 (managing heritage assets) and policies within the London Plan and relevant planning guidance.

7.3 Design Issues

A traditional design approach has been adopted for the proposed new dwelling house using detailing that is prevalent within other buildings within the conservation area. The massing of the building is positioned centrally within the plot with the rear extents aligned with the neighbouring two-storey house to the west no. 17 Langley Road. At the front the massing has been brought forwards to form a more consistent building line along the street. This in turn improves the landscape setting of the building by increasing the garden at the rear through a significant reduction in footprint to that of the existing bungalow. The frontage has been stepped back to improve the setting of the retained locally listed garage. The massing is aligned in height at eaves and

ridge to align with the neighbouring house (no.17) to the west. The house has been set back from the eastern boundary at first floor level with 79 Church Lane by 3m and 1.6m from the western boundary with no. 17 Langley Road respectively. The gaps both exceed and are comparable to the majority of gaps between existing building in Langley Road and will continue to contribute to the semi-rural character of the area, allowing views from the street to backland areas.

- 7.4 Third party objections refer to the loss of the open character that the existing single-storey bungalow offers at this end of Langley Road. However it would be unreasonable to insist that development on this plot alone is constrained to single-storey purely on the grounds that it affords an open aspect in the streetscene particularly given that the proposed development has satisfactory setbacks from neighbouring boundaries that serve to retain the open semi-rural character. Overall it is considered that the new house makes a positive contribution to and represents an enhancement to the character and appearance of the John Innes (Merton Park) Conservation Area.
- 7.5 The proposed alterations to the existing retained locally listed garage are considered acceptable but would be subject to a condition reserving details & materials. Overall it is considered that the proposal is compliant with the objectives of policies DM H4 (Demolition and redevelopment of a single dwelling) & DM D4 (managing heritage assets).

Neighbour Amenity

- 7.6 There are no direct facing neighbouring windows at the front or rear. There will be some overlooking of neighbouring gardens to the rear and to the south-east to gardens in Church Lane, but this would be no more significant than the mutual overlooking currently experienced between neighbouring properties or indeed that currently experienced at the application site from occupiers of neighbouring properties. The two windows within the eastern side elevation at first floor level of the proposed house serve two en-suite bathrooms and suitably conditioned to ensure they remain fixed and maintained in obscured glass will prevent any potential overlooking of properties in Church Lane. The three ground floor windows within the single storey side extension on the eastern side look directly onto the 2m high retained boundary wall and as such do not command views of properties in Church Lane.
- 7.7 As confirmed by the submitted sunlight/daylight report the proposed house would not result in an unacceptable loss of sunlight/daylight to neighbouring houses or gardens and would be in accordance with the tolerances set out in the British Research Establishment (Site Layout Planning for Daylight and sunlight). There will be a change in outlook from properties in Church Lane but given the 3m setback from the eastern boundary at first floor level coupled with the distance from the eastern boundary (12.7m) at its closest point to no.79 Church Lane, it is not considered that the proposals would unacceptably affect the outlook of occupants of this property.

Standard of Accommodation

- 7.8 Policy 3.5 of the London Plan 2016 states that housing developments should be of the highest quality internally and externally. New residential development should ensure that it reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016). In this instance each of the proposed house would comfortably exceed the minimum GIA's.
- 7.9 Policy DM D2 of the Council's Sites and Policies Plan states that all development should ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy. The Council's Sites and Policies Plan Policy DM D2 outlines a requirement of 50 m2 of outdoor amenity provision for new houses. The proposed house would have a generous layout with good levels of sunlight, daylight and outlook. Future occupants would have access to a rear garden in excess of 220 sq.m

Trees

- 7.10 No trees would be affected by the proposal.

Parking

- 7.11 Two parking spaces would be provided within the double garage and there would be space on the driveway for further vehicles. The parking provision and access arrangements are considered to be acceptable in terms of policy CS20. No concerns are raised with regards to cycle storage and bins arrangements.

- 7.12 Sustainability Issues

The Council's Climate officer has confirmed that the energy strategy is of sufficient quality and that subject to a condition to ensure that the sustainability measures meet the requirements of Core Strategy Policy CS15 & Policy 5.2 of the London Plan the scheme would be satisfactory in sustainability terms.

- 7.13 Developer Contributions

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. 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 Officers consider that the proposals to replace the existing bungalow with a modern but traditionally designed and detailed house would enhance the

character and appearance of the conservation area. The design siting and massing of the proposed house is considered to be acceptable and would not affect neighbour amenity. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

1. A.1 Commencement of Development
 2. A.7 Approved Drawings
 3. B.1 (Approval of Facing Materials to proposed house and retained garage)
 4. B.4 (Site Surface Treatment)
 5. C.2 (No Permitted Development Doors/Windows within eastern and western elevations)
 6. C.4 (The windows in the eastern elevation at first floor level to be obscured glazed and fixed shut)
 7. D.11 (Construction Times)
 8. Notwithstanding what is shown on the submitted plans details of the alterations to the existing garage shall be submitted to and approved by the Local Planning Authority prior to commencement of development
 9. F.1 Landscaping scheme
 10. F.2 Landscaping
 11. 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 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 2011 and policy CS15 of Merton's Core Planning Strategy 2011.
- INF1. Party Walls

INFORMATIVE: With respect to the sustainable design and construction condition, evidence requirements are detailed in the “Schedule of Evidence Required” for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010).’

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

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