

**PLANNING APPLICATIONS COMMITTEE**  
**20 APRIL 2017**

**APPLICATION NO.**

**DATE VALID**

17/P0612

30/01/2017

**Address/Site**

27 Landgrove Road, Wimbledon, London, SW19 7LL

**Ward**

Wimbledon Park

**Proposal:**

APPLICATION FOR VARIATION OF CONDITION 10 (USE OF GARAGE) ATTACHED TO LBM PLANNING APPLICATION 07/P1131 RELATING TO THE ERECTION OF A THREE STOREY BUILDING ON THE SITE OF 27 LANDGROVE ROAD CONTAINING 3 X 2 BEDROOM APARTMENTS INVOLVING CONVERSION OF SECOND LEVEL ROOF SPACE OF 25 LANDGROVE ROAD TO FORM ADDITIONAL ACCOMMODATION FOR NEW SECOND FLOOR APARTMENT AT NO.27. ENLARGEMENT OF EXISTING DETACHED GARAGE AT REAR OF PROPERTIES INCORPORATING A STORAGE AREA WITHIN THE ROOFSpace.

VARIATION TO REMOVE RESTRICTION OF USE OF GROUND FLOOR OF GARAGE TO PARKING ONLY TO ALLOW USE OF BOTH GROUND AND FIRST FLOOR AS A HOME OFFICE.

**Drawing Nos**

2712/10 Rev E, 2712/11 Rev E and 2712/12 Rev E.

**Contact Officer:**

Tim Lipscomb (0208 545 3496)

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**RECOMMENDATION**

**Grant planning permission subject to conditions.**

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**CHECKLIST INFORMATION**

- S106: Not required.
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 32
- External consultations: No
- Controlled Parking Zone: Yes P2(S)
- PTAL: 2 (poor)

- Conservation Area: Kenilworth Avenue
- Listed Building: No
- Protected trees: No

## 1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received. In addition, the application has been brought before the Committee at the request of Councillor Moulton.

## 2. **SITE & SURROUNDINGS**

- 2.1 The application site comprises a recently built block of 3 flats and associated garage building on the corner of Landgrove Road and Strathearn Road. The modern flatted block is attached to the end of a terrace of houses and is accessed from Landgrove Road. The garage building is at the end of the gardens of 25 and 27 Landgrove Road and is set at right angles to Strathearn Road. The garage is accessed from Strathearn Road. Both the detached garage and flats were built under planning permission 07/P1131
- 2.2 The garage is a one and a half storey structure with the first floor level sitting under a pitched roof. It has 2 rooflights facing towards the rear of 25 and 27 Landgrove Road.
- 2.3 The surrounding area is residential in character. The railway line sits on the opposite side of Strathearn Road to the application site.
- 2.4 The site is within the Kenilworth Avenue Conservation Area.
- 2.5 The site is within Controlled Parking Zone P2(S).

## 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the variation of Condition 10 attached to planning permission 07/P1131, allowed on appeal on 26/11/2008.
- 3.2 Condition 10 in the original Inspector's decision letter is worded as follows:

*"The garage shown on the approved drawings shall be provided before occupation of the approved dwellings and thereafter shall be retained for parking purposes for users of the dwellings and for no other purpose."*

- 3.3 The approved plans showed the garage building to be a garage at ground floor with a staircase serving a first floor storage area. A subsequent application was approved to vary condition 10 to allow use of the first floor area as a home office, with the following wording:

*"The garage building as completed shall be retained at ground floor level for parking purposes for users of the dwelling, with ancillary home office at first floor for the sole use of the occupiers of flat no.5, and for no other purposes."*

- 3.4 The current application seeks a further variation of condition 10 to allow use of both ground and first floor as a home office, to be worded as follows:

*“The garage building as completed shall be used as an ancillary home office for the sole use of the occupiers of flat No5, and for no other purpose”.*

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

- 4.1 07/P1131 - ERECTION OF A THREE STOREY BUILDING ON THE SITE OF 27 CONTAINING 3 X 2 BEDROOM APARTMENTS INVOLVING CONVERSION OF SECOND LEVEL ROOF SPACE OF 25 TO FORM ADDITIONAL ACCOMMODATION FOR NEW SECOND FLOOR APARTMENT AT 27. ENLARGEMENT OF EXISTING DETACHED GARAGE AT REAR OF PROPERTIES INCORPORATING A STORAGE AREA WITHIN THE ROOF SPACE. Refuse Permission 06-03-2008 - **Appeal Allowed 26-11-2008.**
- 4.2 08/P0946 - ERECTION OF TWO STOREY BUILDING (WITH ACCOMMODATION WITHIN THE ROOF SPACE) TO PROVIDE 2 X 2 BEDROOM FLATS, REFURBISHMENT OF EXISTING RESIDENTIAL ACCOMMODATION AT 25 LANDGROVE ROAD AND FORMATION OF ADDITIONAL 1 BEDROOM FLAT WITH IN THE ROOF SPACE OF BOTH 25 LANDGROVE ROAD AND THE ROOF SPACE OF THE PROPOSED NEW BUILDING AND THE ERECTION OF A DETACHED GARAGE WITHIN THE REAR GARDEN FRONTING STRATHEARN ROAD. Refuse Permission 05-11-2008.
- 4.3 16/P1180 - APPLICATION FOR VARIATION OF THE WORDING OF CONDITION 10 ATTACHED TO LBM PLANNING APPLICATION 07/P1131 DATED 06/03/2008 RELATING TO THE RETENTION OF THE GARAGE FOR PARKING AND FOR NO OTHER PURPOSES TO INCLUDE USE OF THE UPPER ROOFSpace LEVEL AS A HOME OFFICE. Grant Variation of Condition 10-05-2016.

#### 5. **CONSULTATION**

- 5.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. Seven representations have been received objecting on the following grounds:
- Insufficient parking in the immediate vicinity. The need for the condition remains.
  - Concern that other future applications for change of use may be made for use as a dwelling, as the building has been constructed with additional windows and underfloor heating.
  - The floor area of the garage is as large as one of the flats – the use of the whole building could not be described as ancillary to the flat use.
  - An office of this size would likely have visiting customers, which would exacerbate the existing parking problem.
  - Concern over ‘planning creep’.
- 5.2 Transport Planner:

Given that the change of use from garage to office use is ancillary to the existing residential use, there is no reason to exempt it from the surrounding CPZ. Should the use of the garage/ office area separate from the adjoining residential property a CPZ exemption should be sought.

## 6. **POLICY CONTEXT**

6.1 The following policies are relevant to this proposal:

London Plan (2015) (amended by Minor Alterations March 2016):

6.13 Parking

7.4 Local character

Adopted Merton Core Planning Strategy (July 2011)

CS14 Design

CS20 Parking, Servicing and Delivery

Adopted Merton Sites and Policies Plan and Policies Map (July 2014)

DM D2 Design considerations in all developments

DM T3 Car parking and servicing standards

Other guidance:

Merton Council SPG - Residential Extensions, Alterations & Conversions (November 2001).

National Planning Policy Framework – 2012.

## 7. **PLANNING CONSIDERATIONS**

7.1 Principle of the Proposed Development

7.2 Section 73 of the Town and Country Planning Act 1990 allows applications to be made to remove or vary conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. (The original planning permission will continue to subsist whatever the outcome of the application under section 73).

7.3 The main planning considerations relate to the acceptability and impact of allowing the loss of parking at ground floor level and the use of both ground floor and first floor as a home office for the sole use of occupiers of flat 5.

7.4 Variation of Condition 10

7.5 Loss of parking space

7.6 In the Inspector's report for the appeal against the refusal of application ref. 07/P1131, the Inspector stated the following in relation to the need for a parking space:

"The existing garage car parking space would be retained in the proposed development, but no further car parking would be provided for the new dwellings. The site is well located for access by foot to

modes of public transport and local facilities, and there are parking controls on the surrounding roads. From the evidence I have seen, I consider that there would be a marginal increase in parking pressure in the area which would not be prejudicial to highway safety or the free flow of traffic. The Highways Authority reached similar conclusions, which supports my view on this matter”.

“I see no need for the development to be ‘car-free’, as the Highways Authority have not suggested such a measure and, indeed, stated that there is sufficient on-street accommodation for vehicles, which is a view I share”.

- 7.7 Nevertheless, the Inspector carefully considered the necessity for each of the Council’s suggested conditions and chose to impose condition 10 to require that the proposed parking be both provided and thereafter retained for parking purposes for users of the dwellings. At the time of this decision, the Inspector had therefore concluded that the condition was both reasonable and necessary. The ground floor of the garage would accommodate a single off street car parking space.
- 7.8 The proposed variation of Condition 10 to allow the use of the whole building at both levels as a home office would not retain the single car parking space. The acceptability of the loss of off street parking provision is therefore a consideration.
- 7.9 The site is within PTAL 2 (PTAL ranges from 1, low to 6, high), which suggests a poor level of public transport accessibility. However, it should be noted that the PTAL 6 boundary is located just 100m to the south of the site.
- 7.10 The application is accompanied by a Car Parking Report containing a parking survey of nearby streets carried out at 5am on Wednesday 28<sup>th</sup> September and Thursday 29<sup>th</sup> September 2016. The report states that the maximum parking stress was 77% and 74% on the two days of the survey. It concludes that the loss of the single parking space would be “unlikely to present any adverse impact on the on-street car parking stress, given the negligible impact with regard to trip generation arising from the proposal and the available parking capacity in the local area”.
- 7.11 The Council’s Transport Planner has reviewed the report and concludes that there is sufficient parking capacity in the local area to accommodate an additional parked car. On the basis that the office will be ancillary to an existing flat, they have not requested a s106 agreement to restrict parking permits at the site, although they advise that this would have been considered necessary if the use had been separate.
- 7.12 Having regard to the views of the Council’s Transport Planner, it is considered that the application has reasonably demonstrated that there is no overriding requirement to retain the ground floor of the garage for parking purposes and that a s.106 agreement to restrict future parking permits is not warranted.
- 7.13 Provision of ancillary home office to ground floor of garage building
- 7.14 The garage as originally permitted under 07/P1131 had a floor area of 80sqm, over two floors. Under application 16/P1180 the first floor of the

garage, originally intended to be used as storage, was permitted to be used as ancillary office space.

- 7.15 The current application would increase the level of ancillary office space from 40sqm to 80sqm. There is no definition within planning legislation of what comprises an 'ancillary' use in planning terms.
- 7.16 The question of whether the office space could reasonably be considered to be ancillary to the use of flat no.5, or a material change of use, is a key consideration in this assessment.
- 7.17 The exact nature and use of the building will indicate whether the use could be described as ancillary. The application describes the proposed use of the ground floor of the building as an ancillary office for the occupiers of flat 5, which would facilitate home working and a sustainable pattern of development and would considerably improve the quality of accommodation and amenities available for the intended user. The agent has set out that the first floor of the building would be used as a studio design space for the occupant of flat 5, with a space for filing on the ground floor. There would be no visitors to the site for commercial purposes or any staff accessing the building.
- 7.18 Whilst the building as a whole would be large in comparison to the existing flat 5, this does not mean that it could not support an ancillary only use. The transport officer does not object to the loss of the ground floor for off street parking and therefore a low key, ancillary use of the garage is a suitable proposition. However, it is noted that it is unlikely that subsequent occupiers will have same requirements and therefore it is considered prudent to expand the suggested wording of the condition to allow for domestic storage and car parking, so the garage can be used for its originally intended purpose in the future without the need for further planning permission.
- 7.19 The garage building would be subject to conditions to ensure that it is used for ancillary purposes only and any self-contained, independent residential accommodation would require planning permission. Therefore, the Council would retain a reasonable degree of control over the future use of the building.
- 7.20 Impact on the character of the area
- 7.21 Policies DMD2 and DMD3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports these SPP Policies.
- 7.22 There would be no external changes as a result of the variation of condition and the use of the building for ancillary purposes would not result in any harm to the character of the area.
- 7.23 The proposal is considered to be acceptable in terms of visual amenity.
- 7.24 Impact on residential amenity

- 7.25 Policies DM D2 and DM D3 seek to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.26 The use of the ground floor of the building for ancillary purposes would not result in a significant impact on residential amenity as the use would be relatively low-key and would not result in significant disturbance.
- 7.27 The proposal is considered to be acceptable in terms of residential amenity.

## 8. **CONCLUSION**

- 8.1 Whilst the garage building is large in comparison to the existing flat 5, which it would serve, it is considered that the application has demonstrated that there would be insufficient grounds for refusal based on loss of off street parking and therefore a low key, ancillary use of the building is considered appropriate in planning terms.
- 8.2 In view of the above, it is considered that the condition can be varied to read:

“The garage building as completed shall be retained for ancillary home office use, general domestic storage or parking for the sole use of the occupiers of flat 5, and for no other purposes.”

- 8.3 The proposal is considered to be acceptable.

## **RECOMMENDATION:**

Grant variation of condition.

### **Conditions**

1. Condition 10 of 07/P1131 is varied to read as follows: The garage building as completed shall be retained for ancillary home office use, general domestic storage or parking for the sole use of the occupiers of flat 5, and for no other purposes.

Reason: To safeguard the amenities of neighbouring residents and to comply with Policy CS14 of the Core Planning Strategy 2011 and Policy DM D2 of the Sites and Policies Plan 2014.

### **Informatives:**

1. **INFORMATIVE**  
Please note that all other conditions attached to the substantive Planning Permission LBM Ref: 07/P1131 continue to apply.

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