

PLANNING APPLICATIONS COMMITTEE

19th October 2017

APPLICATION NO. **DATE VALID**
17/P2729 14.07.2017

Address/Site Land to rear of 145 Claremont Avenue, New Malden, KT3 6QP

Ward West Barnes

Proposal: Erection of 3 bedroom single storey dwelling house

Drawing Nos; Site location plan and drawings and documents 196_GA_-20_PP Rev 01, 196_GA_21_PP Rev 01, 196_GA_50_PP, 196_GA_51_PP, 196_GA_200_PP, 196_GA_201_PP, 196_GA-250_PP, 196_GA_251_PP, 196_GA_252_PP, 196_GA_-400_PP, 196_GA_500_PP & 196_GA_501_PP, Flood Risk Assessment (FRA) by UK Flood Risk Consultants dated 12/07/2017 (Ref; QFRA 733), 'Arboricultural Report and Tree Condition Survey for proposed development' dated 'June 2017' reference '0517-2123-JGS' including the drawing titled: 'Tree Removals & Tree Protection Plan' numbered 'TPP1.

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 22
- Press notice – No
- Site notice – Yes
- External consultations: Environment Agency, Metropolitan Police
- Archaeological Priority Zone – No
- Controlled Parking Zone - No
- Number of jobs created: N/A

1 INTRODUCTION

1.1 The application has been brought before the Committee due to the level of public interest.

2. **SITE AND SURROUNDINGS**

2.1 The site is a an irregularly shaped plot of garden land situated at the rear of 145 Claremont Avenue which borders the gardens of neighbouring houses on West Barnes Lane, Barnes End and Byron Avenue. The site is not located within a Conservation Area.

3. **CURRENT PROPOSAL**

3.1 The proposal involves demolition of the single storey extension to the side of the house in order to open a combined vehicle pedestrian accessway to the land at the rear of the site which will be subdivided from the existing rear garden to provide the application site.

3.2 The site would then be used to accommodate a single storey three bedroom house. The house would be in two conjoined sections, the main one providing a combined Living/kitchen/dining room area and a double bedroom behind that with a corridor leading to two more double bedrooms either side of a central family bathroom. There would be a dedicated car parking space to the front whilst the house would be surrounded by two garden areas and a central decking area. The main house would be finished with a green sedum roof with a fibre glass roof for the smaller section whilst the walls would be finished in a combination of Cream brick work, timber cladding and vertical glazing panels.

4. **PLANNING HISTORY**

4.1 17/P0540 Pre application advice prior to submission of this application.

5. **CONSULTATION**

5.1 The application has been advertised by means of a site notice and letters to 22 neighbouring occupiers. In response to the consultations objections were received from 6 neighbouring occupiers raising the following concerns:

- Loss of Security to neighbouring houses as the site will now be accessible.
- Out of character with the local area using a land locked space
- Increased noise and disturbance from vehicles and activities in proximity to neighbours
- Loss of privacy.
- Reduces biodiversity.
- Increases environmental pollution.
- Increased noise and disturbance during construction.
- The building would be oppressive and overbearing.
- If more than one car parks there it would need to reverse and thereby cause safety issues.
- It will reduce on-site parking at 145 by 50% putting more pressure on the on street parking.

- Emergency services can't access the site
 - The acoustic fence is not long enough and no evidence it works.
 - It should be restricted from being a business or HMO.
- 5.2 Merton Trees officer. No objection to the proposals subject to the inclusion of conditions requiring the tree protection plan to be implemented and landscaping details to be approved.
- 5.3 Merton Transport planning. No objection confirming that the access was the minimum width for the average car but as the proposals was for a single property that was acceptable. As the refuse collection point would restrict this space for a short time each week further detailed drawings were required demonstrating how this would work. The one parking space on site meets standards as do the covered cycle spaces.
- 5.4 Merton Flood Risk officer. No objection to the proposals as the details shown in the Flood risk assessment were considered to satisfactorily deal the impacts of surface water flooding.
- 5.5 The Environment Agency. No comment other than advising of the flood risk standing advice.
- 5.6 Metropolitan Police Safer by Design Officer. Suggested the installation of a securable gate designed to eliminate climbing although suitable designed so as to not cause noise issues for neighbours. The buildings should not offer climbing aids.

6. POLICY CONTEXT

- 6.1 London Plan 2015. 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 5.1 (Climate change mitigation), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 7.5 (Public realm), 7.6(Architecture) & 7.21 (Trees and woodlands).
- 6.2 DCLG Technical standards 2015
- 6.3 Merton LDF Core Strategy 2011. CS8 (Housing choice), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change) & CS 20 Parking, Servicing & delivery
- 6.4 Merton Sites and Policies Plan 2014. DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM F1 (Flood risk management), DM EP 2 (Reducing and mitigating noise), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the principle of development, the scale and design of the new house, the impact on occupier and neighbour amenity, parking

7.2 Principle

The National Planning Policy Framework 2012, London Plan 2015 policy 3.3 and the Council's Core Strategy policy CS9 all seek to increase sustainable housing provision where it can be shown that an acceptable standard of accommodation will also provide a mix of dwelling types.

7.3 Currently Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2015] state 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. This proposal will provide a new family house and is therefore considered to accord with these policies.

7.4 Policy CS 13 within the Core Strategy states that proposals for new dwellings in back gardens must be justified against the;

- Local context and character of the site.
- Biodiversity value of the site.
- Value in terms of green corridors and green islands.
- Flood risk and climate change impacts.

The site is a well-kept and maintained area of lawn with larger trees and shrubs on the borders which limits the biodiversity value. The new house will be largely screened from public view and will be fitted with a green roof. The site is one at a risk from flooding but the impacts are considered to be suitably mitigated through the implementation of the FRA recommendations suggestions and therefore officers consider the proposal is not contrary to policy CS13.

7.5 Design

London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP policies DM D1 and DM D2 require well designed proposals to utilise materials and design that will respect the siting, rhythm, materials and massing of surrounding buildings as well as complementing, responding to and reinforcing, local architectural character, locally distinctive patterns of development as well as the character and local distinctiveness of the adjoining townscape.

7.6 The new house has been designed to sit as low as possible on the site such that it would be difficult to see from the street, thereby having little or no impact on the wider appearance of the area, whilst the green roof and the extensive tree planting around the boundary of the site are considered to reduce its impact when viewed from surrounding houses. The house has been designed to utilise light coloured materials with extensive glazed panelling to give it a modern and light appearance.

7.7 Impact on neighbour amenity.

London Plan policy 7.6, and Sites and Policies Plan policy DM D2 require proposals not to have a negative impact on the amenity of neighbouring occupiers through loss of light, overshadowing, outlook, privacy, visual intrusion or disturbance.

7.9 Loss of light;

The single storey house would be situated away from windows in neighbouring houses and at a height that is considered to have a negligible impact on light reaching neighbouring gardens.

7.10 Loss of privacy;

Similarly, the design of the single storey house is such that the windows face the front and rear of the site where they would align with the boundary fencing whilst the closest openings by the boundary are a side door and a bathroom window and therefore the proposals are not considered to result in any loss of privacy for neighbours.

7.11 Noise and disturbance

The proposed house has generated objections in regard to noise and disturbance being greater than currently experienced from the existing garden use. The issue of disturbance from residential developments such as this have frequently not been supported at appeals where the Inspector has considered that noise from a residential use would not normally be so detrimental to neighbour amenity as to warrant refusal of permission. In order to mitigate the impact of occasional car movements to the site an acoustic fence is proposed and this has been a commonly agreed mechanism for dealing with this issue at a number of sites throughout the borough.

7.12 Suitability of accommodation.

Core Strategy policy CS 9 calls for the provision of well-designed housing and the DCLG Technical Standards and the London Plan policy 3.5 set out a number of required design criteria for new residential developments including room and space standards. This 98 sq.m. proposal provides a 3 bedroom 6 person unit which meets the minimum required Gross Internal Area requirements (95 sq.m.) for such a property. SPP policy DM D2 requires the provision of a 50 sq.m. private amenity space configured in a single usable space and this proposal provides a combined 204sqm of amenity space.

7.13 Trees.

Core strategy policy CS13 and SPP policy DM O2 seek to protect landscape features such as trees. An arboricultural; report accompanied the application which identified that there were no 'High quality trees', 2 'Moderate quality trees' and 16 'Low quality trees, shrubs and hedges on the site. The proposal will require the removal of 2 low quality trees and 1 low quality shrub. Officers concur with the reports suggestion that their loss will have no impact on the character and appearance of the area or immediate treescape. The Council's

trees officer raised no objection to the proposal subject to suitable conditions to ensure the protection of the trees on site, site supervision and landscaping details to be approved.

7.14 Safety and security

SPP Policy DMD2 requires proposals to provide safe and secure layouts. A number of objections were received from neighbours concerned with potential security matters should the rear of the site be opened. The Police have suggested that a climb resistant gate could be incorporated into the scheme to prevent access to the rear of site in order to keep it secure. A condition requiring details to be approved is recommended.

7.15 Parking and Access

Core Strategy policy CS 20 and policy DM T2 in the Sites and Policies Plan require developers to demonstrate that their development will not adversely affect safety, the convenience of local residents or on street parking and traffic management. Although the proposal will introduce a new house it will use the existing off street parking space currently on site and therefore there is no anticipated increase in pressure on the on street parking capacity of the area. The site is confined however and a condition requiring details of the storage of materials and construction vehicles etc. during the construction process is recommended. A condition requiring the car parking space to be provided prior to occupation is recommended along with a condition that the hardstanding be permeable to mitigate impacts of water runoff.

7.16 Flood risk

London Plan (policies 5.12, 5.13) and Merton's development management policies DM F1 and F2. Require schemes not to increase the risk of flooding in an area and to be designed so that they are resilient to the impacts of surface water flooding. The site is located in Flood Zone 2 and in terms of flood risk mitigation measures it is proposed that the finished floor level of the proposed building will be set minimum of 16.38mAOD which is 0.42m above the general ground level (i.e. 15.96mAOD) which is considered satisfactory.

7.17 In terms of sustainable drainage measures (SuDS), a geo-cellular underground storage tank (volume to be no less than 13m³) will be implemented to reduce the rate and volume of the surface runoff leaving the site. Flow will be limited to no more than 5/s into the surface water sewer in Claremont Avenue and will require Thames Water's permission. The freeholders will be fully responsible for regular repair and maintenance of the attenuation storage and associated drainage system in perpetuity. A green roof is proposed also.

Flood Resilient measures to be implemented include:

- Electrical sockets will be installed above the flood level for ground floors to minimise damage to electrical services and allow speedy re-occupation.

- Water, electricity and gas meters will be located above predicted flood level.
- Non-return valves will be used in the drainage system to prevent back-flow of diluted sewage in situations where there is an identified risk of the foul sewer surcharging.
- All service entries will be sealed (e.g. with expanding foam or similar closed cell material).
- Closed cell insulation will be used for pipes which are below the predicted flood level.
- Boiler units and ancillary devices will be installed above predicted flood level and preferably on the first floor of two-storey properties.
- Underfloor heating will be avoided on ground floors and controls such as thermostats will be placed above flood level.
- Wiring for telephone, TV, Internet and other services will be protected by suitable insulation to minimise damage.
- Engineering bricks (Classes A and B) will be used which has 'good' resilience in terms of water penetration, drying ability and retention of pre-flood dimensions and integrity.
- Building materials that are effective for a 'water exclusion strategy' will be used which include: engineering bricks, cement-based materials including water retaining concrete and dense stone.
- Building materials that are suitable for a 'water entry strategy' will be used which include: facing bricks, concrete blocks, sacrificial or easily removable external finishes or internal linings.

7.18 These works are considered to be acceptable and a condition requiring their implementation is recommended.

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.

8.2 In order to ensure that the development is policy compliant a condition requiring CO2 reductions of not less than a 19% improvement on Part L of the Building Regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended.

9. CONCLUSION

9.1 The proposal will provide a new family sized house for which there is an identified need within the borough and London at large. The siting of the proposal is such that it would not be readily visible from the street and a combination of its single storey design and the amount of foliage on and around the site means that it would not readily be visible from the street. As the proposal is for a single house the level of noise and disturbance from general activities and limited car movements are not considered to be harmful to local amenity whilst the single storey design would have very

limited impact in terms of loss of light or privacy whilst the provision of a suitable security gate should ensure adequate security for neighbouring occupiers.

- 9.2 The new house provides off street parking for one car and therefore has no impact on parking for other residents. The proposal will provide a well-designed house which exceeds the minimum internal and external space standards whilst the sedum roof will assist with local biodiversity and help offset the loss of open space that currently exists on site.
- 9.3 In view of these factors officers consider that the proposals are acceptable and will not have a negative impact on the appearance and character of the local area or upon neighbour amenity and the proposal is therefore recommended for approval subject to appropriate conditions.

RECOMMENDATION

Grant planning permission subject to planning conditions

- 1 A1 Commencement of works
- 2 A7 In accordance with plans; Site location plan and drawings and documents 196_GA_20_PP Rev 01, 196_GA_21_PP Rev 01, 196_GA_50_PP, 196_GA_51_PP, 196_GA_200_PP, 196_GA_201_PP, 196_GA_250_PP, 196_GA_251_PP, 196_GA_252_PP, 196_GA_400_PP, 196_GA_500_PP & 196_GA_501_PP Flood Risk Assessment (FRA) by UK Flood Risk Consultants dated 12/07/2017 (Ref; QFRA 733), 'Arboricultural Report and Tree Condition Survey for proposed development' dated 'June 2017' reference '0517-2123-JGS' including the drawing titled: 'Tree Removals & Tree Protection Plan' numbered 'TPP1'.
Reason. For the avoidance of doubt and in the interests of proper planning
- 3 B1 External materials to be approved; No construction shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, windows and tiles (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.
Reason; To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2015 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014
- 4 B5 Boundary treatments to be approved; No development shall take place until details of all boundary walls or fences including methods for the temporary security of the site during construction, and details of the entrance gate to the site, are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details

are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason. To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.

- 5 D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

- 6 H9 Construction Vehicles The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles, loading /unloading and storage arrangements of construction plant and materials during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.
Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

7. Tree Protection: The details and measures for the protection of the existing retained trees as specified in the approved document 'Arboricultural Report and Tree Condition Survey for proposed development' dated 'June 2017' reference '0517-2123-JGS' including the drawing titled: 'Tree Removals & Tree Protection Plan' numbered 'TPP1' shall be fully complied with. The methods for the protection of the existing retained trees shall follow the recommendations of the report and the sequence of site monitoring/supervision for the protection of trees as set out in the document. The details and measures as approved shall be retained and maintained until the completion of 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 02 of Merton's Sites and Policies Plan 2014;

8. F1 Landscaping

9. F2 Landscaping
10. No permitted development (extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason; The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development 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 Polices Plan 2014.
11. External lighting. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason. To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.
12. Hardstanding. The hardstanding and vehicle accessway hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use. Reason; To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Polices Plan 2014.
13. Provision of vehicle parking. The vehicle parking area (including any garages hereby approved) shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. Reason. To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
14. The development permitted by this planning permission shall be carried out in accordance with the details and recommendations set out in the submitted Flood Risk Assessment (FRA) by UK Flood Risk Consultants dated 12/07/2017 (Ref; QFRA 733). The mitigation measures shall be fully

implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason. To ensure the development is does not lead to an increase in flood risk either to or from the site, in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 15 Before development commences, the detailed design, specification and planting scheme for the green roof shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved and retained in perpetuity thereafter.

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.

- 16 No development approved by this permission shall be commenced until a 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 LPA. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. 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 (attenuation provision of no less than 13m³) and control the rate of surface water discharged from the site to greenfield runoff rates (no more than 5l/s), and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption authority and any other arrangements.

Reason. To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

17. No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO₂ reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.'

Reason. To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the

following Development Plan policies for Merton: Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011

Informatives:

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

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for post construction stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND:**
- Water Efficiency Calculator for New Dwellings; **OR**
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

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).

NPPF informative.

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