

PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P2879	31/07/2017	
Address/Site	237 Kingston Road, Wimbledon, SW19 3NW	
(Ward)	Merton Park	
Proposal:	ERECTION OF SINGLE STOREY REAR EXTENSION	
Drawing Nos	201 Rev A, 202 Rev A and 203 Rev A (submitted 16/11/2017).	
Contact Officer:	Tim Lipscomb (0208 545 3496)	

RECOMMENDATION

Grant 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 Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 17
- External consultations: No
- Controlled Parking Zone: Yes (5F)

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The site comprises a 3.5 storey, detached building located to the northeast side of Wilberforce Way, which is sub-divided into flats.
- 2.2 The lower ground floor is partially subterranean.
- 2.3 The garden is at a higher level than the ground floor of the building, with a small area of patio to the immediate rear of the building and then a step up into the garden (the difference in levels between the ground floor and the garden is approximately 0.5-0.7m).
- 2.4 The neighbouring property, No.235, has an outbuilding to the rear of the garden and a small shed to the immediate rear of the dwelling (adjacent to the shared boundary with the application site).
- 2.5 The neighbouring property, No.239, has a hard surfaced external amenity space to the immediate rear of the building (approximately 2m in depth). This area is enclosed by close board fencing and beyond this is a parking area.
- 2.6 The area is suburban in character.
- 2.7 The site is within the Wilton Crescent Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 Planning permission is sought for the erection of a single storey extension to the rear elevation.
- 3.2 The proposed extension would have span the width of the site and would have a shallow mono-pitch roof, ranging in height from 2.3m to 2.7m above existing ground level (the rear garden rises up and so part of the extension would be on a reduced, excavated ground level – the parapet to the roof would be at a consistent height). There would be a parapet wall around the roof, to the front, the parapet would have a height of 3.0m and to the rear, the parapet would be 2.4m above the existing ground level.
- 3.3 The extension would have a depth of 5.0m from the rear wall of the main building.
- 3.4 Construction materials would be painted masonry.
- 3.5 The proposal has been amended to reduce the height of the proposed extension from a height of 2.7-3.0m, to a height of 2.3-2.7m.
- 3.6 A number of internal alterations, which do not require planning permission are also shown on the drawings.

4. **PLANNING HISTORY**

- 4.1 MER781/83 - APPLICATION FOR ESTABLISHED USE CERTIFICATE. IN RESPECT OF USE OF PROPERTY AS EIGHT FLATS (235 & 237). Grant Established Use Certificate 04-11-1983.

(and tree work applications)

5. **CONSULTATION**

- 5.1 Site notice posted, neighbouring properties notified. Representations have been received from 6 individuals, in relation to the original scheme submitted 31/07/2017, raising objection on the following grounds:

- The area of land is communal land and no single freeholder can do what they like with it without consent.
- The existing downpipe is in the position of the proposed extension. All freeholders must be consulted in regards to any changes to the drainage. There is no proper solution to the drainage in the application.
- The proposal would build over the existing drains, which is contrary to the lease.
- Concerns that any excess water on the roof may cause damp problems – due to roof sloping towards the main building.
- The lease prohibits any works to the building without consent of all freeholders.
- The extension will invalidate or affect the existing building insurance.
- The proposed extension is in a Conservation Area and would adversely affect the character of the area by virtue of its form and design.
- The extension would be visible from the front, therefore, damaging the aesthetics of the building.
- A large amount of garden would be lost which could cause drainage problems with the clay soil.
- Adverse impact on trees.
- The proposed extension is oversized.
- Loss of outlook for neighbours.
- Disturbance throughout construction process.
- There is no space for delivery and contractors vehicles to stop on the road. Therefore, there will be congestion.
- Potential adverse impact on party wall.
- Materials and spoil would need to be removed via the communal alley, which is too narrow to carry out this function and provide access to meter boxes for residents.
- The extension is over 3m tall and more than single storey in height.
- The application form is incorrect in that there are trees within falling distance of the boundary.

- There are errors in the Design and Access Statement.
- The applicant's interest in the property is purely financial.
- Security concern as building would enable trespassers to get into neighbouring gardens.

Following the submission of amended plans, 2 of the 6 objectors have raised further objection on the following grounds:

- Footprint has not changed.
- The extension would project into the demise of the upper floor flat which is not acceptable.
- Loss of outlook for upper floor flat.
- Concerns over access during construction.
- Concerns regarding drainage.
- The communal drain would be re-routed but no solution is proposed.
- Harm to the character of the area by virtue of extending beyond the side wall of the main building.
- There are no similar extensions in the area.
- Any extension requires the freeholders consent.
- The size of the extension is contrary to advice offered by the case officer.
- Concern that extension would invalidate building insurance.
- Setting of an undesirable precedent.

6. **POLICY CONTEXT**

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

DM D2	Design considerations in all developments
DM D3	Alterations and extensions to existing buildings
DM D4	Managing Heritage Assets

6.2 Adopted Merton Core Planning Strategy (July 2011)

CS13	Open Space, Nature Conservation, Leisure and Culture
CS14	Design

6.3 London Plan (2016):

7.4	Local character
7.6	Architecture
7.8	Heritage Assets and Archaeology

Other guidance:

The National Planning Policy Framework 2012

John Innes: Merton Park and Wilton Crescent Conservation Areas - Design Guide 1994.

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the visual impact of the proposed addition, together with neighbouring amenity and the impact on trees.

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 principle of a single storey residential extension would be acceptable in this location, subject to the policies of the Development Plan.

7.3 Character of the Area

7.3.1 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.

7.3.2 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. Policy DM D4 seeks to ensure that development within Conservation Areas either preserves or enhances the character and appearance of the Conservation Area. Core Planning Policy CS14 supports these SPP Policies.

7.3.3 The John Innes: Merton Park and Wilton Crescent Conservation Areas - Design Guide 1994 sets out advice in relation to development on rear gardens, which generally is concerned about the ecological value of back gardens:

“Rear gardens contribute significantly to the nature conservation/ ecological value of the area. The erosion of smaller gardens through extensions to houses and the provision of off-street parking for cars can have a significant impact on the immediate vicinity”.

- 7.3.4 The document also addresses flat roof extensions:
“Flat-roofed extensions should be avoided; pitched roofs, integrating with existing roofs are more suitable visually and also less likely to give long term maintenance problems. All new extensions should respect the original design of the house in terms of window style, proportions, building materials and details”.
- 7.3.5 The advice relating to flat roofs is noted. However, the extension is single storey and does not tie into or attach to the main roof of the building. In this instance, it is considered that a flat roof is an acceptable approach and would not adversely affect the character of the main building.
- 7.3.6 The proposed single storey extension would not adversely affect the character of the main dwelling or the surrounding area due to its positioning to the rear of the dwelling. It is noted that part of the extension would project beyond the side elevation of the building and would be visible from the street. However, this part of the extension is fairly modest in terms of scale and would appear as a subordinate addition, which would not adversely affect the character of the streetscene. It is noted that a number of neighbouring buildings with similar architectural features have substantial side extensions over several floors and the proposed extension would be very modest in comparison with some of the enlargements in the immediate vicinity.
- 7.3.7 Therefore, no objection is raised on this basis.
- 7.3.8 The proposal is considered to be acceptable in terms of its impact on visual amenity and would comply with Policy CS14 of the Core Planning Strategy 2011 and Policies DM D2 and DM D3 of the Sites and Policies Plan 2014.
- 7.4 Neighbouring Amenity
- 7.4.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.4.2 Impact on No.235
- 7.4.3 The proposed extension would have the same finished floor level as the ground floor of the main building. The extension would be set into the slope of the garden through a degree of excavation (the ground level of the extension would be 0.7m lower than the ground level of the garden, when measured at the rear wall of the extension). This reduction in ground levels would reduce the impact of the proposed extension to some extent, as the ground levels to the rear of No.235 are similar to those at the application site.

7.4.4 The proposed extension would project beyond the rear building line of No.235 by 5.0m. The first 2m of the extension would be 3m above the ground level of the patio at No.235. The remainder of the extension would not be so high comparatively, as the ground level at No.235 rises by approximately 0.5-0.7m beyond the patio. The rearmost part of the extension would, therefore, be approximately 2.4m above the ground level of the garden at No.235.

7.4.5 It is acknowledged that there would be some impact on the amenities of the occupiers of No.235, as the proposed extension would stand 0.5-0.7m higher than the existing boundary fence and whilst there would be some degree of enclosure and loss of outlook, due to the fairly modest overall height, and the fact that the extension would be built into the slope it is considered that the impact on the amenities of No.235 would not be materially harmful.

7.4.6 Impact on No.239

7.4.7 The proposed extension would stand on the shared boundary with No.239. The ground levels at No.239 do not rise up (as they do at the site and at No.235) and therefore the impact of the proposed extension would not be mitigated in the same way as the impact to No.235. The extension would project above the boundary fence by approximately 0.7m and whilst there would be some impact on the outlook from the rear amenity space, the limited height of the proposed extension is such that it is considered to not result in material harm to neighbouring amenity.

7.4.8 Therefore, for the reasons set out above the proposal is considered to be acceptable in terms of residential amenity and would comply with Policy DM D2 in this regard.

7.5 Response to representations

7.5.1 The majority of issues raised by objectors are addressed in the body of this report. However, in addition, the following comments are offered:

- Planning permission does not convey an ultimate right to develop land and if there are other legal obstacles (such as a stipulation of a lease, building insurance or a legal covenant), these would need to be resolved before works could commence. However, this is not a material planning consideration.
- There is no overriding reason to suggest that the extension would cause damp problems if constructed properly.
- There are no substantial trees in close proximity to the extensions that would be affected.
- Whilst there would be some limited disturbance throughout the

- construction process this is unavoidable and transient. Conditions will be imposed where reasonable and necessary to minimise the impact of the construction works.
- Party Wall matters are not be a material planning consideration but the applicant is advised to enter into a Party Wall Act Agreement.
 - The proposed extension would not compromise site security to the extent that a refusal could be reasonably justified.
 - The motives of the applicant are not a material planning consideration.

8.0 CONCLUSION

- 8.1 The principle of development is considered to be acceptable.
- 8.2 Following amendments to reduce the height of the proposed extension, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and the impact on neighbouring properties.

RECOMMENDATION

Grant Permission Subject to Conditions

1. A.1 Time Limit
2. A.7 Approved Plans
3. Materials as specified
4. No use of flat roof
5. Hours of construction/working
6. H.9 Construction Vehicles
7. No new windows – flank elevations only.

INFORMATIVE:

1. Party Wall Act.

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

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