

**PLANNING APPLICATIONS COMMITTEE
26 APRIL 2018**

APPLICATION NO. DATE VALID

18/P0072

04/08/2015

Address/Site Rear of Aston Court, 18 Lansdowne Road, West Wimbledon
SW20 8AW

Ward Raynes Park

Proposal: Application to Vary Condition 2 (Approved Plans) attached to
LBM Planning Permission Ref.15/P3039 (dated 10/10/2016)
relating to the demolition to demolition of existing garages at the
rear of Aston Court and erection of a single storey, two
bedroom dwelling house (Amendment involves revisions to
design of roof lights, addition of 3 x solar tunnel lights to
bathrooms and living room, increasing in width of corridor
between living room and bathroom by 360mm, addition of
covered walkway and pergola within entrance courtyard and
addition of roof overhang on east elevation).

Drawing Nos PV13, PV16, PV18, PV19, PV20, PV21, PV24, PV26 and PV27

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

**GRANT Variation of Condition subject to completion of a Deed of Variation to
the existing S.106 Agreement**

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted: 29
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

1. **INTRODUCTION**

- 1.1 The current application seeks to vary Condition 2 (Approved Plans) attached to LBM Planning Permission ref.15/P3039 (Dated 10/10/2018) in respect of minor material amendments to the previously approved scheme. The current application is brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a group of eight garages situated at the rear of Aston Court, 18 Lansdowne Road. Aston Court comprises two blocks of flats situated on the west side of Lansdowne Road and the garages are accessed via an access way between the two blocks of flats. To the north and south of the site are large detached houses; whilst to the rear of the site are residential properties in Arterberry Road. There are a number of mature trees abutting the site boundaries. The application site is not within a conservation area. However, the application site abuts the boundary with the Merton (Wimbledon West) Conservation Area and Lansdowne Road is within a CPZ.

3. **CURRENT PROPOSAL**

- 3.1 The current applications seeks to Vary Condition 2 (Approved Plans) attached to LBM Planning Permission Ref.15/P3039 (dated 10/10/2016) relating to the demolition of existing garages at the rear of Aston Court and erection of a single storey, two bedroom dwelling house. The amendments to the previously approved plans are set out below:-

- Revisions to design of roof lights,
- The addition of 3 x solar tunnel lights to bathrooms and living room,
- Increasing the width of corridor between living room and bathroom by 360mm,
- The addition of covered walkway and pergola within entrance courtyard
- The addition of roof overhang on east elevation).

- 3.2 Full details of the previously Approved scheme are set out below for information:-

The proposal involves demolition of six of the eight existing garages and the erection of a single storey, two bedroom dwelling house. The proposed house would be 23 m in length and 5.5 m in width and the building would be 2.8 metres in height. The proposed house would have a flat roof. The eastern part of the site would be 4.1 m from the corner elevation of the existing flats at Aston Court. The front elevation of the proposed house would be constructed on the building line of the existing garages.

- 3.3 Internally, the proposed house would comprise a pair of double bedrooms and two bathrooms and a combined living/kitchen/dining room arranged around a small central courtyard. To the east of the proposed house 22m² of amenity space would be provided.

- 3.4 The proposed house would be faced in reclaimed London stock brickwork, with a patinated zinc roof. It is also proposed to landscape the external surfaces with permeable surfacing and install additional landscaping to improve the outlook from Aston Court.
- 3.5 It is also proposed to refurbish the two retained garages within the northern corner of the site (including installation of new doors and replacement roofs) for ancillary storage purposes and resurface the northern corner of the site. No off-street car parking would be provided for the development, however three secure cycle parking spaces would be provided along with refuse and recycling facilities.

4. **PLANNING HISTORY**

- 4.1 In June 2007 planning permission was refused for the erection of a single storey detached dwelling (LBM Ref.07/P1149). Planning permission was refused on the grounds that:-

'The proposed dwelling house, by reason of its position in relation to neighbouring properties would be visually intrusive and result in overlooking and an unacceptable loss of privacy, outlook and light to occupiers of neighbouring residential properties; particularly those on the lower floors of 18 Lansdowne Road; contrary to policy BE15 of the Adopted Merton UDP (October 2003) and

The proposal by reason of its siting, position and relation to the adjacent properties, would be a cramped form of over-development that would be detrimental to the quality of residential development for both existing neighbours and future occupiers in terms of outlook, privacy and daylight/sunlight; contrary to policy HS.1 of the Adopted Merton UDP (October 2003) and the SPG on New Residential Development Plan (September 2003) and

The proposed development, by reason of its proximity to the trunks and root systems of trees within the Wimbledon West Conservation Area, would result in the damage to, and possible loss of trees with significant amenity value that the Local Planning Authority would seek to protect; contrary to policy NE.11 of the Adopted Merton UDP (October 2003) and

The proposed development, by reason of the net loss of seven off-street parking spaces in a area with a low Public Transport Accessibility Level, would add to on-street parking pressures in the locality to the detriment of the existing traffic conditions of the surrounding area and the amenities of local residents contrary to policy PK.3 of the Adopted Merton UDP (October 2003)'.

- 4.2 In April 2012 a planning application was submitted for the demolition of the existing garages and erection of a single storey, three bedroom dwelling house (LBM Ref.12/P1214). However, the application was withdrawn on 27/06/2012.

- 4.3 In January 2013 planning permission was refused for the demolition of existing garages and erection of a single storey two bedroom dwelling house (LBM Ref.12/P2434). Planning permission was refused on the grounds that:-

'The proposed dwelling would, by reason of its height and siting have an unsatisfactory relationship with the existing flats at 4 – 11 Aston Court and would constitute a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the Merton UDP (October 2003)'.

- 4.4 The applicant appealed against the Council's refusal of planning permission (Appeal Ref,APP/T5720/A/13/2201852). The Planning Inspector subsequently DISMISSED the appeal on 13 December 2013. The Inspector considered the lack of affordable housing and education contributions and the effect of the development upon the living conditions of flats at 4 – 11 Aston Court. The Inspector whilst acknowledging the Council's concerns regarding the proximity of the proposed dwelling to the flats at 4-11 Aston Court, including the windows and light wells, the proposed dwelling would be a similar distance to the windows and light wells as the existing fencing and garages on the appeal site. The Council themselves except the proposed development mimics the existing development of the site. Consequently the Inspector did not consider that the proximity of the proposed development would have a negative impact upon with regards to the outlook currently enjoyed by the occupants of 4-11 Aston Court. The Inspector noted that the gaps between garages no longer exists as fencing has been erected between the garages on the site and from the condition of the fencing it has been in place for some time. Given the condition of the garages and fencing, the current outlook from the rear of Aston Court is poor. The proposed development would be an enhancement, particularly if sensitive use was made of materials and landscaping. Although the proposed roofs would not be sloping like the existing garages the main roof would only be marginally higher than the apex of the roof of the existing garages. Whilst the Inspector accepted that the central roof light would be higher it would be set back from the eastern elevation by 1.5 metres. Consequently, the Inspector did not consider that the development would have a negative impact on the residents of Aston Court.
- 4.5 The Inspector concluded that an affordable housing contribution would be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind. However, the Inspector did not consider a financial contribution towards secondary education to be required in this case. The Inspector considered the impact of the proposal upon the living conditions of occupiers of Aston Court and did not consider that the development would result in material harm to the occupiers of 4 – 11 Aston Court with particular reference to outlook. As a result there would be no conflict with saved policy BE.15 of the Merton UDP (2003) which sets out that new buildings will be expected to protect the living conditions of existing occupiers in terms of outlook.

- 4.5 On 2 December 2013 planning permission was refused by the Planning Applications Committee for the demolition of the existing garages at the rear of Aston Court and the erection of a single, one bedroom dwelling house (LBM Ref.13/P1118). Planning permission was refused on the grounds that:-
- ‘The proposed dwelling would by reason of its height and siting have an unsatisfactory relationship with the existing flats at 1 – 3 Aston Court and would be a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15 (New Buildings and Extensions; daylight, Sunlight, Privacy, visual Intrusion and Noise) of the Merton UDP (October 2003)’.*
- 4.6 The applicant subsequently appealed against the Councils refusal of planning permission on 2 December 2013 (Appeal Ref. APP/T/5720/A/14/2218288). The Planning Inspector subsequently DISMISSED the appeal on 8 August 2014. The Inspector noted that the proposal involves the demolition of the 6 garages and the erection of a single storey, one bedroom dwelling with a courtyard and small garden. The footprint of the dwelling would be smaller than that of the 6 garages and it would be primarily situated to the rear of the southern part of Aston Court (flats 1 to 3) with mostly garden space to the rear of the northern block. Although the proposal would be taller than the garages and fencing it would replace, due to the orientation of the site and existence of surrounding obstructions, it would not result in unacceptable reductions in levels of natural light reaching nearby properties, due to its siting and modest height, and the Inspector having regard to the previous Inspectors conclusions in respect of the 2013 appeal (Ref.APP/T/5720/A/13/2201852). The Inspector was therefore satisfied that the proposal would ensure the maintenance of adequate outlook from neighbouring properties.
- 4.7 The proposed dwelling would include fixed clerestory glazing on the two long elevations with larger areas of glazing facing the courtyard and garden. This arrangement would ensure that adequate privacy for neighbouring property occupiers is maintained and future residents of the proposal would benefit from reasonable levels of privacy. However, two elements of the clerestory glazing on the front elevation would be very close to windows serving bedrooms in Aston Court. In particular, one part would be almost directly behind and above the close-boarded fence at the rear of the garden of flat 1. The Inspector considered that the use of artificial light within the appeal property would lead to an unacceptable light pollution within flat 1 and, to a lesser degree, within the flats in the northern block. Whilst noting that the appellant indicated that blackout blinds could be installed, it is not considered that a planning condition requiring this could be adequately enforced and therefore such an approach would be contrary to the ‘tests’ set out in paragraph 206 of the National Planning Policy Framework (2013).
- 4.8 The Inspector, for this reason concluded that the design and layout of the proposed house would have an unacceptable effect upon the living conditions of occupiers of neighbouring properties. It therefore fails to comply with Policy BE.15 of the Merton UDP (2003) which, amongst other matters, expects the design of new buildings to protect the amenities from visual intrusion. The

Inspector, in coming to his conclusion took into account the 2013 appeal decision. In particular the Inspector noted that the previous Inspectors assessment was limited to the effects of the proposal upon living conditions of occupiers of flats 4-11 with particular regard to outlook. As the appeal proposal would provide a small dwelling with no on-site parking, the Inspector concluded that the proposal would not result in unacceptable levels of noise disturbance. Were the proposal acceptable in other respects, scope would exist, through the imposition of a planning condition, to ensure that construction works are adequately controlled to avoid undue levels of noise disturbance.

- 4.9 In October 2016 planning permission was granted by the Planning Applications Committee for the demolition of the existing garages at the rear of Aston Court and erection of a single storey, two bedroom dwelling house (LBM Ref.15/P3039).

5. **CONSULTATION**

- 5.1 Site notice procedure and letters of notification to occupiers of neighbouring properties. In response 9 representations have been received from occupiers of nearby properties and the South Ridgway Residents Association. The grounds of objection are set out below:-

-The three solar tunnel lights re-refined roof light will add to light pollution for all the neighbouring residents.

-The east elevation is now to have a roof in an area that is already hemmed in.

-The drawings appear to shown an increase in height which was not in the previous plans.

-The changes would affect the lower flats in Aston Court.

-The Council should not allow the application as it does not have regard to the local inhabitants living conditions owing to the infringement of their personnel space.

-The proposal will result in loss of light

-The changes although individually small cannot be considered a minor-material amendment. The cumulative effect of the various changes, together with the limitations of the site and the fine balance between just about acceptable and unacceptable development (as can be seen from the planning history) means that the now proposed development will require full and proper consideration rather than just a different set of drawings.

-The applicant should be obliged to only implement what they have got planning permission for and any further changes would be unacceptable, unless the changes can be demonstrated to be acceptable through proper consideration.

- 5.2 South Ridgway Residents Association

The proposed roof lights and three solar tunnels lights would cause unwarranted light pollution to surrounding residents. There is also a roof

overhang to the eastern elevation. The site is small and the previously approved scheme only just passed muster.

6. **POLICY CONTEXT**

- 6.1 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design) and CS20 (Parking).
- 6.2 The relevant policies within Merton's Sites and Policies Plan (July 2014) are, DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets) and DM T3 (Car Parking and Servicing Standards).
- 6.3 The relevant policies contained within the London Plan (March 2015) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 7.4 (Local Character) and 7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern design and the impact of the proposed revisions to the approved scheme upon the character and appearance of the adjacent conservation area and neighbour amenity issues.
- 7.2 Design/Impact upon Character of area and Adjacent Conservation Area
The concerns of the objectors regarding revisions to the design are noted. However, the height of the building remains as approved at 2.9 metres. Although the angled roof lights would be higher than the flat roof, the roof lights would only be 400mm in height and would be located in the middle of the flat roof. The roof lights would not therefore result in a significant increase in the overall height of the building and would not affect the character or appearance of the area and adjacent conservation area. The overall width and appearance of the dwelling would remain largely as per the approved scheme.
- 7.3 Neighbour Amenity
The proposed revisions to the design of the building are of a relatively minor nature comprising revisions to design of roof lights, the addition of 3 x solar tunnel lights to bathrooms and living room, an increase the width of corridor between living room and bathroom by 360mm and the addition of covered walkway and pergola within entrance courtyard and a roof overhang on east elevation. The proposed roof lights and three solar tunnel lights would be located in the centre of the flat roof and would not affect neighbour amenity to such an extent to warrant refusal of the application due to their small scale nature and direction of the glazing towards the west. The increase in width of the internal corridor and provision of a pergola would both be within the

footprint of the dwelling house and would not have any impact upon neighbour amenity. The proposal is therefore considered to be acceptable in terms of policy DM D2.

SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

9.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9.2 Parking
The proposed development would not provide any off-street parking. However, the application site is within a Controlled parking Zone (CPZ) with good access to buses to Wimbledon. The development should therefore be designated 'permit free' secured through a S.106 Agreement.

10. **CONCLUSION**

10.1 The proposed revisions to the previously approved scheme are considered to be acceptable and would not affect neighbour amenity. The proposal would also preserve the character of the adjacent conservation area and would not cause visual harm to the local area. Accordingly it is recommended that a Variation of condition be granted.

RECOMMENDATION

GRANT Variation of Condition, subject to completion of a Deed of Variation to the existing S.106 Agreement

Condition 1 (Approved Plans)

The development shall be carried out in accordance with the approved drawing numbers PV13, PV16, PV18, PV19, PV20, PV21, PV24, PV26 and PV27.

Reason: In the interest of proper planning.

Condition 2 (Conditions)

All remaining conditions attached to LBM Planning Permission Ref.15/P3039 (Dated 10/10/2016) still apply to this permission.

Reason: In the interest of proper planning.

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

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