

PLANNING APPLICATIONS COMMITTEE 22 AUGUST 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
19/P1462	25/04/2019
Address/Site	237 Kingston Road, Wimbledon, SW19 3NW
Ward	Merton Park
Proposal:	Erection of single storey rear extension
Drawing Nos	201 Rev E, 202 Rev E, 203 Rev E, 204 Rev E and 205 Rev O
Contact Officer:	Stuart Adams

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 semi-detached building located to the north side of Kingston Road, 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 a traditional design approach with sash windows to match existing, bay window at rear and matching brickwork. The flat roof area would be covered with artificial grass.
- 3.3 The extension would have a width of 6.7m (1m beyond the flank wall of the house) and an overall depth of 5.3m (4.4m excluding the rear bay window). The height of the extension would be 2.6m at the lower end of the roof (closest to the main building) and a rear parapet wall height of 2.8m (height above excavated ground level).

4. **PLANNING HISTORY**

- 4.1 18/P2076 - Erection of single storey rear extension – Refused on 20/07/2018 for the following reasons:

The proposed single storey extension would, by virtue of its bulk, scale and width, result in a disproportionately large addition which would not be sympathetic to the form of the existing building contrary to Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 & DMD3 of the Sites and Policies Plan 2014.

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The proposed single storey extension would, by virtue of its width, depth, height, proximity to the neighbouring property above and roof

form, result in material harm to the amenities of the occupiers of the residential flat above the application site, Flat No.2, 237 Kingston Road, Wimbledon, SW19 3NW, by way of loss of outlook, contrary to Policies DMD2 and DMD3 of the Sites and Policies Plan 2014

4.1.1 Appeal Dismissed (27th March 2019)

4.2 18/P0626 - Erection of single storey extension within the rear garden – Refused on 11/04/2018 for the following reasons:

The proposed single storey extension would, by virtue of its width, depth, height, proximity to the neighbouring property above and roof form, result in material harm to the amenities of the occupiers of the residential flat above the application site, Flat No.3, 237 Kingston Road, Wimbledon, SW19 3NW, by way of loss of outlook, contrary to Policies DMD2 and DMD3 of the Sites and Policies Plan 2014.

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The proposed single storey extension would, by virtue of its bulk, scale and width, result in a disproportionately large addition which would not be sympathetic to the form of the existing building contrary to Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 & DMD3 of the Sites and Policies Plan 2014.

4.3 17/P2879 - Erection of single storey rear extension - Refused on the 29/01/2018 for the following reasons:

The proposed single storey extension would, by virtue of its width, depth, height, proximity to the neighbouring property above and roof form, result in material harm to the amenities of the occupiers of the residential flat above the application site, Flat No.3, 237 Kingston Road, Wimbledon, SW19 3NW, by way of loss of outlook, contrary to Policies DMD2 and DMD3 of the Sites and Policies Plan 2014.

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The proposed single storey extension would, by virtue of its bulk, scale and width, result in a disproportionately large addition which would not be sympathetic to the form of the existing building contrary to Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 & DMD3 of the Sites and Policies Plan 2014.

4.4 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.

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to consultation, 8 letters of objection have been received. The letters raise the following points:
- The proposed extension would be wider and larger (15% to 20% bigger) than the extension rejected by the planning inspector.
 - Not materially different than the rejected applications
 - The height of the extension is still at the level of the first floor flats window sill and the depth expands even further into the garden
 - Planning inspector comments are still relevant
 - Results in loss of amenity to the first floor flat, loss of outlook and visually overbearing
 - Overly large addition which would not be sympathetic to the form of the existing building
 - Out of character with the Conservation Area
 - The rear most edge of the extension is higher than the first floor flats internal floor level
 - Removal of soil and clay via the communal pathway
 - No space to have machinery, vehicles or skips
 - Disruption during construction
 - Security issue from height of extension so close to first floor window
 - Drainage issues
 - Leaves very little garden
 - No other similar extensions in the area
 - Loss of light and overlooking
 - Air quality (requirement for first floor flats windows to be closed)

6. **POLICY CONTEXT**

- 6.1 Merton Core Planning Strategy (July 2011)
CS13 Open space, nature conservation, leisure and culture
CS14 Design
- 6.2 Adopted Merton Sites and Policies Plan (July 2014)
DMD2 Design considerations in all developments
DMD3 Alterations and extensions to existing buildings
DMD4 Managing heritage assets
- 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 2019

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

7. PLANNING CONSIDERATIONS

7.1 The principal planning considerations related to this application are design/visual impact and impact on neighbouring amenity.

7.2 Planning History

7.2.1 The application site has received three separate planning refusal relating to a single storey rear extension since 2017. Members of the planning committee resolved to refuse planning application 18/P2076 on 19th July 2018 for the following reasons:

The proposed single storey extension would, by virtue of its bulk, scale and width, result in a disproportionately large addition which would not be sympathetic to the form of the existing building contrary to Policy CS14 of the Core Planning Strategy 2011 and Policies DMD2 & DMD3 of the Sites and Policies Plan 2014.

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The proposed single storey extension would, by virtue of its width, depth, height, proximity to the neighbouring property above and roof form, result in material harm to the amenities of the occupiers of the residential flat above the application site, Flat No.2, 237 Kingston Road, Wimbledon, SW19 3NW, by way of loss of outlook, contrary to Policies DMD2 and DMD3 of the Sites and Policies Plan 2014

7.2.2 The applicant subsequently took the decision to appeal (appeal ref: APP/T5720/W/18/3209161) (Attached as Annex A to this Committee Report). At the appeal, the planning inspector agreed with the Councils refusal in so far as the design failed to respect the detailing of the original building. Matters relating to neighbours amenity were not sighted as reasons to dismiss the appeal, nor was the extension considered to result in a harmful impact on the character of the Conservation Area. See below for relevant extracts from the appeal decision, which are now material considerations in the assessment of the current application.

Character and appearance

Paragraph 2 - "The extension would be wider than the host building by approximately 0.8 meters. This is not an insignificant projection. Moreover, the width of the large opening in the extension and its horizontal emphasis would extenuate the size of the extension. As such, the extension would

compete visually with the overall vertical emphasis that is provided by the existing fenestration on the rear elevation of the overall building. Whilst this would have minimal impact visually when viewed from the front of the host building, I consider that the proposal, when viewed from the rear of the property, would result in an unsympathetic addition that would appear to be out of character with the host building. Even though the extension would not be readily be seen from the public domain, it would be visible from neighbouring properties and gardens”.

Paragraph 4 - “Whilst the proposed extension would project beyond the side wall of the building, it is set well back from the front of the property and even further from the public footpath to the front of the site such that views from the public domain of the building would be limited. As such, even though I have found that the proposal would harm the character and appearance of the host building I consider that it would not harm the overall character and appearance of the Conservation Area”.

“As such, it would be contrary to policies CS14 and Merton Local Plan Sites and Policies Plan policies DMD2 and DMD3 that, amongst other things require proposals to achieve high quality design and to respect the design and form of the original building”.

Effect on living conditions

Paragraph 7 - “The proposed extension would project approximately 4.5 metres from the rear wall of the host building, projecting in to the appellant’s rear garden area. The extension would sit just below the cill of a bay window to Flat 2 of the property. The roof of the extension would be visible from this bay window as well as the remaining garden beyond. Artificial grass is proposed on this roof”.

Paragraph 8 - “Currently, occupiers of Flat 2 have views in to the private garden area of Flat 1. This would be partly replaced by views of the roof area of the proposed extension. Whilst it would be clearly visible from the bay window, it would be set down below cill level and therefore the majority of the outlook enjoyed from it would be unaffected. Furthermore, the use of artificial grass on the roof would provide some mitigation as it would minimise the visual impact of the extension’s roof. Given this, I do not consider any impact on outlook to be significant such that it would cause unacceptable harm or conflict with policies DMD2 and DMD3 that, amongst other things, seek to protect the living conditions of existing and future occupiers”.

Conclusion

Paragraph 10 - “Whilst I have taken a view that the proposed extension would not adversely impact upon the outlook of occupiers of Flat 2, the effect on the host building is unacceptable for reasons I have given above”.

7.3 Comparison to appeal decision 18/P2076

7.3.1 In response to the appeal decision, the applicant has amended the scheme to include traditional fenestration and a rear bay with traditional openings. The materials have changed from painted masonry to brickwork. The size of the extension has been increased in size, with the new rear bay, 0.3m wider overall, 0.2m higher at the end parapet and 0.3m higher below the eil level of the first floor window. The artificial grass to the flat roof area has been retained.

7.4 Design/visual impact

7.4.1 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.

7.4.2 Policy DM D2 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 Conservation Area. Local Development Framework Policy CS14 supports these SPP Policies.

7.4.3 The site lies within the Wilton Crescent Conservation Area (designated heritage asset). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area. In accordance with this, Policy DM D4 outlines that development should preserve or enhance the significance of the heritage asset.

7.4.4 The proposed extension has been amended from the appeal decision to include traditional windows and doors that respects the original building. It is noted that the extension has been increased in both height, width and

depth, however these are modest changes when compared to the appeal decision. On balance, the proposed extension is therefore considered to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of the host building and surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. The proposed development is therefore considered to preserve the Wilton Crescent Conservation Area and has overcome the Inspectors concerns over design.

7.5 Neighbouring Amenity

7.5.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.

235 – 239 Kingston Road

7.5.2 The extension has been increased in width of the side with 239 Kingston Road, however there remains a good level of separation from this neighbour to ensure that there is no undue loss of amenity. On the side with 235 Kingston Road, whilst the height of the extension has been increased, this is a modest increase that would not result in adverse loss of amenity.

First Floor Flat, 237 Kingston Road

7.5.3 As set out in the appeal decision, the planning inspector considered that the proposal would not impact on outlook from the first floor flat to a degree that would cause unacceptable harm or conflict with policies DMD2 and DMD3. The applicant has chosen to increase the height and depth of the extension; however, the artificial green roof has been retained which will help retain a suitable level of outlook for the first floor flat. The roof of the extension would still be visible from the first floor bay window as well as the remaining garden beyond. The proposal would not go beyond the cill height of the first floor window above and is therefore considered to be acceptable. Whilst it is noted that the proposal would increase the height and depth of the extension, it is considered there would be no harmful material difference for the first floor flats outlook when compared to the appeal decision. Details and retention of the artificial grass roof can be secured by planning condition.

7.5.4 Overall, the current proposal would not cause material harm to neighbouring amenity and is compliant with Policies DM D2 and D3 in this regard.

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 8.1 The proposal is for a residential extension, an Environmental Impact Assessment is not required in this instance.
- 8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9. **CONCLUSION**

- 9.1 The design of the development is considered to be of high quality in terms of appearance and character, respecting the original building, street scene and preserving the Wilton Crescent Conservation Area. The extension is not considered to have an adverse impact upon neighbouring amenity. The proposal is therefore considered to have overcome the previous appeal decision. The proposal is in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions.

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. Green roof.

INFORMATIVE:

1. Party Wall Act.

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

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