

# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

22 AUGUST 2019

(7.15 pm - 9.17 pm)

PRESENT Councillor Najeeb Latif, Councillor David Dean,  
Councillor Russell Makin, Councillor Simon McGrath,  
Councillor Peter Southgate, Councillor Billy Christie,  
Councillor Rebecca Lanning and Councillor Joan Henry,  
Councillor David Chung and Councillor John Dehaney.

ALSO PRESENT Neil Milligan - Building and Development Control Manager  
Lisa Jewell – Democratic Services Officer

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Linda Kirby and Dave Ward.

Councillors David Chung and John Dehaney attended as substitutes.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 18 July were agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 6 and 9.

Order of the meeting – The Chair announced that the items would be taken in the following order 7, 9, 6, 8, 5, 10 and 11.

### 5 83 DORA ROAD, WIMBLEDON, SW19 7JT (Agenda Item 5)

Proposal: Alterations to previously approved extensions following previously approved planning permission 18/P0952, including: insertion of rooflight over new extended flat roof, changes to front rooflights, new window in front elevation, removal of rear chimney stack, changes to rear dormer and side (northern) elevation windows.

The Committee noted the officer's report and presentation.

In reply to members' questions the Building and Development Control Manager replied:

- If people get a planning permission and then build something that does not match the permission then they are taking a risk. However in this case what is being proposed is probably more acceptable than the original permission.
- Issues relating to the guttering need to be resolved between the applicant and neighbours – this is not a matter for planning.

RESOLVED

The Committee voted to Grant planning permission subject to conditions.

6 24 THE GRANGE, WIMBLEDON, SW19 4PS (Agenda Item 6)

Proposal: Application to Vary Condition 2 (Approved Plans) attached to LBM Planning Permission Ref.19/P0155 (Dated 21/02/2019) relating to the erection of a single storey link to the existing Coach House at 24 The Grange, excavation of basement and erection of a single storey rear extension (Amendment involves revisions to the footprint of approved basement).

The Committee noted the officer's report and presentation and additional conditions and informative in the Supplementary Agenda – Modifications

The Committee received a verbal representation for one objector who made comments including:

- This is the third planning application, the first was rejected and dismissed by the inspector. The second was approved
- This application seeks to increase the size of the basement
- There is a miscalculation in the Planning Officers report, it is not an extra 110m<sup>2</sup> it is an extra 150m<sup>2</sup>
- This is not a minor material amendment; it increases the basement by 93% outside the curtilage
- In the appeal decision the Inspector considered the proposals excessive – why have planning officers not taken this into account?

The Committee received a verbal representation from the Applicant who made points including:

- The additional area is 130m<sup>2</sup> when viewed against footprint – the objectors figures are wrong
- The appeal on the previous scheme was dismissed owing to the proposed ground floor extension, the Inspector considered the basement on that scheme acceptable
- Following our second, successful, application we talked to Officers about extending into the roof space but they advised against this. We have now asked for an increase in the basement size, which will not be visible in the conservation area.
- This proposal is for a basement that is almost exactly the same size as the approved footprint, and is roughly half the size that could be allowed for this site

- It will be under only 16% of the garden and we have deliberately kept it well away from our boundaries.

In reply to members' questions the Building and Development Control Manager replied:

- Conditions requested by the Flood Risk Manager and Structural Engineer are in the Supplementary Agenda – Modifications
- The applicant says that the increase is 130m<sup>2</sup>
- The Appeal on the previous application was dismissed for reasons associated with a ground floor extension not the basement
- This proposed increase to the previously approved basement is still smaller than other recently approved basements in the area
- It is not for Planning to ask about the proposed use of the basement
- This proposal still has good separation from the boundary with neighbours

#### RESOLVED

The Committee voted to Grant planning permission subject to the completion of a S106 agreement and conditions.

7 101 HAMILTON ROAD, SOUTH WIMBLEDON, SW19 1JG (Agenda Item 7)

Proposal: Erection of a two storey detached building with accommodation at roof and basement level comprising 13 flats (5 x 1, 6 x 2 and 2 x 3 bedroom flats) and associated works

The Committee noted the officer's report and presentation.

The Committee received a verbal representation for one objector who made comments including:

- We knew that there would be development of this site but this proposal is overdevelopment
- Object to the extent of the digging and excavation required and the risks associated with this to my property owing to the soil type in the area. This was raised by the surveyor when I bought this property
- I also object to the roof terrace, this will overlook and affect my privacy. If the Screening is high enough to block overlooking it will then block sunlight to my property

The Committee received a verbal representation from the Applicant's agent who made points including:

- Please note that the applicant only acquired this site last year and was not involved in any previous activity at this site
- We have worked with Merton Planning Officers to deliver an efficient use of the site
- The proposal is for 13 units in a highly sustainable location, with a density that is acceptable according to the London Plan

- To address comments made by the Inspector on the previous application, this application has no building at the rear of the site, all of this area is outdoor amenity space
- All the 1 and 2 bedroomed units will be parking permit free. The 3 bedroomed family unit will get a permit, and to allow for this two on street parking spaces will be been created
- Condition 16 requires the Secured by Design plan
- There were no objections to the application from statutory consultees

In reply to the objectors comments the Building and Development Control Manager replied that all the relevant documentation had been submitted and assessed for the basement construction and no issues had been raised.

The Ward Councillor, Nigel Benbow, made a verbal representation to the Committee and made points including:

- Why have previous concerns with the design and parking not been taken into consideration? Parking is very difficult on Hamilton Road
- The development is still too large for Hamilton Road, and is out of keeping with the beautiful Victorian houses on this road
- The description of the property as 2.5 storeys is misleading, the proposal has a basement, ground floor, first floor, second floor and roof terrace.
- The roof terrace will cause a loss of privacy to neighbours
- The minimum distance between buildings should be 18-21m according to the London Plan – does this building achieve that?
- The proposal shows 6 wheelie bins – this will not be enough
- The development will not provide acceptable living conditions for residents
- £40,000 developer contributions to affordable housing is not enough
- This proposal is over-development

In reply to members' questions the Building and Development Control Manager replied:

- The Officers report presents a full consideration of the site in relation to Council Policy on Scattered Employment Sites. This site is problematic and Officers concluded that the site is unsuitable for employment land going forward owing to the predominantly residential nature of the area, and the size and access characteristics of the site itself. Also the Inspectors report on the previous application made no mention of the loss of the employment site. It is Officers view that if the Inspector had thought it was an issue she would have mentioned it.
- Wheelie bins were an issue when the application was first submitted but amendments have been made and a larger refuse area is now included, it be up to site management to ensure that bins are put out
- The application has been subject to an independent viability assessment and the recommendation of this assessment, that there is a contribution towards off-site affordable housing of £40,000, has been offered. There is no on-site affordable housing.
- The previously refused application was for 9 units but they were of a different style and that proposal included another building at the back of the site -

which is not part of this application. This application is very different and the Officer's report details how this scheme has addressed the Inspector's concerns with the previous scheme. This scheme has been amended during the application process.

- The rules on distances between building, 18-21m, are applied to window to window distance to prevent overlooking. In this case there is no direct overlooking onto Merton High Street so this distance is not required.
- The recommendations from the Metropolitan Police can be secured by condition if necessary. This will not cover all aspects as some are matters for future residents.
- The Conservation Officer made comments relating to scale and alignment on the street before amendments were made. The applicant addressed these issues and this enabled officers to recommend approval
- Assume that the screening is of the usual height of 1.7m. This screening is now set back on the roof and will not be seen. Including the basement this is a 4 storey building with amenity space on the roof.
- From the street the basement cannot be seen and so this proposal will appear as a 3 storey building with screening on the roof and is similar to the building next door. It would be incorrect to refer to the roof terrace as an extra storey.
- We could add a condition to ensure soft landscaping at the rear of the development
- Although Merton Policies advise against single aspect units, Officers recognise that it is not always possible to provide all dual aspect units on constrained sites such as this one.
- The Council's Flood Risk Officer and Structural Engineer are satisfied with the applicants proposed methods to prevent basement flooding
- The Council's Sustainability Officer has approved the application

Members made comments on the application including:

- The Applicant has made a good job of the design and the illustrations look very nice, but this building will be 3 storeys at the front with visible screening on the roof which will give it the appearance of a 4 storeys at the front. With the basement this will be a 5 storey building.
- The application has a number of single aspect dwellings but Merton Planning Policies seek to avoid single aspect dwellings and we should not accept them as they are against policy.
- There are issues around the employment land status of the site
- The history of this site is not positive and yet this application is the biggest proposal of all
- There is a sense that the developer is trying to cram too much onto the site. Although the density is acceptable this application does not fit the context of the streetscene
- This is a very beautiful historic road, and although the applicant has done a good job this proposal is just too big and should be rejected on bulk and massing

- There is shortage of housing in the Borough and the accommodation in this proposal will suit some people. We should make something of this site, we should accept the Officer's recommendation to grant planning permission.
- The scheme is against policy as it has single aspect accommodation, also it has no affordable housing and so will not assist with housing shortages, many people would not be able to afford such flats

A proposal to refuse for reasons of Bulk and Massing being too great, was proposed, seconded and carried by the vote.

## RESOLVED

The Committee agreed to:

1. REFUSE Planning Permission for the following reasons:

- The Bulk and Massing of the Proposed building is too great in its setting/ streetscene

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

8 FLAT 1, 237 KINGSTON ROAD, WIMBLEDON, SW19 3NW (Agenda Item 8)

Proposal: Erection of single storey rear extension

The Committee noted the officer's report and presentation.

The Committee received a verbal representation for one objector who made comments including:

- This application makes no significant changes to the previously refused scheme
- This is the fourth application, all the previous ones have been refused by Merton, with the most recent also being dismissed by the Planning Inspector. None of the reasons for refusal have been addressed by this proposal. The applicant has consistently ignored Officer's advice.
- The proposal is not modest, it takes up the majority of the garden in a Conservation Area. It would compromise security and is out of proportion with the existing building and would cause material harm.
- The applicant has been told that the lease does not allow for this extension

In reply to members' questions the Building and Development Control Manager replied:

- The Committee needs to be clear about their reasons for refusal and the inspectors reasons for dismissing the appeal. Officers have interpreted the

Inspectors reasons being that the previous rear extension design was inappropriate, but not that it did not respect the original form of the property.

- There has been one appeal on this property
- This application is wider and higher than the application that went to appeal. It is now 1.1m wider than the existing property.

Members made comments including:

- This proposal still does not respect the original form of the property
- Previous refusals were based on width and height, this proposal is wider and higher than these applications
- The Inspector did reject the Committees previous reason for refusal that the extension would affect the occupiers of the flat above, but as this application is now higher I think that this reason is valid.

A proposal to Refuse the application for the same reasons as the previous application was proposed and seconded and agreed by the vote.

RESOLVED

The Committee voted unanimously to:

1. REFUSE Planning Permission 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

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

9 LAND ADJACENT TO 163A MOSTYN ROAD, MERTON PARK SW19 3LS  
(Agenda Item 9)

Proposal: Erection of a 1 bed, single storey detached dwellinghouse. Resurfacing of existing access routes and associated security gates.

The Committee noted the officer's report and presentation and information in the Supplementary Agenda – Modifications

The Committee received verbal representations from two objectors who made comments including:

- The development will cause inconvenience and disruption to residents
- There is a tree that is not mentioned in the application, and residents will not approve its removal
- The development will block the emergency access to South Merton Station
- Residents will not allow access
- How will the CCTV operate and who will be responsible?
- How will the locked gates operate and who will have keys?
- Who will own and upkeep the road?
- Other residents have not been consulted
- Will the lighting be high or low lighting?
- The application will disturb wildlife especially the resident colony of hedgehogs, who hibernate between October and April. They would need openings to get through the fences.

The Committee received a verbal representation from the Applicant who made points including:

- We have worked for five years to develop this proposal and have worked closely with council Officers
- Application is now recommended for approval by Merton Officers and we have met the requirements of the Metropolitan Polices' Designing Out Crime' Officer
- The site is in an established residential area, close to the station with a good ptal rating. The development will be a modern one bedroomed bungalow and screening. No new access will be created.. This will be a simple and quick build and existing access will be resurfaced
- All residents will have a key to the gates, and the lighting will be low level. Security will be improved by installing CCTV
- The site is currently poorly used as a fly-tip and could provide hiding place for criminals. This development will regenerate, restore access and increase security of the site.
- The Bungalow meets London Space standards and amenity space standards

In reply to points raised by the objectors the Building and Development Control Manager replied:

- All development causes some temporary disruption but this will be a small and quick build.
- There will be a legal agreement to prevent parking on site
- Cannot consider the legal advice regarding access arrangements as part of the planning process
- The tree is not very healthy and is not subject to a TPO
- CCTV, emergency access and lighting are matters for building control not Planning
- The gates and access are not matters for planning this is a matter between the residents and applicant



- A condition regarding wildlife, in relation to Hedgehogs, can be included

In reply to members' questions the Building and Development Control Manager replied:

- This is not a standard site, so as for a property with a long drive, residents will need to move their refuse to the main highway for collection
- The 14m separation distance is not relevant because it occurs at a point where it is not possible to have overlooking
- The development would certainly improve the surfaces in the area but it would be a personal view on whether it would improve the environment and enhance the area.
- It is a car free development and is close to South Merton Station

Members made comments including:

- Most alleyways are overgrown and underused, this seems like a good use of the area.
- This area is currently very overgrown
- We can make the development parking permit free but there is on street parking at Aylward Road, and this development could add to pressure on that road.
- Concerns are all about access and if the site is developable
- Alley gate schemes can be fraught, all parties have to agree

A member proposed a motion to refuse for the reason that the backland nature of the development left it removed from the standard services and amenities. However this did not receive a seconder.

An additional condition, regarding hedgehog protection measures, was proposed and seconded, and therefore included in the vote.

RESOLVED

Granted Planning Permission subject to conditions in the report, an additional condition regarding Hedgehog protection, and S106 agreement

The wording of the additional condition is delegated to the Director of Environment and Regeneration

## 10 PLANNING APPEAL DECISIONS (Agenda Item 10)

The Committee noted that the appeal against their decision to refuse application 17/P2574 (Former Sparrowhawk Site, 159 Commonsides East, Mitcham) had been dismissed by the inspector.

RESOLVED: The Committee noted the report on Planning Appeal Decisions

## 11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

RESOLVED: The Committee noted the report on Current Enforcement cases