

## PLANNING APPLICATIONS COMMITTEE

11 February 2021

**APPLICATION NO.**

20/P3071

**DATE VALID**

24/09/2020

**ADDRESS/SITE:**  
7LL

Rear of 25-27 Landgrove Road, Wimbledon, SW19

**WARD:**

Wimbledon Park

**PROPOSAL:**

Use of building as one, 1 bedroom residential unit, together with associated external alterations and amenity space.

**DRAWING NO.**

11/533/E001 C; 11/533/E002 E; 11/533/E200 D;  
11/533/E201 A; 11/533/E210 B; 11/533/E211 A; 11/533/E212; 11/533/E220;  
11/533/P200 F; 11/533/P200; 11/533/P210 B; 11/533/P211; 11/533/P212;  
11/533/P220

**Contact officer:** John Sperling (020 545 3733)

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### **RECOMMENDATION**

**GRANT Planning Permission subject to conditions and S106 Agreement**

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### **CHECKLIST INFORMATION.**

- Conservation Area - Yes
- Area at risk of flooding - No
- Local Development Plan site proposal designation - None
- Controlled Parking Zone - Yes
- Trees - Yes
- Listed Building - No
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 31

## 1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee for determination due to the nature and number of objections received.

## 2. SITE AND SURROUNDINGS

- 2.1 The application site related to the structure situated to the rear of 25-27 Landgrove Road, which faces Strathearn Road. The property currently benefits from an approved use as a garage at ground floor level and home office at first floor level.
- 2.2 The site is within PTAL 2 (PTAL ranges from 1, low to 6, high), which suggests a poor level of public transport accessibility. However, it should be noted that the PTAL 6 boundary is located just 100m to the south of the site.
- 2.3 The application site is situated within the Kenilworth Avenue Conservation Area and the site surroundings is predominantly residential.

## 3. CURRENT PROPOSAL

- 3.1 The proposal seeks to convert the building to the rear of 25-27 Landgrove Avenue into 1no 1-bedroom residential dwelling with external amenity space.
- 3.2 The proposal would replace the garage door at ground floor façade facing Strathearn Road and replacing it with a bi-fold door. This represents the only external alteration to the site. The property would benefit (most of which is existing) from fenestration on eastern and northern elevations at ground floor and first floor.
- 3.3 The bedroom would be situated at ground floor level with the open-plan kitchen and living area at first floor level.
- 3.4 The outdoor amenity space would be 58sqm. The outdoor amenity space will accommodate for a cycle storage area for 2no bicycles and refuse and recycling bins.

Accommodation table:

	Dwelling type	GIA	Private external amenity space	Car Parking	Cycle Parking
New dwelling	1b / 2p	75.2sqm	58sqm	No	Yes - 2no

## 4. RELEVANT PLANNING HISTORY

- 4.1 07/P1131 – Erection of a three storey building on the site of 27 containing 3 x 2 bedroom apartments involving conversion of second level roof space of 25 to form additional accommodation for new second floor apartment at 27. Enlargement of existing detached garage at rear of properties incorporating a storage area within the roof space. Refuse permission 06/03/2008 – Appeal Allowed 26-11-2008
- 4.2 08/P0946 – Erection of two storey building (with accommodation within the roof space) to provide 2 x 2 bedroom flats, refurbishment of existing residential accommodation at 25 Landgrove Road and formation of additional 1 bedroom flat within the roof space of both 25 Landgrove road and the roof space of the proposed new building and the erection of a detached garage within the rear garden fronting Strathearn road – Refuse Permission 05-11-2008.
- 4.3 16/P1180 – Application for variation of the wording of condition 10 to LBM planning application 07/P1131 dated 06/03/2008 relating to the retention of the garage for parking and for no other purposes to include use of the upper roofspace level as a home office. Grant Variation of Condition 10-05-2016.
- 4.4 17/P0612 – Application for variation of condition 10 (use of garage) attached to LBM planning application 07/P1131 to the erection of a three storey building on the site of 27 Langrove Road containing 3 x 2 bedroom apartments involving conversion of second level roof space of 25 Landgrove Road to form additional accommodation for new second floor apartment at No.27. Enlargement of existing detached garage at rear of properties incorporating a storage area within the roofspace. Variation sought the use of the building as home office space. Date of committee 20-04-2017 - Grant Variation of Condition 27-04-2017
- 4.5 25 Landgrove Road: 20/P1029: ERECTION OF REAR ROOF EXTENSION. Grant Permission subject to Conditions 09-06-2020

## 5. CONSTULATION

- 5.1 Public consultation was undertaken by way of post sent to neighbouring properties and site notice erected. 6 representations were received in the lifetime of the application raising objection and can be summarised as follows:
- Incomplete planning history provided by the agent for the application.
  - Unlawful addition of side window result in overlooking onto Nos 23, 25 and 27 Landgrove Road.
  - Applicant endeavouring to overturn previous planning decisions and undermine the planning system.
  - No elevation drawings provided and thus cannot confirm what 'external alterations' means in the context of the proposal.
  - Object to side windows as it would result in a loss of privacy from a close proximity neighbour.

- Proposal would undermine sale and saleability of property.
- Concern at installing side windows under permitted development rights or under a further permission if approval is obtained under the current submission.
- No direct impact from the proposed development however they wish to reiterate impact of development on other properties, namely through overlooking.
- Impact of proposed development on the future occupiers of No.25 Landgrove Road.
- Approval at appeal stage from the Secretary of State was granted proviso of the garage not being used as a house.
- Increased parking pressure
- The garage would provide secure cycle or vehicle parking.
- The neighbouring residents would be overlooked and would loss privacy.
- The proposed build differs from previous planning permission
- Building intended to be a garage
- Overlooking from the building would cause harmful

## 5.2 INTERNAL Consultation:

### Environmental Health Officer:

No objections.

### Council Highways Officer:

No objections subject to conditions.

### Council Transport Planner:

The LPA transport officer provided the following comments in the lifetime of the application:

Location: Rear of 25-27 Landgrove Road Wimbledon SW19 7LL

Proposal: Use of building as one, 1 bedroom residential unit, together with associated external alterations and amenity space

Observations:

PTAL

The site lies within an area PTAL 2 which is considered to be poor. A poor PTAL rating suggests that only a few journeys could be conveniently made by public transport.

CPZ

The local area forms part of Controlled Parking Zone (P2S). Restrictions are enforced from Monday to Friday between 11am to 3pm.

Car parking

No parking is proposed for the development.

Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking which would restrict future occupiers of the unit from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement

#### Cycle Parking

The proposal provides 2 cycle parking spaces (secure & undercover) which satisfies the London Plan Standards.

#### Refuse

Refuse store should be sited within 20m of the adopted highway.

Recommendation: Raise no objection subject to:

- The applicant enters into a Unilateral Undertaking which would restrict future occupiers of the unit from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Condition requiring secure and undercover cycle parking.
- Refuse store to be sited within 20m of the highway.
- Redundant crossover

The development shall not be occupied until the existing redundant crossover have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Informative: It is Council's policy for the Council's contractor to reinstate the existing vehicular access. The applicant should contact Council's Highway Team on: 0208 545 3829 prior to any work starting to arrange for this works to be done.

## 6. POLICY CONTEXT

### 6.1 National Planning Policy Framework (2019)

- Section 4: Promoting sustainable transport.
- Section 6: Delivering a wide choice of high quality homes.
- Section 7: Requiring good design including optimising the potential of a site to accommodate development.

### 6.2 London Plan 2016 policies:

- 3.16 Protection and enhancement of social infrastructure
- 3.3 Increasing housing supply
- Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.11 Affordable Housing Targets
- 5.1 Climate change mitigation

- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime neighbourhood
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 8.2 Planning Obligations

#### 6.3 Adopted Core Planning Strategy (July 2011):

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 14 Design
- CS 15 Climate Change
- CS 17 Waste Management
- CS 18 Transport
- CS 20 Parking servicing and delivery

#### 6.4 Merton Sites and Policies Plan (2014) Relevant policies include:

- DM H3 Support for affordable housing
- DM D1 Urban Design
- DM D2 Design considerations
- DM D3 Alterations and extensions to existing buildings
- DM EP 2 Reducing and mitigating noise
- DM H2 Housing Mix
- DM T3 Car parking and servicing standards Supplementary planning considerations

#### 6.5 London Plan Housing SPG 2016

#### 6.6 DCLG Technical Housing Standards - nationally described space standards 2015

## 7. PLANNING CONSIDERATIONS

The material considerations relating to this application are the principle of the change of use, the quality of accommodation, the developments impact upon the character and appearance of the host building, neighbouring amenity and transport and highway impacts, and sustainability.

### 7.1 Principle of development

7.1.1 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable

housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.

- 7.1.2 There is extensive planning history for the site and building subject of the application. The building was originally constructed as a garage at ground floor level and storage above, ancillary to Flat 5 at 25-27 Landgrove Road. This was subsequently amended under 16/P1180 to allow for a home office at first floor level and garage at ground floor. A further variation was approved under 17/P0612 to allow the loss of the garage space at ground floor and replace it with home office accommodation. The principle of development therein lies whether the loss of the home office space is acceptable and whether the provision of an independent 1-bedroom residential unit is acceptable.

## **7.2 Design and impact upon the character and appearance of the area**

- 7.2.1 London Plan Policies 7.4 and 7.6, Core Strategy Policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposal that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings. SPP policy DM D3 further seeks for roof extensions to use compatible materials, to be of a size and design that respects the character and proportions of the original building and surrounding context, do not dominate the existing roof profile and are sited away from prominent roof pitches unless they are specific feature of the area.
- 7.2.2 The proposed external alterations to the front elevation of the property is not, by virtue of its minimal change and materials incorporated, considered to negatively impact the character and appearance of the site to warrant the application for refusal. The proposal would replace garage doors with a set of 3 smaller doors with glazing to the top to allow light into the ground floor. The appearance of this would remain as a form of 'coach house' or ancillary structure, which is considered acceptable in a backland location such as the application building.
- 7.2.3 In regards to the impact on the character of the conservation area it is noted that the vast majority of properties situated within the Kenilworth Conservation Area display a distinctive architectural character, of which is largely defined by the strong rhythm of two storey bays in two-storey terraced Victorian properties. It is noted therefore, that the appeal report for the originally proposed development approved at appeal under planning reference number 07/P1131, stated that the development (including the building relevant for this current application), by reason of its set of muted materials and contemporary interpretation of the terrace, would serve to enhance to the character and appearance of the Kenilworth Avenue Conservation Area as the development. Therefore, since the proposed development would represent a minor

alteration to the original permission, the external appearance is not considered to be materially harmful within the designated conservation area.

7.2.4 The LPA acknowledges that the proposal involves the creation of a dwelling that is located directly in between two existing residential roads, namely Waldemar Road and Landgrove Road and therefore be unusual and out of character in the wider area as the vast majority of residential properties are situated on established residential roads. However, it is noted that approval was obtained for the conversion of the building (at both floor levels) to be used as an ancillary home office under planning reference number 17/P0612. In addition to this is noted that the site is located on the periphery of the Kenilworth Conservation Area and so the impact of the development, such as increased comings and goings, would not be experienced within the heart of the aforementioned conservation area. Therefore, in this instance it is considered that the conversion of the property into 1no dwelling within the existing building is not considered to be materially harmful by reason its current usage as a home office and minimal alterations to the external appearance of the building.

### **7.3 Neighbouring Amenity**

7.3.1 SPP Policy DM D2 states that proposal must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

7.3.2 The proposal is not considered, by virtue of the minimal alterations to the property, to result in unacceptable harm to the residential amenities of the surrounding residents by reason of loss of privacy, outlook or light. The proposal only involve external alterations to the property on the elevation that faces Strathearn Road and therefore would not materially worsen the existing impact to the neighbouring residents.

7.3.3 Officers highlight that the existing structure received approval for an ancillary home office under planning reference number 17/P0612 and given the space has been previously converted from a ground floor garage and first floor ancillary office space, the proposal is not considered to detrimentally change the use of the structure to the extent that would unacceptably harm the residential amenities of the nearby residents.

7.3.4 From the external amenity space, the boundary wall is noted to the measure a maximum height of 1.8 metres so the adjoining residents at No.23, 25 and 27 are not considered to experience a detrimental harm of overlooking.

7.3.5 Therefore, it is considered that despite the use of the building as an independent residential dwelling, and the associated use and activity involved, would be notably different than that the activity associated with an ancillary office space, the external manifestation of the conversion and its impact on



neighbouring residents is not considered to be materially harmful to warrant the application for refusal.

#### **7.4 Standard of accommodation: internal and external spaces**

##### 7.4.1 Internal

7.4.2 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally and should satisfy the minimum internal space standards (specified as Gross Internal Areas GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.

Proposed accommodation schedule:

Dwelling No.	No. of beds	No of persons	No. of storey's	Required GIA (sqm)	Proposed GIA (sqm)	Compliant
1	1	2	2	58	66.2	Yes

7.4.3 As demonstrated by the table above, the proposed one bedroom unit would meet the London Plan space standards for a two person dwelling with a bathroom room.

7.4.4 The property provides outlook from two elevations which is considered to provide an acceptable degree of outlook and access to daylight and sunlight to the habitable rooms.

7.4.5 Further, it is noted that 1.5sqm of storage space is provided in the proposed dwelling. Therefore, the proposed development is considered to be compliant with policy in seeking good accommodation.

##### 7.5 External

7.5.1 In accordance with the London Housing SPG and Policy DMD2 of the Councils Sites and Policies Plan, it states that there should be 5sqm of external space provided for private outdoor space for 1-2 person dwellings and an extra 1sqm provided for each additional occupant (for flatted developments). The proposal would be set across two floors and can be considered to be a 1-bedroom house. The Council seeks at least 50 sq m of outdoor amenity space to be provided for new houses in supporting text to the policy. The proposed dwelling would have a total outdoor amenity space of 58sqm and this would satisfy the minimum requirements.

#### **7.6 Highways and parking**

- 7.6.1 The site is within PTAL 2 (PTAL ranges from 1, low to 6, high), which suggests a poor level of public transport accessibility. However, it should be noted that the PTAL 6 boundary is located just 100m to the south of the site.
- 7.6.2 The loss of the existing garage space at ground floor has already been accepted under application 17/p0612. The Council's Transport Planner has considered the use of the building as a 1-bedroom dwelling and recommends s.106 agreement to restrict future parking permits is required. It is also proposed to re-instate the dropped kerb as the application would negate the need for the dropped kerb. This would also improve the visual amenity of the highway. The new pedestrian access from the site on to the public pavement is suitable and no objections have been raised in this regard.

### **7.7 Loss of home office accommodation**

- 7.7.1 Planning permission 17/p0612 converted the ground floor garage to home office space, along with the first floor, to be ancillary to Flat 5 at 25-27 Landgrove Road. the existing building therefore has a lawful use as home office space ancillary to Flat 5. As the office space is ancillary to a residential unit, it does not get offered the same policy protection as regular office buildings. Upon review of the original planning permission for the site (07/p1131), there was no requirement for the home office accommodation requirement under this permission and the provision of the home office accommodation was a future benefit to Flat 5. Officers therefore do not consider that the loss of the home office accommodation could be resisted.

### **7.8 Sustainability**

- 7.8.1 Policy CS15 sets out minimum sustainability requirements for development proposals. As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. In order to ensure that the development incorporates the sustainable reductions outlined to comply with Council policy, the Council's standard condition has been recommended to secure necessary carbon savings and water usage reductions. This would need to be submitted and approved by the Council prior to first occupation of the new dwelling.

### **7.9 Community Infrastructure Levy**

- 7.9.1 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

## **8. Conclusion**

- 8.1 The conversion of the existing building into 1no dwelling and the minimal external alterations is considered to be acceptable when viewed in the context of the character and appearance of the existing building, streetscene, the

wider area and the conservation area in which it resides. In addition, no detrimental impact would be caused to neighbouring occupiers to a materially harmful degree. Therefore, the proposal is compliant with the principles of policies referred to above and it is recommended to grant planning permission subject to conditions and permit-free legal agreement.

## 9. RECOMMENDATION

### 9.1 Grant Planning Permission subject to:

a. the completion of a Section 106 Agreement covering the following heads of terms:

1. Future Occupiers of the proposed development are restricted from obtaining residents parking permits for the CPZ.
2. The developer agreeing to meet the Councils costs of preparing (including legal fees) the Section 106 Obligations.

b. And subject to conditions:

- |   |   |  |
|---|---|--|
| 1 | A1 Commencement of development (full application) | The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.<br>Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.  |
| 2 | A7 Approved Plans                                 | The development hereby permitted shall be carried out in accordance with the following approved plans: 11/533/E001 C; 11/533/E002 E; 11/533/E200 D; 11/533/E201 A; 11/533/E210 B; 11/533/E211 A; 11/533/E212; 11/533/E220; 11/533/P200 F; 11/533/P200; 11/533/P210 B; 11/533/P211; 11/533/P212; 11/533/P220<br><br>Reason: For the avoidance of doubt and in the interests of proper planning. |
| 3 | B3 External Materials as Specified                | The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.<br><br>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 2016, policy CS14         |

of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4 C01 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 (including insertion of new windows) 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 plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

5 C06 Refuse & Recycling (Details to be Submitted)

No development shall take place until a scheme for the storage of refuse and recycling has been 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 scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

6 H06 Cycle Parking - Details to be Submitted

No development shall commence until details of secure cycle parking facilities for the occupants

of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

7 H03 Redundant Crossovers

The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

8 F01 Landscaping/Planting Scheme

No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable

drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

9 Sustainability

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 consumption rates of no greater 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 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

10 INFORMATIVE

INFORMATIVE

It is Council's policy for the Council's contractor to reinstate the existing vehicular access. The applicant should contact Council's Highway Team on: 0208 545 3829 prior to any work starting to arrange for this works to be done.