

**PLANNING APPLICATIONS COMMITTEE**  
**29<sup>th</sup> April 2021**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

21/P0197

08/01/2021

**Address/Site:**

19A - 19F Prince's Road, Wimbledon, London, SW19 8RQ

**(Ward)**

Trinity

**Proposal:**

APPLICATION TO DETERMINE WHETHER PRIOR APPROVAL IS REQUIRED IN RESPECT OF ERECTION OF SECOND FLOOR EXTENSION IN CONNECTION WITH CREATION OF TWO SELF-CONTAINED FLATS (2 X 2 BEDROOM)

**Drawing Nos:**

0000, 1100, 2100, 3001, 3100, 3102 & 3103

**Contact Officer:**

David Gardener (0208 545 3115)

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**RECOMMENDATION**

**GRANT Prior approval subject to conditions and S106 Agreement**

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**CHECKLIST INFORMATION**

- Heads of agreement: Permit free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 97
- External consultations: None

**1. INTRODUCTION**

- 1.1 The applications have been brought before the Planning Applications Committee due to the number of representations received as a result of public consultation.
- 1.2 This is an application under The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Part 20, Class A: Development consisting of works for the

construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats. Therefore, the only issues that can form material considerations are as follows (a) transport and highways impacts of the development; (b) air traffic and defence asset impacts of the development; (c) contamination risks in relation to the building; (d) flooding risks in relation to the building; (e) the external appearance of the building; (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses; (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State.

1.3 The assessment against these criteria is set out later in this report.

## **2. SITE AND SURROUNDINGS**

2.1 The site comprises 19 Prince's Road, a three storey flatted block, to the southern side of Prince's Road. The building has a flat roof and is constructed from facing brickwork and tile hanging. The building is typical of 1970s residential architecture. To the rear of the site is a parking area with garages. There are also individual private gardens to the ground floor flats, to the rear part of the site.

2.2 The site is not within a Conservation Area although the Merton (South Park Gardens) Conservation Area lies to the immediate north of the site. The existing buildings on site are not locally or statutorily listed.

2.3 The site is in a controlled parking zone (Zone W3) and has excellent access to public transport (PTAL 6a).

## **3. CURRENT PROPOSAL**

3.1 The application proposes the erection of a single storey extension on top of the building in connection with the creation of 2 x one bedroom flats.

3.2 The extension would feature a flat roof and feature white and light grey facing materials.

3.3 The application also proposes replacing the hung red clay tiles on the existing front elevations with London Stock brick, to match the existing brickwork. The existing white parapet located on the front of the building would be extended around the remainder of the building.

3.3 Two off-street car parking spaces would be provided at the rear and 1 x cycle space for each flat would be located under the stair in the entrance lobby.

## **4. PLANNING HISTORY**

The following planning history is relevant:

4.1 17/P4382 - ERECTION OF A SINGLE STOREY ROOF EXTENSION TO CREATE 2 X SELF-CONTAINED FLATS. Refused - 19/03/2018, for the following reasons:

- 1) The proposed development, by virtue of its excessive height, massing and design would have a detrimental impact on the streetscene when viewed from Prince's Road and surrounding streets and would fail to preserve or enhance the setting of the adjoining Merton (South Park Gardens) Conservation Area contrary to Policies DM D2, DM D3 and DM D4 of the Sites and Policies Plan 2014 and Policy CS14 of the Core Planning Strategy 2011.
- 2) The proposed development would result in two additional residential units, the site is located in a controlled parking zone, has excellent links to public transport and there is no legal agreement in place for the units to be permit free, contrary to the requirements of policy CS20 of the Core Planning Strategy 2011.

The application was subsequently dismissed at appeal on 24<sup>th</sup> September 2018 (Planning Inspector Ref: APP/T5720/W/18/3200657)

4.2 Pre-application advice was sought in June 2019 for the erection of a single storey roof extension set back on all sides from the main building comprising 1 x 2 bed dwelling (Ref: 19/P2021).

4.3 20/P1361 - ERECTION OF ROOF EXTENSION IN CONNECTION WITH CREATION OF 2 x 1 BED FLATS. Refused - 12/06/2020, for the following reason:

- 1) The proposed development, due to a combination of its excessive height, bulk, massing and design would have a detrimental impact on the Prince's Road street scene and would fail to preserve or enhance the setting of the adjoining Merton (South Park Gardens) Conservation Area contrary to policies DM D2, DM D3 and DM D4 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) and Policy CS14 of the Core Strategy (2011).

## **5. POLICY CONTEXT**

5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):

DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3, (Alteration and extensions to buildings), DM E3 (Protection of scattered employment sites), DM F1 (Support for Flood Risk Management), DM F2 (Sustainable urban drainage systems (SuDS)), DM O2 (Nature Conservation, Trees, hedges and landscape features), DM T1 (Support

for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)

5.2 Adopted Core Strategy (July 2011)  
CS.13 (Open space, nature conservation, leisure and culture), CS.14 (Design)

5.3 London Plan (March 2021)  
D4 (Delivering Good Design), D5 (Inclusive Design), D6 (Housing quality and standards), H1 (Increasing housing supply), SI 2 (Minimising greenhouse gas emissions), T5 (Cycling), T6 (Car parking), T7 (Deliveries, servicing and construction)

5.4 National Planning Policy Framework (2019)

## **6. CONSULTATION**

6.1 The application has been publicised by means of a site notice procedure with individual letters also sent to occupiers of neighbouring properties. In response, 39 letters of objection, including an objection from Friends of Wimbledon Town Centre, were received on the following grounds:

- Incongruous design/out of character with existing building and surrounding area/overdevelopment of site
- Poor design
- Excessive height/impact on skyline/unduly prominent and out of scale with surrounding buildings
- Loss of outlook/overlooking/overbearing/loss of daylight and sunlight
- Would not respect the local distinctiveness/historic value of local area
- Would set poor precedent
- Impact on public and private views from adjacent Conservation Area
- Car parking and traffic impact
- Inspectors report from previous refused application implies that a roof extension is not acceptable given minimum height that would be required
- Disruption during construction
- Has not addressed concerns of previous applications refused by the Council and dismissed at appeal
- Comparisons in height to neighbouring buildings misleading due to different roof forms
- Harmful impact on living conditions of residents of existing building

## **7. PLANNING CONSIDERATIONS**

7.1 This is an application under The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Part 20, Class A: Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.

- 7.2 Therefore, subject to various size/height restrictions, at the time of the application being submitted, the only issues that can form material considerations are as follows:
- (a) transport and highways impacts of the development;
  - (b) air traffic and defence asset impacts of the development;
  - (c) contamination risks in relation to the building;
  - (d) flooding risks in relation to the building;
  - (e) the external appearance of the building;
  - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
  - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
  - (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State.

7.3 Key Issues for consideration

- 7.4 Below is an assessment of the considerations against the qualifying criteria in A.1 of Class A, Part 20 of the regulations.

- 7.5 Development is not permitted by Class A if:
- (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;
  - (b) above ground level, the building is less than 3 storeys in height;
  - (c) the building was constructed before 1st July 1948, or after 5th March 2018;
  - (d) the additional storeys are constructed other than on the principal part of the building;
  - (e) the floor to ceiling height of any additional storey is—
    - (i) more than 3 metres in height; or
    - (ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;
  - (f) the new dwellinghouses are not flats;
  - (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);
  - (h) The height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;
  - (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
  - (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—
    - (i) strengthen existing walls;
    - (ii) strengthen existing foundations; or
    - (iii) install or replace water, drainage, electricity, gas or other services;
  - (k) in the case of Class A.(b) development there is no existing plant on the building;
  - (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the

principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

(n) development under Class A.(d) would—

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

(o) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

7.6 Officers can confirm that the site is not or does not fall within any of the criteria set out in part a) to o) above.

7.7 Section A.2 confirms that development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) transport and highways impacts of the development;

(b) air traffic and defence asset impacts of the development;

(c) contamination risks in relation to the building;

(d) flooding risks in relation to the building;

(e) the external appearance of the building;

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and

(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State,

## **7.8 Transport and highways impacts of the development**

7.9 Merton Core Strategy (2011) policy CS 20 and Merton Sites and Policies Plan (2014) policies DM T1 and DM T2 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management. Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need

can be demonstrated. The London Plan states that all developments in areas of PTAL 5 - 6 should be car free.

- 7.10 The application site is located in a controlled parking zone (Zone W3) and has a PTAL rating of 6a, which indicates that it has excellent access to public transport services. Although the proposed development proposes one space per flat, and therefore exceeds The London Plan maximum standards it would not warrant a refusal of the application in this instance as this is not considered excessive.
- 7.11 It is considered that although one of-street car parking space will be provided per flat, a 'permit free' agreement will be necessary in this instance. This is because the site is located in a controlled parking zone, has excellent access to public transport (PTAL 6a), and each flat can be occupied by up to two persons.
- 7.12 Policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development must provide cycle parking in accordance set out in the London Plan. It states that residential cycle parking facilities should be provided in secure and conveniently sited positions with good access to the street. Secure cycle storage is located in the ground floor lobby of the building with 1 space per flat provided. Although this does not comply with the latest London Plan standards published last month, which requires 1.5 spaces per 1 bedroom (2 person) units, it does comply with previous London Plan policy, which required 1 space per unit, which was the relevant policy when the application was submitted. It is therefore considered that this slight shortfall would not warrant a refusal of the application in this instance.

### **7.13 Air Traffic and Defence Assets**

- 7.14 The site is circa 17km from Heathrow, circa 27km from Gatwick and circa 16km from Biggin Hill Airport. There are no defence assets near to the site that would be impacted by the proposal, given the overall height of the buildings.

### **7.15 Contamination Risks**

- 7.16 The site is already in residential use and the development does not propose to penetrate the ground. Furthermore, it is therefore not expected that the proposal raises any contamination issues or risks, given that the development is at rooftop level.

### **7.17 Flooding Risks**

- 7.18 The site is located within Flood Zone 1 indicating low probability of flooding.

### **7.19 The External Appearance of the Building**

- 7.20 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. Policies DM D2 and DM D3 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

- 7.21 It should be noted that there have been two previous applications to add an additional storey to the top of the building that have been refused on design/visual amenity grounds. The first, LBM Ref: 17/P4382, proposed a mansard roof extension. This application was refused under delegated powers and was subsequently dismissed at appeal. The Inspector stated that the proposed increase in height at this location would be clearly at odds with the more modest development immediately neighbouring the site, which would create an overbearing and unneighbourly form of development. The Inspector also stated that the use of a mansard roof would not respond to any roof forms in the immediate area with an expanse of slate across the majority of the façade. Due to the scale, mass and general bulkiness of the extension it would appear overly prominent and obtrusive when viewed from Prince's Road.
- 7.22 The second application, LBM Ref: 20/P1361, proposed a fully glazed structure with vertical walls to try and address the Inspectors concerns regarding the shape and form of the extension. However, it was considered that due to a combination of the extension's large footprint, which extends almost the full width of the building, increase in height, use of vertical walls, and contrasting design with the use of grey back painted glazed panels means the extension would appear overbearing, top heavy, and visually intrusive when viewed from Prince's Road. It was also considered that the extension would not respect the form, scale, bulk, and proportions of the original building. It was also considered that the proposal would appear visually intrusive in both public and private views when viewed from the adjacent Merton (South Park Gardens) Conservation Area.
- 7.23 It is considered that the current proposal addresses the concerns expressed by the Council and Planning Inspector in the previous applications and is now considered acceptable in terms of its height, bulk, massing, and design. The extension would be a similar height to previous applications, however its bulk and massing will be reduced due to its smaller footprint, with its flank walls now set in 1m from the buildings side elevations (previously 30cm) and its front elevation set back 2.1m (previously 1.8m) from the front of the building) in comparison to the previous application LBM Ref: 20/P1361. The extension features a flat roof which would be a similar height to No.17, which has a traditional twin pitch roof profile, and it is considered that although it would have a more bulky profile due to the design constraints of the existing building, it is acceptable, and would not be visually intrusive when viewed from the street. This is because the front elevation would be set back 2.1m from the front of the



current building and the extension features external finishes comprising white and light grey render which will give it a very lightweight appearance when viewed against the existing building. This design approach lends itself to the current architectural style of the building, whereas the previous ultra-modern fully glazed and traditional mansard style designs which were refused did not.

- 7.25 The application also proposes updating the front of existing building with the current red tile replaced by matching brickwork. This is considered acceptable as it would improve the appearance of the existing front of the building which appears dated. Overall, it is considered that the proposed extension would have an acceptable impact on the Prince's Road street scene, and from both public and private views from the adjacent Merton (South Park Gardens) Conservation Area. The proposal is therefore considered to be acceptable in terms of design and complies with relevant design policies.

#### **7.24 The Provision of Adequate Natural Light**

- 7.25 All habitable rooms have windows or French doors opening up onto private terraces. It is therefore considered that all habitable rooms have adequate access to natural light.

#### **7.26 Impact on the Amenity of the Existing Building and Neighbouring Premises**

- 7.27 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.

- 7.28 The proposal would result in an increase in the height of the building, however, the proposed extension is a lightweight structure which is set back from the front and rear elevations of the existing building. As a result it is considered that there would be limited visual impact when viewed from the adjoining residential buildings, Nos. 17 and 21 Prince's Road. It is also considered that there would be very limited impact on daylight/sunlight levels. To prevent any overlooking from the rear terraces, a condition will be attached requiring 1.8m high privacy screens enclose the sides of each terrace.

- 7.29 The extension would be visible from the rear elevations of properties located on Stanley Road and South Park Road. However, it is considered that the properties which comprise elevations that directly look towards the proposed development are flatted buildings located a minimum of 27m from the proposed extension which further reduces the proposed extension's visual impact.

- 7.30 Overall, the proposal would accord with relevant planning policy on neighbour amenity.

7.31 **Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State**

7.32 These Directions relate protected vistas identified by the Mayor of London within the London View Management Framework SPG. The site does not fall within any of these views and therefore raises no concerns on this basis.

7.33 **S.106 requirements/planning obligations**

7.34 Permit Free

7.35 The development is to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.

7.36 Local Financial Consideration

7.37 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £115 per additional square metre of floor space to be paid to Merton Council and an additional £60 per additional square metre to be paid to the Mayor. Further information on this can be found at: <http://www.merton.gov.uk/environment/planning/cil.htm>

7.38 **CONCLUSION**

7.39 For the reasons set out above in this report, it is concluded that the proposal would be acceptable in planning terms and would not warrant refusal. Prior approval is therefore recommended to be granted.

**RECOMMENDATION**

**GRANT Prior Approval subject to the completion of a S106 agreement covering the following heads of terms:**

1. Permit free
2. Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

**And subject to the following conditions:**

1. A.1 (Commencement of Development)
2. B.1 (External Materials to be approved)
3. C.6 (Refuse and Recycling (Details to be Submitted))
4. C.10 (Balcony or External Staircase (Screening details to be provided))
5. D.11 (Hours of Construction)

6. H.6 (Cycle Parking – Details to be Submitted)
7. No use of flat roof (apart from designated terraces)
8. Construction Management Plan

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