

**PLANNING APPLICATIONS COMMITTEE  
19 JUNE 2014**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	14/P0988	17/04/2014
<b>Address/Site</b>	Garages to the rear of Princess Court, 115 – 117 Hartfield Road, Wimbledon, SW19 3JT	
<b>(Ward)</b>	Dundonald	
<b>Proposal:</b>	Demolition of 13 lock-up garages and erection of single storey dwelling with basement.	
<b>Drawing Nos</b>	OS Site Plan, 828/LOC 001, 828/103, 828/161 B, 828/162 A, 828/163 B, Design and Access Statement, Planning Statement, Daylight/Sunlight Study, Construction Method Statement, and Lifetime Homes and Compliance Checklist.	
<b>Contact Officer:</b>	Sabah Halli (0208 545 3297)	

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**RECOMMENDATION**

**Grant Planning Permission subject to conditions and S106 Heads of Terms**

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**CHECKLIST INFORMATION**

- Heads of Agreement: Financial contributions affordable housing within the borough and the development being parking permit-free,
- 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: 48
- External consultations: No

- Controlled Parking Zone: Yes (W4)

## 1. **INTRODUCTION**

This application is being brought to the Planning Applications Committee for determination due to it being 'called in' by a Member and the number of objections received.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises an area to the rear of Princess Court (a 4 storey block of flats) on which there are 13 lock-up garages and 2 parking spaces. This car parking area is accessed by a vehicular access to the side of the block of flats, and off Hartfield Road.
- 2.2 The site is not located within a Conservation Area and there are no Tree Preservation Orders on the site.

## 3. **CURRENT PROPOSAL**

- 3.1 The proposed development comprises the demolition of the existing block of 13 lock-up garages and the erection of one single storey, detached, dwelling with basement accommodation, associated parking, and landscaping.
- 3.2 The proposed dwelling is of a simple, modern design with rendered walls and a flat roof. It has an L-shaped footprint, with accommodation at ground floor comprising entrance hall, 4 bedrooms, bathroom, and storage, and accommodation at the lower level comprising a kitchen/living/dining room, family room, and utility room with full height glazed doors opening onto a terrace set 2.7m below ground level and measuring 6m by 9m.
- 3.3 Off-street parking for a minimum of 1 car is proposed to the side of the dwelling in addition to storage for 4 bikes. Refuse and recycling storage would be located adjacent to the parking space.
- 3.4 It is proposed to plant new trees along both side boundaries of the site and adjoining the existing 1.8m high brick wall separating the site from the rear amenity space of the flats in Princess Court. The existing boundary treatments (1.8m close boarded fencing) are proposed to be retained apart from the side/rear boundary with 113 Hartfield Road and this is proposed to be replaced with a 1.8m brick wall.
- 3.5 The applicants advise that the house would be built to Lifetime Homes standards and to achieve Code for Sustainable Homes Level 4.

- 3.6 Materials proposed are render, timber panels, and aluminum doors and windows, and timber fencing and brick walling.

4. **PLANNING HISTORY**

- 4.1 14/P0992 -DEMOLITION OF 13 LOCK-UP GARAGES AND THE ERECTION OF A PART TWO STOREY AND PART SINGLE STOREY DWELLING WITH BASEMENT. - Pending consideration
- 4.2 13/P3817/NEW - PRE-APPLICATION ADVICE FOR THE DEMOLITION OF 13 LOCK-UP GARAGES AND ERECTION OF A NEW DETACHED DWELLINGHOUSE.
- 4.3 12/P2662 - ERECTION OF TWO x 2 BED DETACHED HOUSES INVOLVING DEMOLITION OF EXISTING 13 LOCK-UP GARAGES – Refused at Planning Applications Committee on the following grounds:
1. The proposed new dwellings by reason of their bulk, scale, height, design, and siting would represent excessively large and overbearing additions and an overdevelopment of the site, to the detriment of the visual amenities of the surrounding area and the outlook and privacy of the adjoining and surrounding properties. As such the proposed development is contrary to policies HS.1, BE.22, and BE.15 of the London Borough of Merton UDP October 2003, and the Council's new Residential Development UDP.
  2. The proposed development would result in a total loss of the existing off street parking, resulting in an unacceptable level of displacement parking in an area of acute on-street parking pressure, which is subject to Controlled Parking measures. As such the proposed development is contrary to policy CS.20 of the London Borough of Merton Core Planning Strategy 2011.

Appeal dismissed. In terms of character and appearance, the Inspector considered that given the modest size of the development proposed, their location, and the much larger Princess Court, that the houses would not be cramped, excessively large, or overbearing, and to the contrary would appear very modest with sufficient space for private gardens and parking spaces with no harm to the character or appearance of the wider area.

In terms of living conditions, House B was still very close to the boundary and she considered that it could appear overbearing to the lower flats as well as to the private amenity space to the flats. Both houses could cause some overshadowing to 113 Hartfield Road, and despite the window design there would still be a perception of being overlooked at a close

distance. 119 was not considered to be significantly. The Inspector was also concerned regarding the living conditions of the actual houses themselves. For example, there would be roof lights to each property and the occupiers of House B may well be overlooked from the upper floor flats in Princess Court.

In terms of loss of parking, the Inspector noted that the use of some of the existing garages by non-residents of Princess Court seems to have been accepted in earlier appeals and agrees that there does not seem to be a mechanism in place that would ensure the garages are only available to the residents in Princess Court Only. Although the inspector considered the loss of the garages to be regrettable, however given that the actual availability of the garages for parking is questionable, they considered that the strength of a case against redeveloping the site on the grounds of losing the garages was limited.

The appeal was dismissed solely on grounds relating to living conditions (Appeal decision notice appended).

- 4.4 12/P0183 - ERECTION OF TWO x 2 BED DETACHED HOUSES INVOLVING DEMOLITION OF EXISTING 13 LOCK-UP GARAGES – Appealed on non-determination and appeal dismissed.

The Inspector considered that the proposal would have an unacceptably overbearing impact due to the length, mass and bulk of House B and that it would result in an oppressive outlook for the occupiers of the ground floor flat in Princess Courts and would also be oppressive and overbearing when viewed from the garden area of the flats.

The Inspector noted that the rear elevation of both new houses, which contained a main bedroom window at first floor level, would face the rear garden of number 113 at a relatively short distance and closer than that proposed under the previous application (10/P3235) and considered that the proximity of the proposed houses to the boundary would present a threat to the privacy of the occupiers of number 113.

(Appeal decision notice appended)

- 4.5 10/P3255 - ERECTION OF TWO x 2 BED DETACHED HOUSES INVOLVING DEMOLITION OF EXISTING 13 LOCK-UP GARAGES – Refused, on the following grounds:

*1. The proposed new dwellings by reason of their bulk, scale, height, design, and siting would represent excessively large and overbearing additions and an overdevelopment of the site, to the detriment of the visual amenities of the*

*surrounding area and the outlook and privacy of the adjoining and surrounding properties. As such the proposed development is contrary to policies HS.1, BE.22, and BE.15 of the London Borough of Merton UDP October 2003, and the Council's new Residential Development UDP.*

*2. The proposed development would result in a total loss of the existing off street parking, serving the occupants of Princess Court, resulting in an unacceptable level of displacement parking in an area of acute on-street parking pressure, which is subject to Controlled Parking measures. The proposed development also does not provide any cycle parking. As such the proposed development is contrary to policies PK.2 and PK.3 of the London Borough of Merton UDP - October 2003.*

*3. The development does not provide a satisfactory standard of accommodation, by failing to provide adequate room sizes for properties. The development is therefore contrary to Policy HS.1 of the Adopted Merton Unitary Development Plan (October 2003) and to the Council's New Residential Development - SPG.*

Appeal dismissed.

The Inspector concluded that the proposed dwellings would have no materially detrimental effect on the character or appearance of the appeal site or the surrounding area, but that whilst the proposed development would not result in any materially detrimental effect on privacy either for neighbours or future occupiers the significant loss of outlook from and loss of light to flats in Princess Court resulting from the proximity of the flank wall of House A would have a materially harmful effect on the living conditions of occupiers of the flats.

They also concluded that owing to the limited and unsecured contribution the site makes towards off-street parking provision in the area its loss would not amount to a reason to withhold permission for redevelopment.

(Appeal decision notice appended)

- 4.6 10/P2100/NEW - PRE APPLICATION ADVICE - DEMOLITION OF GARAGES AND ERECTION OF TWO DWELLINGS
- 4.7 MER875/71 - 10 FLATS, 2 BED SITTERS, 1 PENTHOUSE, 13 GARAGES & 2 PARKING SPACES – Approved
- 4.8 MER1198/71 - 13 GARAGES, 1 PARKING SPACE IN CONNECTION WITH APPROVED DEVELOPMENT - Approved

4.9 WIM7184 - CONVERSION FORMING 2 FLATS, AND PROVISION OF OFF STREET PARKING FOR 2 CARS – Approved

5. **CONSULTATION**

5.1 The application has been advertised by site notice and letters of notification to the occupiers of neighbouring properties. 4 representations have been received:

- Loss of outlook as a result of the development
- More noise from the site as a result of a residential use
- Loss of privacy to adjoining properties
- The dwelling is an overdevelopment of the site
- Light pollution from the new dwelling
- National Grid sub-station located to the rear of a Church close to the site has possible health and safety risks for future occupants of the dwelling
- The site is only suitable for garaging/parking
- Impact on local parking conditions as a result of the loss of the garages
- Water table at ends of gardens of 44 – 48 Herbert Road is very high and it is a possible an underground stream ran long there. Building on or near this boundary could cause flooding of the properties at Herbert Road. A culvert goes under 110 Graham Road towards Hartfield Road and may exit via the drive of princess Court.
- The shadow path analysis indicates that the dwelling will not receive the 5% average daylight recommended in the BRE guide and this would result in very little natural light to the basement accommodation
- Very little outside space is proposed for this family sized dwelling

5.2 Transport Officer – No objection. The site has a PTAL rating of 6a and is situated within the Controlled Parking Zone W4. A previous application on this site provided sufficient evidence that the garages were for short term let and available to all for rental. They have been primarily used for storage and therefore the removal of the garages would be

unlikely to have a significant effect on the parking provision in this area. The proposal includes two off-street parking bays and adequate cycle parking.

To ensure the impact on the local public highway is minimal it is recommended that the new unit is made permit free by S106 agreement.

In conclusion, there is no transport objection subject to the permit free obligation but please provide the applicant with the relevant informatives.

### 5.3 Climate Change Officer

As outlined in the design and access statement, the development should achieve Code for Sustainable Homes Level 4 and the relevant pre-commencement and post completion conditions relating to Code 4 should be applied. In addition, the development should demonstrate that it has been designed in accordance with the Mayor's energy hierarchy: be lean; be clean; be green as outlined in Merton's Core Planning Strategy Policy CS15 part b.

The development should also be designed to meet Lifetime Homes in accordance with Policy CS 8 of the Core Strategy.

The area to the south of the garages r/o 119 onwards is susceptible to surface water flooding and the site is just outside of a controlled drainage area (CDA). As such policies DM F1: Support for Flood Risk Management and DM F2: Sustainable drainage systems; wastewater and water infrastructure of Merton's Submission Draft Sites and Policies Plan need to be considered.

## 6. **POLICY CONTEXT**

6.1 The relevant policies within the Adopted Unitary Development Plan (October 2003) are:

HS.1 (Housing Layout and Amenity), BE.3 (Development Adjacent to a Conservation Area), BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE.16 (Urban Design), BE.22 (Design of New Development), PE.25 (Risk of Flooding), NE.11 (Trees-Protection), and F.2 (Planning Obligations)

6.2 The relevant policies within the Adopted Merton Core Strategy (July 2011) are:

CS 8 (Housing Choice), CS 9 (Housing Provision), CS 6 (Wimbledon Sub

- Area), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), CS 16 (Flood Risk Management), and CS 20 (Parking, Servicing, and Delivery)
- 6.3 New Residential Development – SPG  
Design – SPG  
Planning Obligations – SPD
- 6.4 The relevant policies in the London Plan (2011) are:
  - 3.3 [Increasing housing supply];
  - 3.4 [Optimising housing potential];
  - 3.5 [Quality and design of housing developments];
  - 3.8 [Housing choice]
  - 3.11 [Affordable housing targets];
  - 5.7 [Renewable energy]
  - 8.2 [Planning obligations].
- 6.5 London Plan Housing SPG
- 6.6 National Planning Policy Framework (2012)
- 6.7 Emerging policies within the Draft Sites and Policies Plan Feb 2014.  
Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.  
The London Borough of Merton draft ‘Sites and Policies Plan’ was considered by the independent Planning Inspector appointed by the Secretary of State at a public hearing in January 2014 and the final report was published on 4 June 2014. No changes are required to the February 2014 version ‘Sites and Policies Plan (including all modifications) and the Plan is due to be formally adopted in July.
- 6.8 Relevant policies are DM D1 (Urban design and the public realm), DM D2 (Design Considerations in all developments), DM F1 Support for flood risk management, and DM F2 (Sustainable drainage systems; wastewater and water infrastructure).

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations concern the principle of demolition of the existing garages, the design and appearance of the proposed dwelling houses and their impact on the character and appearance of the surrounding area, and their effect upon neighbour amenity, and parking.



- 7.2 Principle of Demolition of Existing Garages and Impact on Parking Provision
- 7.3 The existing garages are not located within a Conservation Area and are of no particular architectural merit.
- 7.4 Planning consent MER 1178/71 relates to the 'Erection of thirteen garages and the provision of one parking space at no's 115 – 117 Hartfield Road in connection with the approved development of the site for residential purposes'. The following three conditions are attached to this consent:
- 1. The development must be begun no later than the expiration of five years beginning with the date of this permission.*
  - 2. The garages shall be for private use only and not for any industrial or other business purposes*
  - 3. The garages and parking space shall be provided before the flats are occupied and be kept available thereafter.*
- 7.5 The applicant has advised that the 13 garages and flats have been in separate titles since December 2002 and that 8 of the 13 garages have been rented to people not residing at the site prior to this, from 1995. In support of the previous application, 12/P2662, the applicant submitted a schedule of tenancy for the garages showing the 8 garages that have been leased to persons not living at the flats. The applicants have confirmed with this application that those leases have now been terminated and the garages will be completely vacated June this year. During the consideration of application 12/P2662, the Council's Planning Solicitor considered the details contained within planning approval MER1178/71 and advised that they do not consider that the permission restricts the use of the garages solely to the occupiers of the adjacent flats.
- 7.6 Given the lack of a mechanism to ensure that the garages are available to Princess Court residents, the 3 Planning Inspectors considering the Appeals relating to 10/P3255, 12/P0183, and the most recently refused application 12/P2662 were of the view that because of the limited and unsecured contribution the site makes towards off street parking provision, its loss would not amount to reason to withhold permission for redevelopment.
- 7.7 The latest Inspector stated:

*Reference has been made to what appears to be the planning application for garages and a parking space which includes a condition restricting the use of the garages for private use only and not for industrial or business purposes and a condition that requires the garages and parking space to be provided before the flats are occupied and be kept available thereafter.*

*That some of the garages are used by non-residents seems to have been accepted in the two earlier appeals referred by the Council and the appellant and I agree that there does not seem to be a mechanism in place that would ensure the garages were available to the residents in Princess Court only.*

*I am not entirely certain that the garages are used to store cars although one was clearly being used for motorbike parking at the time of my site visit and a vehicle was parked in a parking space at the site. However, the appellant indicates that the garages are let on short terms leases only which can be terminated at any time.*

*I also noted that vehicle parking is at a premium in Hartfield Road with some spaces being for residents with permit holders and others being restricted parking payable at nearby meters. The loss of the garage colony would be regrettable as even if they were only suitable for small vehicles they would help alleviate pressure for parking on the road. However, given that the actual availability of the garages for parking is questionable the strength of a case against redevelopment this site on the grounds of losing the garages is limited.'*

- 7.8 It is the Council's Legal opinion that the planning approval does not restrict the use of the garages solely by occupants of the flats at Princess Court and in any case, if it had, such a breach has been occurring for more than 10 years and therefore would now be lawful.
- 7.9 In light of the above, it is considered that a refusal based on the loss of the existing garages could not be substantiated, particularly as all three previous appeals have not been dismissed on the basis of the loss of the existing garages but on other grounds. As such there are no objections to the loss of the existing garages.
- 7.10 Design and Character of the Area
- 7.11 This scheme follows the refusal of 12/P2662 for the demolition of the existing lock-up garages and erection of a pair of semi-detached, one and a half storey houses. The proposed dwellings were of a traditional gable roofed design. The application was refused at Planning Applications Committee and a subsequent appeal was dismissed but only on the grounds of impact on living conditions of adjacent occupiers and occupiers

- of the proposed units and not on character and appearance or loss of parking.
- 7.12 The current application adopts a completely different design approach to the previously refused schemes. Only 1 residential unit is proposed rather than 2, and it is single storey with a basement level opening out onto an excavated lower terrace as opposed to being 1 ½ or 2 storey. It consequently has very little impact on the wider area. At 3.3m above ground level, its low height means that it would also be less visible to the adjoining properties over the proposed boundary treatments (1.8m high fencing/walling).
- 7.13 The dwelling is considered to fit well within the site in terms of its plot coverage and the balance between hard and soft landscaping and would not appear as an overdevelopment of the site.
- 7.14 It is considered that a condition should be added to any approval requiring details of materials to be used for the dwellings to be submitted to the Council for approval in writing prior to development commencing in addition to details of the proposed hard and soft landscaping.
- 7.15 Standard of Accommodation
- 7.16 Table 3.3 of the London Plan (2011) advises a minimum of 107m<sup>2</sup> gross in internal area (GIA) for a new 2 storey 4 bedroom/6 person dwelling. The dwelling would have a GIA of 228.7m<sup>2</sup> which is well in excess of the London Plan minimum.
- 7.17 As requested by officers, given the location of the main habitable accommodation below ground level, opening out onto a 52 square metre lower level private amenity space, a Daylight/Sunlight study based on the tests laid down in the Building Research establishment (BRE) Guide ' Site Layout Planning for Daylight and Sunlight' 2011 analysis has been submitted. The study confirms that the development passes the BRE tests in relation to interior daylighting, sunlight to windows and minimum hours of sunlight to at least 50% of the amenity space area. It is considered that the proposed development would provide a satisfactory standard of accommodation in relation to daylight and sunlight.
- 7.18 Policy HS1 and the Council's New Residential Development SPG require a minimum of 50m<sup>2</sup> private amenity space for new dwellings and this is met.
- 7.19 Neighbour Amenity

- 7.20 Given that the proposed house is a maximum of 3.3m above ground level, the previous Inspector's concerns about impact on the lower level flats in Princess Court, on the flats' outside amenity space and on perceptions of privacy in relation to 113 Hartfield Road are considered to be overcome..
- 7.21 As stated earlier, this present scheme adopts a completely different design approach to the previous schemes by proposing a single unit with a basement level as opposed to 2 units at 1 ½ or 2 storeys. The new residential unit would be located a minimum of 1.74m from the boundary with rear of Princess Court, 2.8m from the boundary with 113 Hartfield Road, 3.2m from the rear boundary with the properties at Herbert Road, and 5.5m from the side boundary with 119 Hartfield Road. The Council's New Residential Development SPG only provides guidelines for the separation of the flank wall of a dwelling from the curtilage of an existing property for developments of at least 2 storeys.
- 7.22 Given the single storey height of the extension and proposed boundary treatments (1.8m high fencing or walling) it is considered that the dwelling would be located at a sufficient distance from the properties adjoining the site and would not result in a detrimental impact on the outlook, daylight and sunlight or privacy of the adjoining properties. A condition would be added to any approval prohibiting the use of the flat roof of the dwelling as a terrace.
- 7.23 Basements
- 7.24 There has been a marked increase in the number of applications within the Borough including extensive basements and it has become routine, given the concerns that arise in relation to stability and impact on groundwater and surface water conditions, to require a construction method statement attached to the grant of permission.
- 7.25 Surface water run-off/drainage has been raised as an issue by objectors and the site is noted by the Council's Climate Change Officer as susceptible to surface water flooding. Any construction method statement will be required to include details of how surface water drainage will be dealt with within the site, including the potential use of a 'green' sedum roof for the dwelling, rainwater harvesting, and other innovative technologies where appropriate.
- 7.26 Landscaping
- 7.27 There are no trees or hedgerows within the curtilage of the development site but there are some plantings on the adjoining amenity area for the flats. The applicants have confirmed that none would be removed as part of the proposed works and that they would intend to add include

- landscaping as part of the scheme. The proposed site plan indicates that new trees would be planted along the boundaries of the site adjoining no's 113 and 119 Hartfield Road and adjoining the existing brick wall which would separate the site from the rear amenity area and flats of Princess Court.
- 7.28 This is considered acceptable in principle - a condition would be added requiring approval of the proposed hard and soft landscaping prior to commencement of works.
- 7.29 Highways
- 7.30 The Transport Officer has no objections subject to the development being 'permit free' by legal agreement.

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

- 8.1 The proposal is for minor residential development and 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 an EIA submission.
- 8.3 The new dwelling would be required to be built to Lifetime Homes standards and to achieve Code 4 of the Code for Sustainable Homes.

## **9 MAYORAL COMMUNITY INFRASTRUCTURE LEVY**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

## **10 MERTON'S COMMUNITY INFRASTRUCTURE LEVY**

- 10.1 Merton's Community Infrastructure Levy was implemented on 1<sup>st</sup> April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected except for affordable housing.

## **11 S106 LEGAL AGREEMENT**

- 11.1 Core Strategy policy CS 8 requires that all sites capable of providing between 1-9 units (net) will be required to make provision for affordable housing as an off-site financial contribution. In this instance there will be a net gain of 1 new unit on the site and so a financial contribution will be required (£88,780).
- 11.2 To ensure the development is 'car free' in line with policy on sustainable transport, future occupants of the development would not be eligible for parking permits.

## **12 CONCLUSION**

- 12.1 In conclusion, it is considered that the principle of the development is acceptable and would not adversely impact on the character of the area. The design, siting, size, height and materials of the proposed building are in keeping with the varied character of the surroundings. The residential amenities of the occupiers of the adjoining residential properties would not be sufficiently affected to warrant a refusal and the development provides an acceptable quality of accommodation for future occupiers.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to the completion of a S106 agreement covering the following heads of terms:

1. Financial contribution for affordable housing (£88,780)
2. Designation of the development as car-free and that on-street parking permits would not be issued for future residents of the proposed development.
3. The developer agreeing to meet the Council's costs of preparing, drafting, or checking the agreement
4. The developer agreeing to meet the Council's costs of monitoring the agreement.

And the following conditions:

1. A.1 Commencement of Development (full application)

2. A7 Plans
3. B1 External Facing Materials to be Approved
4. B4 Details of Site/Surface Treatment
5. B5 Details of Walls/Fences
6. B6 Levels
7. C1 No Permitted Development (Extensions)
8. C7 Refuse & Recycling (Implementation)
9. C8 No Use of Flat Roof
10. D9 No external Lighting
11. D11 Hours of Construction
12. F1 Landscaping/Planting Scheme (including new trees within the site)
13. F2 Landscaping (Implementation)
14. F9 Hardstandings
15. H4 Provision of Vehicle Parking
16. H7 Cycle Parking - Implementation
17. H10 Construction Vehicles, Washdown Facilities etc (to ensure construction will not impede the free of flow of pedestrian and vehicular traffic along Hartfield Road)
18. J1 Lifetime homes
19. L2P Code for Sustainable Homes – Pre-Commencement (New build residential)
20. L3 Code for Sustainable Homes – Pre-Occupation (New Build Residential)
21. Non – Standard Condition: No development shall commence until a detailed construction method statement and drainage details indicating precisely how the approved dwelling will be built to have regard of local ground and water conditions, including surface run-off, has been

submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The approved development shall then be carried out as per the details of the Construction Method statement.

Reason: To safeguard the adjoining properties and to comply with policies PE.25 of the Adopted Merton Unitary Development Plan and policy CS 16 of the Adopted Merton Core Planning Strategy.

Informatives:

INF12 Works affecting the public highway

Note 1





London Borough of Merton  
100 London Road  
Morden  
Surrey  
SM4 5DX

Scale 1/1250

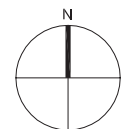
Date 3/6/2014

115-117 Hartfield Road

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DEVELOPMENT CONTROL



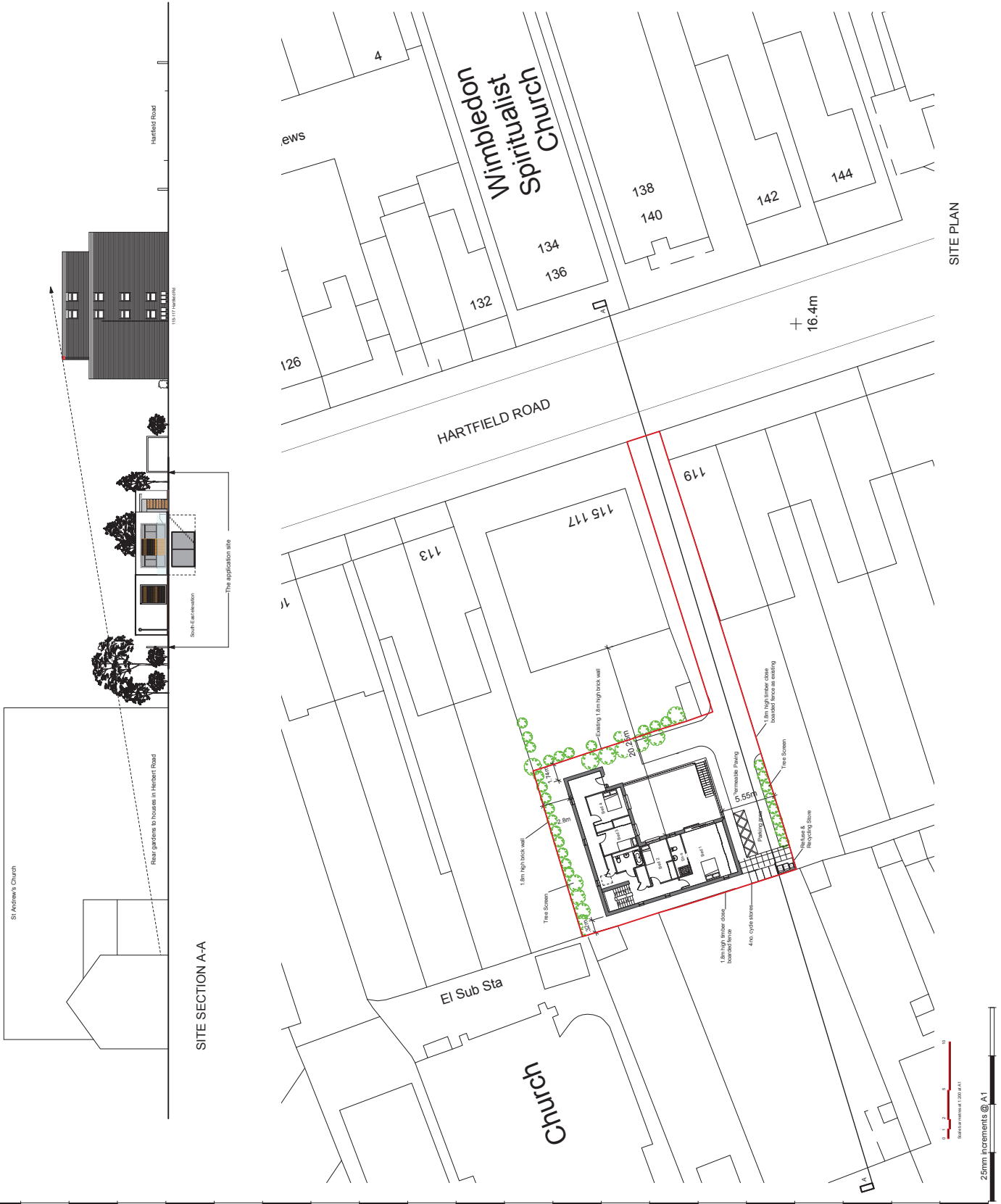


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**THE BRUNTON BOOBYER  
 PARTNERSHIP**  
 CHARTERED ARCHITECTS

115 Hartfield Road Wimbledon, SW19.	scale	drawn	date
	1:1250@A4	4116	01.11.11
			rev
LOCATION PLAN	828/LOC 001		

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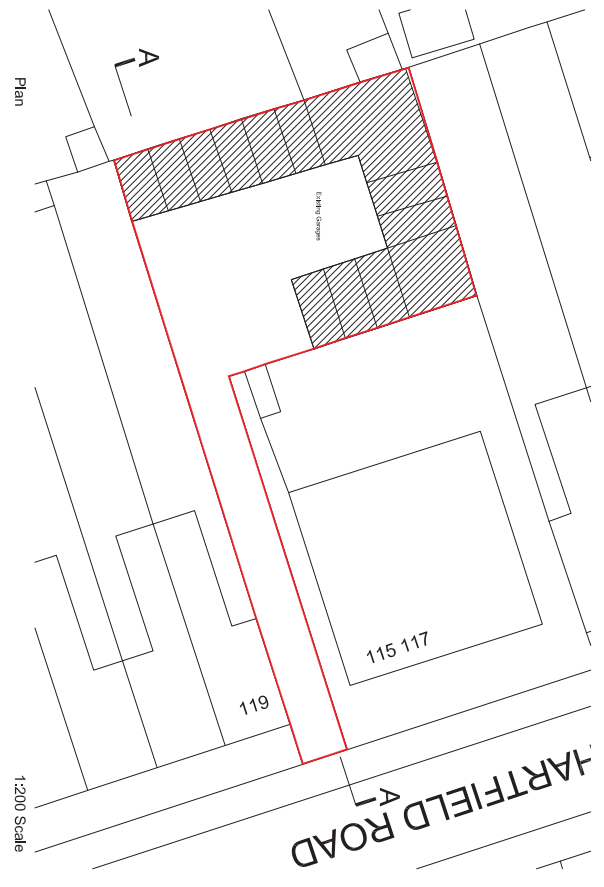
**THE BRUNTON BOOBYER PARTNERSHIP**  
CHARTERED ARCHITECTS

LAND TO R/O 115/117 HARTFIELD RD  
WIMBLEDON SW19  
Proposed site plan and  
contextual site section.

drawn 1004 scale 1:200 @ A1 date 09/03/14

drawing ref 828/163 revision B

SCALE BAR DIVIDED INTO 25mm SEGMENTS @ A1



Plan

1:200 Scale

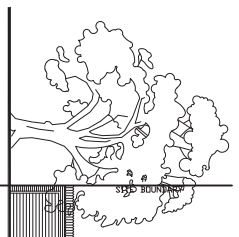
HARTFIELD ROAD

119

115/117

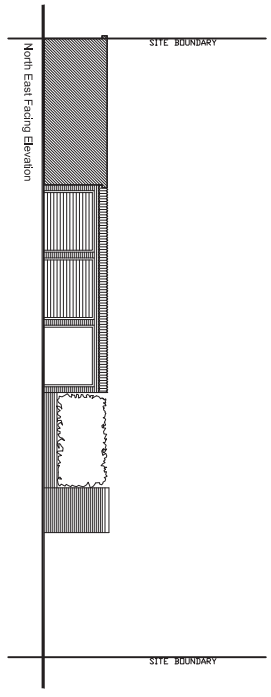
A

Elevations



South West Facing Elevation

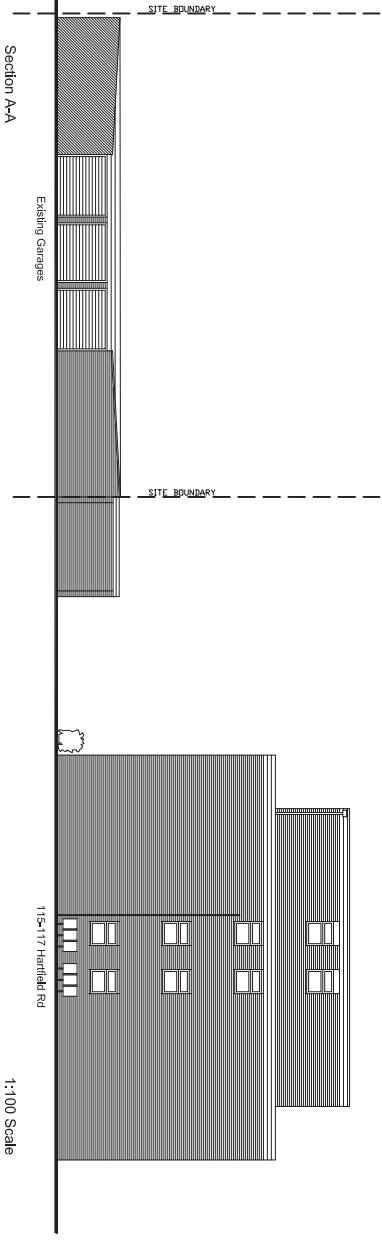
1:100 Scale



North East Facing Elevation

North West Facing Elevation

1:100 Scale



Section A-A

1:100 Scale

115-117 Hartfield Rd

Existing Garages

SITE BOUNDARY

SITE BOUNDARY



SCALE BAR @ 1:100 @ A1

**PLANNING**



201 GREENWICH HIGH ROAD, TROTTERS BUILDING, LONDON, SE10 8JH  
 TEL: 020 7463 8240  
**THE RUTLAND ROOBIEY PARTNERSHIP**  
 CHARTERED ARCHITECTS

115 Hartfield Road, Wimbledon, SW19.  
 Existing Plans, Elevations & Sections

Scale 1:100 @ A1  
 drawn 4/18  
 date 07/25/10  
 revision

828/103



**THE BRUNTON BOOBYER PARTNERSHIP**  
 CHARTERED ARCHITECTS

LAND TO R/O 115/117 HARTFIELD RD WIMBLEDON SW19 Proposed plans, elevations and section.	
drawn 1004	scale 1:100 @ A1
date 20.02.14	revision B
drawing ref <b>828/161</b>	

B - 111.5m<sup>2</sup>  
 G - 117.2m<sup>2</sup>  
 T = 228.7m<sup>2</sup> / 2460sq ft



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# Appeal Decision

Site visit made on 5 October 2011

**by K E Down MA(Oxon) MSc MRTPI MBS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 October 2011**

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**Appeal Ref: APP/T5720/A/11/2153757**

**Land R/O 115-117 Hartfield Road, Wimbledon, London, SW19 3TJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Woodcock Holdings Ltd against the decision of the Council of the London Borough of Merton.
  - The application Ref 10/P3255, dated 18 November 2011, was refused by notice dated 14 January 2011.
  - The development proposed is the demolition of existing 13 No lock up garages and erection of a pair of two-bed detached houses.
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. Following receipt of additional evidence contained in the appellant's appeal documents the Council has withdrawn one of its reasons for refusal, relating to the loss of off street parking.

## Main Issues

3. There are three main issues. Firstly, the effect of the proposed development on the character and appearance of the appeal site and the surrounding area; secondly, the effect on the living conditions of nearby occupiers with respect to outlook and privacy; and thirdly, the effect of the proposed development on the living conditions of future occupiers with respect to the accommodation within the proposed dwellings.

## Reasons

4. The appeal site comprises land to the rear of Princess Court, a modern four storey block of flats, on which there are 13 lock-up garages and two parking spaces. The site is accessed, via a vehicular drive to the side of the block of flats, off Hartfield Road, a mainly residential through road close to the centre of Wimbledon. The appeal site is surrounded by the gardens of properties in Hartfield Road and, to the rear, Herbert Road. Built development in the vicinity is of mixed age and character but predominantly comprises Victorian dwellings and modern flats. There is a large church building to the north-west of the site.
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5. The proposed development would result in the removal of the garages and their replacement with two 1.5 storey dwellings. The density would be about 38 dph which in itself would be acceptable and lower than the densities at other backland development sites in the vicinity. Although the dwellings would be higher than the garages they would replace, their relatively modest size, and location between the four storey flats and the large church would mean that they did not appear unduly tall or bulky in this backland location. The design of the dwellings would be Georgian in style and noticeably different from that of the surrounding Victorian dwellings and modern flats. However, in this backland location, almost invisible from the street, I am not persuaded that the proposed design would be unacceptable.
6. The Council suggests that the appeal site provides a valuable area of openness. However, the site is covered by garages and hardstandings and whilst the garages are only single storey, providing an open aspect over the site above ground floor level, its contribution to the character and appearance of the area is limited.
7. It is concluded on the first main issue that the proposed dwellings would have no materially detrimental effect on the character or appearance of the appeal site or the surrounding area. In consequence there would be no conflict with Policy BE.22 of the London Borough of Merton Unitary Development Plan, 2003 (UDP) which seeks to ensure that new development complements the character and local distinctiveness of the surrounding area.
8. Turning to the living conditions of occupiers of surrounding dwellings, the Council refers to standards set out in its adopted Supplementary Planning Guidance (SPG) entitled New Residential Development and dated 1999. The appellant points out that SPG is guidance and should not be slavishly adhered to in every case. I agree that is so. Nevertheless, it sets out guidelines for acceptable development and is a material consideration that carries significant weight.
9. The flank wall of House A would be about 1m from the site boundary and about 10m from the rear elevation of the Princess Court flats. Although the appellant suggests a slightly greater distance I consider the Council's figure to be more accurate. A number of habitable room windows at ground floor and above would face towards the flank of the house. The Council's SPG states that a minimum distance of 12m should be maintained between two storey flank walls and facing windows. However, where the flank wall faces existing dwellings, as in this case, it is expected to be, in addition, 4m from the curtilage of the existing dwelling. Since the proposed dwelling would have rooms partially in the roof space, making it lower than a conventional two storey house, a degree of flexibility should apply. Nevertheless, the separation distance would be appreciably less than that suggested in the SPG and the proximity of the proposed house to the shared boundary would exacerbate the effect. Overall, the dwelling would appear overbearing and would result in an oppressive outlook for occupiers of the flats, including from the garden, and the loss of some sunlight and daylight to habitable rooms, particularly those at ground floor level. This would unacceptably harm the living conditions of residents.
10. The appellant suggests that the reduction in the length of built development opposite the rear of the flats would compensate for the additional height of the

proposed flank wall. However, the garages appear to comply with the separation standards in the SPG and so this argument carries little weight.

11. Although reference is made in the SPG and by the appellant to the BRE publication "Site Layout Planning for Daylight and Sunlight" no specific examples or calculations have been provided and the SPG does not explain under what circumstances the Council expects the guidance to be applied. The general references do not therefore either reinforce or alter my findings.
12. Turning to privacy, House B would face the rear of Princess Court with a separation distance of just over 20m. This would comply with the Council's standard set out in the SPG for two storey dwellings. Where either or both buildings are of more than two storeys a greater (but unspecified) separation distance is suggested. Nevertheless, I am satisfied that in this case, where an existing refuse storage area and vegetation within the curtilage of the flats would prevent inter-visibility at ground floor level, and where only one first floor bedroom window would look towards the flats, that the separation distance achieved would be sufficient to prevent any material loss of privacy for occupiers of either the proposed dwelling or the flats.
13. With respect to overlooking of the garden of 119 Hartfield Road, this would be seen at a distance of some 11m from first floor windows in House A. However, it is the rear section of the garden and away from the dwelling itself. This degree of overlooking would not be unusual in an urban area and would not result in any material harm to the living conditions of occupiers of the house.
14. Likewise, I am not persuaded that any harmful loss of privacy would result from the juxtaposition of windows in the two proposed dwellings. The buildings would be at right angles to one another and so any inter-visibility between windows would be at an angle, making it difficult to see into rooms. This would be particularly true of the bedroom windows which are dormers and hence set into the roof slope, further limiting the possibility of any material overlooking.
15. It is concluded on the second main issue that whilst the proposed development would not result in any materially detrimental effect on privacy either for neighbours or future occupiers the significant loss of outlook from and loss of light to flats in Princess Court resulting from the proximity of the flank wall of House A would have a materially harmful effect on the living conditions of occupiers of the flats. This would conflict with UDP Policies HS.1 and BE.15 and with the Council's SPG which, taken together, seek, amongst other things, to ensure that new development protects the outlook from and maintains adequate daylight and sunlight to neighbouring properties.
16. With regard to room sizes within the proposed dwellings, the Council suggests that the second bedroom and bathroom in each would be substandard. However, using room sizes provided by the appellant, which the Council does not challenge, it appears that the second bedroom would just meet the standard set out in the SPG for an "other double bedroom" and would comfortably exceed that for a single bedroom. Therefore, even if an allowance was to be made for the fact that part of the room would not be full height it would be of an adequate size. The SPG does not provide standards for bathrooms and the Council does not suggest a minimum size. Although it



would be small I therefore have no basis on which to find that the bathroom would be inadequate.

17. It is concluded on the third main issue that the accommodation within the proposed dwellings would be adequate to provide satisfactory living conditions for occupiers. In consequence there would be no conflict in this regard with Policy HS.1 of the UDP or with the Council's SPG which, taken together, seek, amongst other things, to safeguard the residential amenities of occupiers.
18. Turning to other matters, although the Council has withdrawn its reason for refusal relating to loss of parking a number of third parties, including occupiers of Princess Court, have raised concerns regarding the loss of the garages. From the evidence it appears that a small number of the garages are used for the parking of vehicles by occupiers of Princess Court and by other local residents. Moreover, it was clear from my site visit that even with most on-street spaces reserved for residents, parking in the area is at a premium. I therefore have sympathy with those local residents who fear the loss of a valuable facility.
19. Nevertheless, the garages are in private ownership and are let on short leases. They are not reserved for local residents. Some are used by the site owner for storage and others are leased by people from outside the local area. Leases can be terminated at any time. Therefore whilst the redevelopment of the site might hasten the loss of parking its retention cannot be assured in any case. I therefore conclude that owing to the limited and unsecured contribution the site makes towards off-street parking provision in the area its loss would not amount to a reason to withhold permission for redevelopment.
20. Notwithstanding my findings with regard to the effect on the character and appearance of the area, the privacy of residents and the loss of parking these matters do not outweigh the significant harm I have identified to the living conditions of occupiers of Princess Court with respect to outlook and light. Therefore, for the reasons set out above and having regard to all other matters raised, including the sustainable location of the site, its previously developed status and the need for additional housing, I conclude that the appeal should be dismissed.

*KE Down*  
INSPECTOR



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# Appeal Decision

Site visit made on 27 June 2012

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 September 2012

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## Appeal Ref: APP/T5720/A/12/2172762

### Land to the rear of 115-117 Hartfield Road, London, SW19 3TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Woodcock Holdings Ltd against the Council of the London Borough of Merton.
  - The application Ref 12/P0183, is dated 10 January 2012.
  - The development proposed is the demolition of 13 no. lock up garages and erection of one two bed and one three bed detached houses.
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### Decision

1. The appeal is dismissed and planning permission is refused for the demolition of 13 no. lock up garages and erection of one two bed and one three bed detached houses.

### Procedural Matters

2. In coming to a view on this proposal, I have had regard to the recently issued National Planning Policy Framework (the Framework), on which both parties have been consulted. I note that the Council's Core Strategy (CS) was adopted in July 2011 and the Unitary Development Plan (UDP) was adopted in October 2003. The relevant UDP policies were saved in September 2007. None of the policies relevant to this appeal appear to be at odds with the Framework.
3. The appeal is against the Council's failure to determine the planning application within the prescribed timescale. The appellant has criticised the Council for the manner in which it dealt with pre-application enquiries and for delays in the processing of the planning application. This criticism has no bearing on my decision. Subsequent to the appeal being lodged, the Council has stated that the application would have been refused for the reason given in its statement of case.

### Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring residents, with particular regard to outlook; loss of light; and privacy.
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## Reasons

5. The appeal site currently contains lock-up garages, and is situated to the rear of Princess Court, which is a 4 storey block of flats. The site is bounded by residential properties on its three other sides. It is located within a mainly residential area, containing a mix of properties in terms of age and style. Access is via a private drive to the side of Princess Court.
6. Planning permission for two detached houses on the site has previously been refused by the Council (reference 10/P3255) and subsequently an appeal was also dismissed in October 2011 (APP/T5720/A/11/2153757). The Inspector concluded that the proposal would not have any detrimental impact on the character of the area, but that there would be a significant loss of outlook and loss of light to the flats in Princess Court, due to the proximity of the flank wall of one of the proposed houses.
7. The appellant contends that the current appeal proposal, for two detached dwellings of a contemporary design, addresses the previous refusal and the concerns of the Inspector. The Council however maintains that the proposal does not overcome the previous objections in that it would have an overbearing impact, and it would result in loss of light to the ground floor flats in Princess Court.
8. The Council has no objection to the principle of new development on the site, or to the design of the dwellings. Given that the site is brownfield, and the character of the area is mixed in terms of building style and ages, I have no reason to disagree with the Council's view in this regard.
9. I note that the design and appearance of the proposed dwellings would be significantly different from those in the previous application (10/P3255). Also, the siting of House B differs, in that it would be further from the boundary between the appeal site and Princess Court. Although the overall height of the new houses would be lower than those previously refused, the impact of House B on the neighbouring flats remains a significant issue in my view.
10. I note that the previous Inspector stated that a degree of flexibility should apply in the interpretation of the Council's adopted Supplementary Planning Guidance: New Residential Development 1999 (SPG). However, the distance between the flank wall of House B and the rear elevation of the flats in Princess Court would still be significantly less than the guideline of 16m, which would apply in this case. The rear elevation of the flats contains main habitable room windows and I consider that the proposal would have an unacceptably overbearing impact due to the length, mass and bulk of House B. It would result in an oppressive outlook for the occupiers of the ground floor flats in particular. The proposed development would also be oppressive and overbearing when viewed from the garden area of the flats. I have taken into account the statement made by the appellant that the demolition of the garages would improve the outlook for the occupants of the flats. However the harm that I have identified, outweighs any improvements which may occur by their removal.
11. The Council has stated that the proposal would also have a detrimental impact in regards to daylight/sunlight on the ground and first floor flats at Princess

Court. I have no substantive evidence in this regard but this does not alter the concerns described above.

12. I note that representations have been received from the occupier of 113 Hartfield Road, with particular regard to loss of privacy and loss of daylight. Although the relationship with 113 Hartfield Road is not referred to specifically by either of the main parties, the Council states generally that the occupiers of properties adjoining the site would have a perception of being overlooked. The rear elevation of both new houses, which contain a main bedroom window at first floor level, would face the rear garden of number 113 at a relatively short distance and closer than that proposed under the previous application (10/P3235). Whilst there appears to be no Council guideline specifying recommended distances for this situation, I consider that the proximity of the proposed houses to the boundary would present a threat to the privacy of the occupiers of number 113, when they are in their garden. Although a tree screen along the boundary is shown on the plan, this would take time to mature and would not wholly alleviate the harm that I have identified.
13. With regard to the effect of the proposal on daylight and sunlight at number 113, whilst there may be some effect on the garden area, I have no firm evidence that enables me to fully assess this impact. Given the separation distances between the proposed houses and the dwelling at 113, I consider that the effect on light available to the rooms within the existing property would be unlikely to be significant.
14. Objections to the proposal were received by the Council from residents on Herbert Road and Graham Road with regard to loss of light and privacy. However, I was not able to assess the impact of the proposal on these properties during my site visit as the houses were not clearly visible from the appeal site. Consequently, I am not able to draw any firm conclusions on this matter. However, this does not alter my overall assessment of the proposal.
15. My attention has also been drawn by the appellant to other nearby existing developments on Hartfield Road, including 'Gate House', and Trojan Mews. I have no further information on these developments, and I was unable to inspect them on my site visit as they are private developments with no public access. However, I consider that the harmful effects of the proposal under appeal would be significant and the existence of other developments, which may be similar, does not outweigh my concerns.
16. I conclude on the main issue that the proposal would be unacceptably harmful to the living conditions of the occupiers of neighbouring properties. It would therefore conflict with Policies HS.1 and BE.15 of the UDP, and with the guidelines contained within the SPG, which all seek to ensure that new development safeguards the amenities and living conditions of the occupiers of nearby properties.

### **Other Matters**

17. Representations have been received stating that the loss of the garaging will result in parking difficulties in the area. However, I am not aware of any requirement to retain the garages and consequently, they could be demolished or closed off at any time, once any leases or agreements are terminated. I acknowledge that the loss of this off-street parking could result in additional

competition for spaces on the highway in the vicinity of the site, but given the above, a refusal of planning permission for this reason, would not be justified.

18. Since the appeal was lodged, a Unilateral Undertaking (UU) has been submitted by the appellant. It undertakes to provide financial contributions towards education facilities and affordable housing. I note that the Council has not objected to the UU and therefore, there is no necessity for me to consider the matter further.

19. The appellant refers to the provisions of the Framework and the fact that the proposal would be a form of sustainable development and would add to the housing stock in the area. I note the Council has no concerns over the amount of internal and external space proposed, and that the proposed cycle parking and refuse storage arrangements are also acceptable. These matters in favour of the proposal do not however outweigh the significant harm identified above.

### **Conclusion**

20. It is concluded for the reasons given above, that the appeal should be dismissed.

**Ian McHugh**

INSPECTOR



## Appeal Decision

Site visit made on 6 September 2013

by **Julie Dale Clark BA (Hons) MCD DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 October 2013

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**Appeal Ref: APP/T5720/A/13/2197748**

**Land r/o 115-117 Hartfield Road, London SW19 3TJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Woodcock Holdings Ltd against the decision of the Council of the London Borough of Merton.
  - The application Ref 12/P2662, dated 26 September 2012, was refused by notice dated 14 March 2013.
  - The development proposed is the demolition of existing 13 no. lock up garages and erection of a pair of 2 bed semi-detached houses.
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### Application for Costs

1. An application for costs was made by Woodcock Holdings Ltd against the Council of the London Borough of Merton. This application is the subject of a separate decision.

### Decision

2. The appeal is dismissed.

### Main Issues

3. I consider that the main issues are the effect of the proposed development on:-
  - the character and appearance of the area;
  - the living conditions of the occupiers of adjoining properties; and
  - parking in the area.

### Reasons

#### *Character and Appearance*

4. The site currently comprises linked low roofed garages accessed from a long hardsurfaced drive to the south of Princess Court, 115 – 117 Hartfield Road. Princess Court itself is four stories high, the top floor being set in from the other three floors. The proposed houses would not be visible from Hartfield Road.
  5. From within the site I do not consider that the houses would appear cramped, excessively large or overbearing in the context of the site. On the contrary set
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in the context of Princess Court and a large church to the north-west, they would appear very modest and if anything overwhelmed by the larger properties surrounding them. They would maximise the site in terms of footprint and would have sufficient space to provide private gardens and parking space for each of the dwellings. My attention has been brought to two other developments nearby which I can see on the ordnance survey location plan but could not really see from public land at the time of my site visit. They also seem to appear as backland developments but I have very little information about them<sup>1</sup>.

6. Amongst other things, UDP<sup>2</sup> policy BE.22 requires new development to complement the character and local distinctiveness of the area. Given the modest size of the development proposed, their location and the much larger Princess Court I do not consider that this development would cause harm to the character or appearance of the wider area. No conflict with policy BE.22 would therefore arise.

#### *Living Conditions*

7. UDP policies HS.1 and BE.15 require new buildings to safeguard residential amenity in terms of privacy, daylight and sunlight and visual intrusion, amongst other things. The proposed houses would have their entrances on the side elevations so the house nearest the flats at Princess Court, House B, would have its entrance as well as a dining room window and a WC window. There would also be three roof lights to each property and the upper floor rear bedroom windows have been designed as oriel styled windows with one side obscurely glazed.
8. There is considerable reference to two previous planning applications and appeals and the appellant contends that this proposal has evolved from them<sup>3</sup>. The current proposal locates House B further away from Princess Court than the previous proposals and much reference has been made to the guidelines set out in the Council's SPD<sup>4</sup>. Whilst House B would be closer to the distance recommended and the design of the house minimises its height, it would still be fairly close to the boundary with Princess Court and I consider it could appear overbearing to the flats, particularly those on the lower floors. There is a small garden area to the rear of Princess Court and the house could also appear overbearing to those using this. There could also be some loss of light especially in the late afternoon.
9. Both houses would also be fairly close to the boundary with No 113 Hartfield Road and being to the south of No 113 there could be some overshadowing. The occupier of that property claims that he already experiences some overshadowing from the garage block, although these are lower than the houses but closer to the boundary.
10. In attempting to overcome any loss of privacy to No 113 oriel style windows have been proposed with the addition of obscuring one side of them to minimise direct overlooking. However, there would still be windows close to No 113 and

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<sup>1</sup> Properties to the rear of Gate House and Trojan Mews.

<sup>2</sup> London Borough of Merton Unitary Development Plan, Adopted Plan, October 2003.

<sup>3</sup> Refs: APP/T5720/A/11/2153757 & APP/T5720/A/12/2172762.

<sup>4</sup> Merton Unitary Development Plan SPG Supplementary Planning Guidance Notes New Development, December 1999.

even if actual overlooking was minimal there would still be a sense of being overlooked at a close distance.

11. The houses would face the rear garden of No 119 Hartfield Road but I consider that the living conditions of the occupiers of No 119 would not be significantly affected. The proposed houses would be to the north of No 119 and so there would not be any overshadowing. There would be some overlooking of the garden but any overlooking of the house itself would be at an acute angle.
12. Nos 42 and 44 Herbert Road adjoin the appeal site to the south-west. It was not easy to assess the impact of the development, in particular House A, on these properties at my site visit due to the existing garage block. However, House A would be very close to the boundary at a distance below that suggested in the SPD.
13. I also have some concerns about the effect on the living conditions of the occupiers of the proposed houses themselves. For example, there would be roof lights to each property and future occupiers to House B may well be overlooked from the upper floor flats in Princess Court. House A would have its main entrance door on the side of the house with access to it from a narrow pathway between the house and the rear boundaries of Nos 42 and 44 Herbert Road.
14. Overall the potential harmful effects of the proposed development on the living conditions of existing and future residential occupiers would conflict with policies HS.1 and BE.15.

#### *Parking*

15. Core Strategy policy CS 20<sup>5</sup> relates to parking, servicing and delivery there seems to be no suggestion that the parking and bicycle storage that would be provided for each of the dwellings would conflict with the standards required in this policy. The issue raised relates more to the loss of the existing garages that are currently on the site. The appellant states that 8 of the 13 garages are let to residents not residing at Princess Court or even nearby and in any event the garages are more suitable for storage than parking a modern car. It is not clear whether the other 5 garages are let to residents in Princess Court or are vacant.
16. Reference has been made to what appears to be the planning application for garages and a parking space<sup>6</sup> which includes a condition restricting the use of the garages for private use only and not for any industrial or business purposes and a condition that requires the garages and parking space to be provided before the flats are occupied and be kept available thereafter.
17. That some of the garages are used by non residents seems to have been accepted in the two earlier appeals referred to by the Council and the appellant and I agree that there does not seem to be a mechanism in place that would ensure the garages were available to the residents in Princess Court only.
18. I am not entirely certain that the garages are used to store cars although one was clearly being used for motorbike parking at the time of my site visit and a vehicle was parked in a parking space on the site. However, the appellant

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<sup>5</sup> London Borough of Merton LDF Core Planning Strategy, Adopted July 2011.

<sup>6</sup> Referred to as MER1198/71 or MER1178/71.



indicates that the garages are let on short term leases only which can be terminated at any time.

19. I also noted that vehicle parking is at a premium in Hartfield Road with some spaces being for residents with permit holders only and others being restricted parking payable at nearby meters. The loss of the garage colony would be regrettable as even if they were only suitable for small vehicles they would help alleviate pressure for parking on the road. However, given that the actual availability of the garages for parking is questionable the strength of a case against redeveloping this site on the grounds of losing the garages is limited.

*Other Matters*

20. A Unilateral Undertaking has been submitted in relation to education, affordable homes and parking permits. I am mindful of a recent High Court case<sup>7</sup> relating to parking permits. However, given the harm I have found in relation to living conditions there is no need for me to consider this matter further.
21. I have considered all other matters raised including the National Planning Policy Framework<sup>8</sup> but none alter my conclusion.

*Conclusion*

22. Notwithstanding that I have found it unlikely that the proposal would effect the character or appearance of the area and the loss of the garages would be a difficult case to substantiate, I have found that the living conditions of surrounding residents and those in the proposed houses themselves could be harmed. The proposal conflicts with UDP policies HS.1 and BE.15 and therefore the appeal fails.

*J D Clark*

INSPECTOR

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<sup>7</sup> Westminster City Council v Secretary of State for Communities and Local Government & Mrs Marilyn Acons, dated 27 March 2013.

<sup>8</sup> Communities and Local Government National Planning Policy Framework, March 2012.

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