

PLANNING APPLICATIONS COMMITTEE
19th June 2014

Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P1162	28/03/2014
Address/Site	40A Kenilworth Avenue, Wimbledon SW19 7LW	
Ward	Wimbledon Park	
Proposal:	Application for variation of condition 19 (approved plans) attached to LBM planning permission 10/P2138 (dated 05/01/2011) to substitute new drawings to allow two new roof lights, new air pumps in rear garden (within enclosed structure), revised landscaping, cill height at rear second floor windows reduced in height with internal juliette balcony and reconfiguration of rear window openings at second floor level.	
Drawing Nos	0150_p001, p005, p007, p10, p011, 2 un-numbered plans & Plant Noise Impact Assessment (Dated 9 th June 2014).	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice-No
- Site notice-Yes
- Design Review Panel consulted- No
- Number neighbours consulted - 21
- External consultants: None

- Density: n/a
 - Number of jobs created:
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1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration, given the number of objections received and case officer's recommendation to grant permission subject to conditions.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a recently built three storey modern detached house located in Kenilworth Avenue, Wimbledon. The majority of the neighbouring properties in Kenilworth Avenue are large semidetached Victorian and Edwardian houses. Although the top section of Kenilworth Avenue, numbers 1-33 (odds) and 2a, 2-36 (evens) are within the Merton (Kenilworth Avenue) Conservation Area, the application site is not within the conservation area.

3. **CURRENT PROPOSAL**

- 3.1 Application for variation of condition 19 (approved plans) attached to LBM planning permission 10/P2138 (dated 05/01/2011) to substitute new drawings to allow two new roof lights, new air pumps in rear garden (within enclosed structure), revised landscaping, cill height at rear second floor windows reduced in height with internal juliette balcony and reconfiguration of rear window openings at second floor level.
- 3.2 The two new roof lights would be situated at a high level and would serve the staircase and bathroom within the second floor level of the house.
- 3.3 Four new air pumps would be located close to the rear boundary of the application site. The pumps would be enclosed in a 4.2m wide, 1.5m deep and 1.6m high enclosure with block work to rear and 1.50m acoustic baffle to front, sides and top.
- 3.4 The revised landscaping scheme would incorporate both soft and landscaping areas, including a 0.3m high raised decking area within the far rear section of the rear garden.
- 3.5 The originally proposed six windows at second floor level have been replaced with three taller windows (one sliding) and two of the windows have a lower cill level. The sliding window would be fitted with a 1.1m high internal glass balustrade to prevent direct access onto the green roof.

4. **PLANNING HISTORY**

- 4.1 14/P1034 - Application for non-material amendments to lbm planning permission 10/P2138 (dated 07/01/2011) for the addition of a new condition specifying the approved plans – Grant - 08/04/2014
- 4.2 13/P3049 - Application for non-material amendments to lbm planning permission 10/P2138 (dated 05/01/2011) involving the removal of proposed external staircase from right-hand side of garage ramp and the removal of side gate abutting number 40 kenilworth avenue – Grant - 27/01/2014
- 4.3 12/P0721 - Application for discharge of conditions attached to lbm planning permission 10/P2138 (dated 05/01/2011) relating to the demolition of existing residential property and replacement with single dwelling – Grant - 19/07/2012
- 4.4 12/P0939 - Application for discharge of conditions 2, 3, 4 and 8 attached to lbm planning permission 10/P2138 (dated 05/01/2011) relating to the demolition of existing residential property and replacement with single dwelling – Grant - 23/05/2012
- 4.5 12/P0930 – Application for a non-material amendments to planning application 10/P2138 for the alteration to the proposed basement to form a rectangular enclosure for constructional purposes – Grant - 08/05/2012
- 4.6 11/P1284 - Application for non-material amendments to lbm planning permission 10/P2138 (dated 05/01/2011) involving an extension to the rear basement level – Grant - 07/06/2011
- 4.7 10/P2138 - Demolition of existing residential property and replacement with single dwelling – Grant - 05/01/2011
- 4.8 WIM4203 - Erection of a dwelling house and garage – Grant - 24/02/1959
- 4.9 WIM4094 - Erection of a detached dwelling house – Grant - 08/12/1958
- 4.10 WIM3447 - Erection of one 2 storey dwelling house – Grant - 08/10/1957
- 4.11 WIM3370 - Outline application for the erection of 2 two storey houses – Refused - 13/08/1957

5. **CONSULTATION**

- 5.1 The application has been advertised by standard site notice procedure

and letters of notification to the occupiers of neighbouring properties.

5.1.1 In response to the consultation, 10 objection letters were received following consultation. The letters of objection raise the following points:

- Loss of privacy
- Noise from air pumps
- Increased light pollution and glare from second floor windows (full height).
- Many changes to the original plans (by stealth)
- Building is completely inappropriate (adjacent to conservation area)
- Incorrect description of proposal
- Significant changes to the original scheme which require a new planning permission
- Access to roof, problems with noise and loss of privacy
- Internal balustrade could be removed
- Planning condition 17 (design of green roof) has not been discharged (required prior to commencement)
- Overlooking from raised rear terrace
- Originally air pumps and rainwater storage tank were proposed at basement level, their relocation in rear garden is un-neighbourly.
- Whole building is out of character
- Damage to pavement during construction

6. **POLICY CONTEXT**

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

BE.15 New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise

BE.16 Urban Design

BE.22 Design of New Development,

BE.23 Alterations and Extensions to Buildings

BE.25 Sustainable Development

NE.11 Trees: Projection

6.2 Supplementary Planning Guidance (SPG) - New Residential Development - December 1999.

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

CS8 - Housing Choice

CS9 - Housing Provision

CS14 - Design

CS19 - Public Transport

CS20 - Parking, Servicing and Delivery
6.4 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.

6.5 Relevant policies of the Draft Sites and Policies Plan Feb 2014 are:

DM D2 - Design Considerations in all developments
DMEP2 - Reducing and Mitigating Against Noise
DMEP4 - Pollutants

7. **PLANNING CONSIDERATIONS**

7.1 The principle of development has already been approved under planning permission 10/P2138. The variation of planning condition 19 seeks to alter the approved drawing numbers attached to planning permission 10/P2138 (note - approved drawing number condition added to 10/P2138 by grant of non-material application reference 14/P1034). The implementation of planning permission 10/P2138 is in the latter stages of completion and some elements proposed under the variation of condition have already implemented (full height windows with lower cill & roof lights).

7.1.1 It should be noted that there has been no material changes to the context of the site to alter the original assessment of planning approval 10/P2138. Therefore the following assessment will only focus on those elements of the scheme which differ from the original planning approval 10/P2128. The proposed changes include the following aspects:

- Two new roof lights
- New air pumps in rear garden (within enclosed structure)
- Revised landscaping
- Cill height at rear second floor windows reduced in height with internal juliette balcony and reconfiguration of rear window openings at second floor level.

7.2 Design

7.2.1 The design of the proposed alterations, new air pump enclosure and

revised landscaping scheme would respect the design of the new building and Kenilworth Avenue street scene. The proposed changes from a design perspective are considered to be acceptable.

7.3 Neighbour Impact

- 7.3.1 Neighbours have expressed several concerns with the proposed changes to the design of the building and new air pumps within the rear garden. However it is considered that there would be no justification to refuse planning permission for the following reasons:

7.4 Roof Lights

- 7.4.1 The two new roof lights would be situated at a high level and would serve the staircase and bathroom within the second floor level of the house. Therefore there would be no direct overlooking of neighbouring properties.

7.5 Air Pumps

- 7.5.1 Four new air pumps would be located close to the rear boundary of the application site. The pumps would be enclosed in a 4.2m wide, 1.5m deep and 1.6m high enclosure with block work to rear and 1.50 acoustic baffle to front, sides and top. The appellant has submitted a noise report (Plant Noise Impact assessment) at the request of the Councils Environmental Health Officer. Following the submission of the noise report the Environmental Health Officer has confirmed that the installation of the heat pumps would not have a detrimental impact on the neighbouring amenities, provided the information contained in the attached report is implemented as a minimum and retained thereafter. Therefore in order to preserve neighbouring amenity the noise report shall form part of the approved planning documents and a planning condition can be imposed requiring the development to be carried out in accordance with the approved noise report.

7.6 Revised landscaping

- 7.6.1 Neighbours have expressed a concern with the height of the raised rear decking area and overlooking of neighbouring properties. The applicant has confirmed that the proposed rear decking area would be 0.3m above natural ground level. It must be noted that planning permission is not required for this element of scheme as permitted development rights allow for a 0.3m high raised ground level without the need for planning permission.

7.7 Second floor windows

- 7.7.1 The originally proposed six windows at second floor level have been replaced with three taller windows (one sliding) and two of the windows have a lower cill level. The sliding window would be fitted with a 1.1m high internal glass balustrade to prevent direct access onto the roof.
- 7.7.2 Neighbours have raised concerns regarding light pollution, access to the green roof, overlooking and possible removal of internal balustrade. These elements will be discussed below:

Light pollution

- 7.7.3 The proposed reconfiguration of the second floor windows from six panels to three larger panels would increase the amount of glazing at second floor level, however it is considered that the increased amount of glazing would not be significantly different that the approved scheme (six panels) and therefore would not justify grounds to refuse the application.

Access to Green Roof,

- 7.7.4 It should be noted that all planning conditions attached to planning permission 10/P2138 still apply. In particular, condition 18 attached to LBM ref 10/P2138 states that:

“Access to the Green Roofs of the development hereby permitted shall be for maintenance or emergency purposes only, and the Green roofs shall not be used as a roof garden, terrace, patio or similar amenity area”.

Use

- 7.7.5 The above condition is still considered to be appropriate in this instance whereby use of the green roof, other than for maintenance or emergency purposes only, would be unauthorised and would result in enforcement action being taken for a breach of planning condition.

Overlooking

- 7.7.6 The above planning condition would prevent undue loss of privacy from the use of the green roof. Additionally the increase in the amount of glazing at second floor level would not materially create undue loss of amenity.

Removal of internal balustrade

7.7.7 Neighbours have expressed concerns regarding the removal of the internal balustrade. However a planning condition can be imposed on any planning approval requiring that the internal balustrade remains a permanent fitting. Whilst planning permission is not required for internal works, a planning condition would ensure that the balustrade cannot be removed without planning permission.

7.8 Local Financial Considerations

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 however planning permission cannot be refused for failure to agree to pay CIL.

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

8.1.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.

8.1.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9. **CONCLUSION**

9.1 The proposed alterations, new air pumps and revised landscaping scheme are considered to respect the design of this recently built house and Kenilworth Avenue street scene and would have no undue impact upon neighbouring amenity.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. A1 Commencement of Development (full application)
2. B.3 External materials as specified
3. The internal balustrade as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.

Reason: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with policy BE.15 of the Adopted Merton Unitary Development Plan 2003.

4. Development carried out in accordance with Plant Noise Impact Assessment (Dated 9th June 2014).

Planning Informative

1. Please note that the substantive conditions attached to planning permission 10/P2138 (as amended) continue to apply.

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