

PLANNING APPLICATIONS COMMITTEE November 13th 2014

UPRN	APPLICATION NO. 14/P3132	DATE VALID 14.08.2014
Address/Site	8 Hazelbury Close, Merton Park, SW19 3JL	
(Ward)	Merton Park	
Proposal:	Demolition of the existing bungalow and the erection of a 4 x bedroom house.	
Drawing Nos:	Site location plan, HC 02 Rev C and HC 03 Rev A, Arboricultural Assessment and Protection Method Statement dated 11 th August 2014 with accompanying drawing TPP1_HC Rev A	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATIONS

Grant planning permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No,
- Number of neighbours consulted: 27
- Press notice – No
- Site notice – Yes
- External consultations: No
- Archaeological Priority Zone – No
- Controlled Parking Zone - No
- Number of jobs created: N/A

1 INTRODUCTION

- 1.1 The application has been brought before the Committee due to the level of public interest.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a detached bungalow located at the head of a cul de sac, Hazelbury Close, in Merton Park. The site benefits from a large rear garden, off street parking and detached garage to the front of the site. A large Beech tree subject to a Tree Preservation Order is located in the rear garden of 53A Dorset Road, within 1m of the site boundary.

2.2 Hazelbury Close was built after permission was granted in 1987 in a country vernacular style with the houses having a mixture of mock Tudor gables, tile hung two storey bays and plain exposed brick upper floors with lighter render ground floors.

2.3 The north east and north west boundaries of the site adjoin the rear gardens of properties in Dorset Road whilst the western boundary adjoins the rear garden of a house in Poplar Road.

3. **CURRENT PROPOSAL**

3.1 The current proposal follows a refusal for a larger scheme earlier this year, LBM ref 14/P0176, the appeal for which was dismissed. A copy of the appeal Inspector's decision letter is at Appendix 1.

3.2 The proposal would involve the demolition of the existing bungalow. This would be replaced by a new part single part two storey 4 bedroom dwelling house with accommodation in the roof slope. The new house would have a ridge height of 8.2m and an eaves height of 5.3m (compared to 7.9m and 4.8 respectively at the neighbouring house, 7 Hazelbury Close). The flank walls would match the width of the existing bungalow. To the front elevation, with the exception of the new front porch the two storey element of the new house would match the footprint of the existing front elevation whilst on the single storey side/front protrusion the new front wall would be 1m closer to the front boundary than the existing garage. At the rear, the wall on the right hand side of the site has been revised to take account of the Beech tree and so would follow the existing building line before extending 1.5m further to the rear than the existing main building line for the rest of the width. A series of solar panels set at a right angle to the front elevation are proposed for the top of the rear roof dormer.

3.3 Entrance to the house leads into a two storey atrium area where the staircase to the upper floors would be located. The proposed office, playroom, utility rooms, shower room and kitchen would be located within a single storey element on the right of the building with the dining room, family room and living rooms all being located on the ground floor of the two storey element.

3.4 The first floor would include a continuation of the front atrium and would also provide two double bedrooms, an ensuite double bedroom and a family bathroom. The second floor would provide another bathroom, a master bedroom and a plant room.

3.5 The house has been designed using **PassivHaus carbon neutral technology** and therefore features a number of design innovations unique to that type of building including heavily insulated walls, rear screening canopy, solar panels and the glass atrium on the front elevation. Whilst there is no direct comparison with UK Code Levels, PassivHaus design requires no emissions from heating as the fabric and build details are of a higher standard than

required under Building Regulations. In addition the application is accompanied with a BREEAM pre assessment report which demonstrates that the development would attain at least a very high Code level 4 standard as a minimum.

- 3.5 Externally the rendered walls have been revised to be finished in a smooth 'Sto Light Stone' coloured render with the use of horizontally positioned timber cladding around parts of the front and rear elevations at ground floor level. The roof tiles for the single storey and main roofs have been revised to match the existing tiling. The design of the main roof has been revised during the determination period in order to remove the flat roof element and to reduce the scale and bulk of the rear roof dormer by bringing the flank closest to number 7 in by 1.2m from the edge of the roof. The width of the upper floors has also been reduced (by 1.4m on the Dorset Road side of the site by the Beech tree) since the previous application to increase the gap between the upper floors of the house and the branches of the Beech Tree. The timber windows would be aluminium clad externally timber frames and aluminium would be used for the gutters. Four Photovoltaic panels are proposed for the roof of the dormer and set to right angles to the front elevation.
- 3.6 The application has been accompanied by an arboriculture report which dealt with issues surrounding the implications of construction works on the tree as well as methods for tree protection and preservation. The report's recommendations relating to the piling foundation system to protect the roots, systems of fencing the tree during construction and ground protection methods have been assessed and found satisfactory by the Council's trees officer. A condition requiring full details of those foundations is recommended.

4. PLANNING HISTORY

- 4.1 Site built as part of a redevelopment of a former playing field to provide 13 houses and a bungalow in 1987.
- 4.2 2014 - 14/P0176 demolition of the existing bungalow and the erection of a new two-storey 4 bedroom dwelling house with accommodation in the loft space. Permission refused.
Grounds: The proposed house by reason of size, design including materials, siting and bulk would represent an overly dominant and visually intrusive form of development that would: a) fail to complement, respond to and reinforce the character and local distinctiveness of the adjoining townscape, c) detract from the existing suburban character and sense of openness of Hazelbury Close; to the detriment of the visual amenities of the area. The proposals would be contrary to London Plan (2011) policy 7.6, Merton LDF Core Strategy (2011) policy CS14, Merton UDP (2003) policies BE 15, BE16 and BE 22

Appeal dismissed (see Appendix 1).

5. CONSULTATION

5.1 The application has been advertised by means of a site notice and letters to 27 neighbouring occupiers. In response to the consultations 20 objections were received raising the following concerns:

- Miss-match of materials, the colour of the render, the grey window frames, grey tiles, tall heating flues, glass frontage and atrium and solar panels will not accord with country vernacular style of the other properties which include weathered terracotta tiles, leaded lattice wood framed windows, hanging tiles, timber beam detailing and light brown and cream render with any consent requiring materials to be recycled and designed to match other houses in the street.
- Size, scale and materials out of keeping with the area, floor area twice the size of other houses
- Additions to other properties by residents have kept within the same style.
- The application contains a number of misrepresentations; it will not be a 'harmonious fit' and match the local area as claimed, and the property will actually be three storey and not two.
- The house will be higher than any others in the area (approx. 0.5m) and given the higher ceiling heights that will be needed combined with the need for more insulation may result in the finished house being bigger than shown.
- The existing bungalow is not at odds with the locality, it was purpose built to reflect the locality.
- Dominate views of and along the Close, stark, inappropriate and 'stick out like a sore thumb'
- Height will be exacerbated by the solar panels that will also be an eyesore which may also cause hazardous glare.
- Demolition of a perfectly sound 23 year old bungalow is not eco friendly and it could simply be modernised
- Demolition of the bungalow will remove an important addition to the variety of housing stock in the area which already has plenty of two and three storey homes.
- Proposal will negatively impact views of the Beech tree from the street, any pruning or removal of limbs will harms its appearance and works could damage it.
- Importing all the materials does not help local or UK economy
- Design is too tall and too wide, looks 'shoehorned' onto the site
- It will impinge on privacy
- Result in loss of light to neighbouring gardens
- No consultations with local residents by the applicants
- Dust and pollution from the construction process.
- The holding of future open days to show case the property would make it more than a residential home and this is of concern.
- Letters of support are not from people in the direct vicinity who will have to look at the proposal on a daily basis.

The John Innes Society also objected to the proposal on the grounds that;

- The proposal does not sit well with its neighbours
- It will be visually intrusive and so 'damage the very defined sense of space in Hazelbury Close'
- The proposals may damage views of the Beech tree

The proposal received four letters of support including one from the Charity Sustainable Merton which supported the application for

- Reducing carbon emissions.
- Example of good environmental practice.
- Meets policy requirements for reduced CO2 targets.

5.2 Merton Climate Change officers. Confirmed that the proposal met all relevant policy standards for climate change mitigation and supported the sustainability approach and the PassivHaus methodology.

5.3 Merton trees officer. Initially raised concerns with the original proposal and the potential for any new foundation works to harm the root system of the Beech tree. Following a number of meetings and the submission of revised foundation designs the officer was satisfied that the works could be undertaken without harm to the root system and the proposed minor pruning would not harm wellbeing of the tree. The officer advised that in the event that planning permission is granted conditions be attached relating to tree protection, site supervision and foundation design.

6 POLICY CONTEXT

NPPF 2012

6.1 NPPF 2012 –paragraphs; 14, Presumption in favour of sustainable development and 65, Design and sustainability.

London Plan 2011

6.2 Relevant policies in the London Plan 2011 are; 3.3 (Increasing housing supply), 3.5 (Quality and design of housing developments), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.9 (Overheating and cooling) & 7.6(Architecture).

London Housing Supplementary Planning Guidance 2012

Merton LDF Core Planning Strategy 2011

6.3 Relevant policies in the Merton LDF Core Planning Strategy 2011 are; CS8 (Housing choice), CS 9 (Housing provision), CS 13 (Open Space, Nature conservation), CS 14 (Design) & CS 15 (Climate change).

Merton Sites and Policies Plan 2014

- 6.4 The relevant policies in the Merton Sites and Policies Plan 2014 are DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM H4 (Demolition and redevelopment of a single dwelling house), DM O2 Nature conservation, trees and hedges & DM T2 transport impacts of development

7. PLANNING CONSIDERATIONS

- 7.1 In determining the appeal on the previous application the Inspector considered that the main issue was the effect on the character and appearance of the area.

- 7.2 Notwithstanding the various concerns that the Planning officers raised when permission was refused the Inspector focused on the design of the proposal and the impact of this on the neighbour at number 7 Hazelbury Close. The Inspector gave little weight to concerns relating to the choice of materials being incompatible with neighbouring properties, the impact of the proposals on views of the Beech Tree, loss of privacy to neighbours and the loss of the bungalow in reaching his conclusion.

- 7.3 In order to address the Inspector's concerns the applicants submitted revised drawings that have removed the flat roof and high flank wall adjacent to number 7 and replaced them with a ridged roof and set the rear dormer 1.2m away from that roof edge making the upper bedroom smaller in the process. It is considered that these amendments satisfactorily address the Inspectors concerns and this is considered in more detail below.

- 7.4 Suitability of accommodation.

Core Strategy policy CS 9 calls for the provision of well-designed housing and The London Housing Supplementary Planning Guidance 2012 and the London Plan 2011 policy 3.5 set out a number of required design criteria for new residential developments including room and space standards. This proposal provides a generously proportioned house which meets all minimum room and amenity space standards and is therefore in accordance with those policies.

- 7.5 Impact on neighbour amenity.

London Plan policy 7.6, and Sites and Policies Plan policy DM D2 require proposals not to have a negative impact on the amenity of neighbouring occupiers through loss of light, overshadowing, outlook, privacy, visual intrusion or disturbance. A number of objections were received relating the impact of the proposal on neighbour amenity;

- 7.7 Loss of light.

The dwelling is detached with a minimum 2.7m separation distance to its closest neighbour at 7 Hazelbury Close, this gap widens towards the rear of the properties such that at its closest point the conservatory at that property is

4m from the new house. The New Residential Development SPG 1999 states that windows facing towards a flank wall of a neighbouring dwelling should have a 15m gap for a three storey flank wall, 12m for a two storey, although in this instance the angles are such that a view straight back from the neighbouring conservatory would just 'clip' the corner of the building rather than face the flank wall straight on. The Inspector expressed some concerns at the impact of the previous application with regards to the scale of the works in such proximity to 7 Hazelbury Close but only cited the impact of poor design on the appearance of the close rather than impact on neighbour amenity in his decision summary. In relation to the other neighbouring properties whose rear garden fences adjoin the site the rear of the closest property in Dorset Road is 30m from the new house and 40m in Poplar Road. It is therefore considered that there is insufficient evidence that the proposal would result in a loss of light, the extent of which would warrant a refusal of planning permission.

7.8 Loss of privacy.

In paragraph 11 of his report the Inspector determined that in relation to houses in Dorset Road and Poplar Road, although there would be greater overlooking of adjacent properties, the angles of view, distances between the properties and the nature of the gardens are such that he was not satisfied that 'the privacy within any of those properties would be unacceptably harmed'. The windows on the top floor to the front would be velux style skylights set towards the top of the roof where they can allow light in but make it difficult to look out and down from. To the rear the windows look down onto rear gardens. Additionally given there will only be a high level window in one side elevation and the orientation of the house it is considered that there would be insufficient loss of privacy to warrant this being a reason for refusal.

7.9 Impact on the streetscene.

London plan 2011 policy 7.6, Core Strategy policy CS14 and SPP policies DM D1 and DM D2 require well designed proposals to utilise materials and design that will respect the siting, rhythm, materials and massing of surrounding buildings as well as complementing, responding to and reinforcing, local architectural character, locally distinctive patterns of development as well as the character and local distinctiveness of the adjoining townscape.

7.10 The application generated a large number of objections and the residents of eleven of the neighbouring properties in Hazelbury Close objected to the scheme with the vast majority of the objections relating to the impact of the proposal on the street scene. In paragraph 10 of his decision the Inspector stated that 'the tree would remain a prominent feature above it (the new house)'. The latest proposal reduces the overall bulk and massing compared to the appeal scheme, and it is considered, in light of the Inspector's findings that impact on the contribution that the tree makes to the streetscene would not warrant a refusal of planning permission.

7.11 Size of the proposal.

The proposed upper floors of the house will mean that the house is 30cm higher than the neighbouring property (not including the solar panels) and the floor area will be around double that of the average neighbouring properties. The proposal is 1.4m narrower than the previously refused scheme with the flank adjacent to the Beech tree being set further from the boundary thereby keeping more of the tree visible. In paragraph 9 of the Appeal decision notice the Inspector refers to the height increase as being marginal and gives it little weight in his decision. With regard to the size and bulk of the proposal the Inspector's concerns and reasons for dismissing the appeal related to the impact of the design and bulk of the proposal in relation to the adjacent neighbour at number 7. This proposal has now been amended so that the flat roof element has now been removed from the design and the full width rear dormer has now been brought in from that flank by 1.2m such that it would not be visible from the road. Consequently officers are now satisfied that the applicant has addressed the Inspector's reasons for dismissing the previous appeal.

7.12 Overall design and materials palette

The planning Inspector in paragraph 6 of his decision stated 'I am not persuaded that its design or materials would need to reflect those of its neighbours'. He also refers to the advice within the National Planning Policy Framework that permission should not be refused for buildings that promote high levels of sustainability, because of compatibility with an existing townscape, if those concerns have been mitigated by good design.

The applicant proposes a dwelling built to a highly sustainable standard and has addressed shortcomings that lead to the appeal being dismissed. Notwithstanding neighbour objections, it is considered that it may appear unreasonable were the Council to refuse the application on the grounds of the design and materials not blending in with neighbouring dwellings and would be unlikely to be successful at appeal. In order to ensure that the tiles and exterior materials are acceptable a condition requiring details to be approved is recommended.

7.13 Trees.

Core strategy policy CS13 and SPP policy DM O2 seek to protect landscape features such as trees. The revisions submitted by the applicant in order to protect the adjacent Beech tree, which is subject to a TPO, have been considered and found to be acceptable by the Council's trees officer. Through the imposition of suitable conditions it is considered that the works could be undertaken without harm to the physical wellbeing of the tree.

7.14 Climate change mitigation and sustainable development;

London Plan 2011 policies 5.1 Climate change mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction and 5.9 Overheating and cooling and Core Strategy policy CS 15 all encourage sustainable development that will reduce CO₂ emissions and make more efficient use of resources and this has been featured in the four letters of support that were received.

SPP Policy DM H4 states that there are no material, social, environmental or economic benefits from the demolition of a structurally sound single dwelling and its replacement by another single dwelling. Therefore the policy requires that a replacement dwelling should have improved fabric efficiency performance such that the development achieves CO₂ emissions reduction in line with Code 5 (i.e. 100% improvement on Part L of Buildings Regulations 2010) but without the need to achieve Code Level 5 overall. The Council's climate change officer has advised that Code can be used on a development such as this but, because PassivHaus focuses almost exclusively on energy, there is a risk that the development may fail to demonstrate that it has achieved the necessary total credits to meet Code 4 (even if it has far surpassed the energy requirements under CS15). For this specific development it would therefore be important to consider the sustainability benefits of the development holistically, rather than just focusing on whether it has achieved the required points to meet Code Level 4.

In paragraph 12 of his appeal decision the Inspector addresses the concerns of neighbours with regards to the sustainability of demolishing the existing bungalow and replacing it with a new dwelling. He was "satisfied that the proposal would provide good quality and flexible accommodation and long term benefits in terms of the operation of the dwelling. Elements of it would promote and provide a positive example of more sustainable development. I find it gains support from the *Framework* in this respect."

7.15 Construction Access

Core Strategy policy CS 20 and policy DM T2 in the Sites and Policies Plan require developers to demonstrate that their development will not adversely affect safety, the convenience of local residents or on street parking and traffic management. Given the confined nature of the site, and the potential for wholesale demolition and construction to impact the amenity of residents a condition requiring a construction method statement is recommended.

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

The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

London Plan policy 5.3 seeks a high standard of sustainable design and construction and inclusion of means of generating energy from renewable sources as part of new housing developments.

The proposal is for a carbon neutral 'PassivHaus' which would be exceptionally energy efficient through the use of building fabric and design.

9. CONCLUSION

- 9.1 The grounds for dismissing the appeal related to the harmful impact of the design of the proposal in terms of the relationship of the proposed house and the neighbour at number 7. In order to address the Inspector's concerns the applicants have amended the proposal by removing the flat roof element to the rear, providing a ridged roof and reducing the scale and bulk of the rear dormer and the width of the upper floors, matters specifically referred to by the Inspector as being examples of poor design that lead to the consideration that failures in the design overrode the NPPF presumption in favour of sustainable development. Consequently as the only reasons for dismissing the appeal have been overcome it is considered that there are no longer any grounds upon which a refusal could be supported and the application is recommended for approval subject to the imposition of suitable conditions.

RECOMMENDATIONS

Grant planning permission subject to conditions;

- 1 Commencement of works
- 2 A7 In accordance with plans; Site location plan and drawings HC 02 Rev C and HC 03 Rev A Arboricultural Assessment and Protection Method Statement dated 11th August 2014 with accompanying drawing TPP1_HC Rev A
- 3 B1 External materials to be approved; No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors, windows and tiles (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.
- 3 D11 No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
- 4 H9 The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The

approved details must be implemented and complied with for the duration of the construction process.

- 5 Non standard condition; No development shall commence until a copy of a report from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors that tests the building design for compliance with Part L of the Building Regulations (Conservation of fuel and power). This report shall include sufficient information for the Local Planning Authority to determine whether the development has met the CO2 reduction targets required under Merton's Core Planning Strategy (2011) Policy CS15 and Policy DM.H4 of Merton's Sites and Policies Plan (2014)

Reason To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011. and Policy DM.H4 of Merton's Sites and Policies Plan (2014)

- 6 Non standard condition; Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Building Research Establishment (BRE) Quality Approved Passive House Certificate confirming that the development has achieved not less than the Passivhaus standard has been submitted to, and acknowledged in writing by the Local Planning Authority.

Reason To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011. and Policy DM.H4 of Merton's Sites and Policies Plan (2014)

- 7 Tree protection (Amended)
No development [including demolition] pursuant to this consent shall commence until the Tree Protection Plan details shown on approved drawing TPP1_HC Rev A, including tree and ground protection methods, have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

- 8 F 8 site supervision(trees)

- 9 F6 Foundations (Amended) No work shall be commenced until details of the proposed design, materials and method of construction of the foundations to be used within the root protection zone (as shown on drawing HC 02 Rev C) of the existing retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in accordance with the approved details.

10 C.1 Permitted development (Amended) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse that would otherwise have been permitted under Part 1 Class A and Class B shall be carried out without planning permission first obtained from the Local Planning Authority.

11 NPPF informative.