

Agenda Item 7

PLANNING APPLICATIONS COMMITTEE
18th June 2015

Item No:

UPRN

APPLICATION NO

DATE VALID

14/P0615

21st Feb 2014

Address/Site Upton Court, 2 The Downs, West Wimbledon, SW18 8JB

(Ward) Raynes Park

Proposal: Erection of additional storey on rooftop of Upton Court to create new 2 bed flat

Drawing No.s 054-02-001 P1 Location Plan, 03-001 existing floor plans, 03-002 existing roof plan, 03-100-P2 Proposed floor plans, 03-101 P2 Proposed roof plan, 04-100P2 Proposed section, 05-001 existing elevations, 05-002 existing elevations and sections, 05-100P2, 101P2 and 102 p2 proposed elevations, Design and Access Statement

Contact Officer: Sue Wright (020 8545 3981)

RECOMMENDATION

GRANT Permission subject to completion of a S.106 Obligation and conditions

CHECKLIST INFORMATION

- Is a screening opinion required - No
- Is an Environmental Statement required:- No
- Press Notice - Yes
- Site Notice - Yes
- Number of neighbours consulted – 119
- Controlled parking zone: Yes (W7)

1.0 INTRODUCTION

This report comes before Members because of the number of objections received.

2.0 **SITE AND SURROUNDINGS**

- 2.1 The application site is known as Upton Court and is a four storey flat roofed block of flats surmounted by a small lift motor room. It sits on the western side of the Downs between a 1930's four storey flat roofed block which is part of a development known as Wimbledon Close and a more recent part 3, part 4 storey pitched roof block of flats dating from the 1990's known as Marian Lodge. Opposite the application site is another 4-storey flat roofed flat block forming a further element of the 1930's Wimbledon Close development. Within the general vicinity in this section of The Downs, development ranges between 3 and 4-storey in height, with a variety of roof forms.
- 2.2 To the rear of the existing Upton Court flats are six garages belonging to the block and a further sixteen garages which are outside their ownership.
- 2.3 The application site building is not Listed and is not in a Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the erection of an additional storey on the roof of Upton Court to create a new two bed 4 person flat.
- 3.2 The main block would have a new raised parapet, 0.95m higher than the existing but no higher than the parapet of the adjoining Wimbledon Close block. Inside the new parapet, the new floor would be recessed back by 2m on all sides from the main elevations, except for the front staircase, which projects 1m further forward. It would be flat roofed with a lightweight appearance, with elevations comprising windows and back faced glass cladding panels, with a flat roof. The new floor would be 3m greater in height than the existing main building and approximately 1m higher than the existing lift housing.
- 3.3 The proposal has been reduced in footprint to recess it further away from the parapet at officer's request and now has a floorspace of 79 square metres with an 8.7 square metres terrace (the originally submitted scheme had a floor area of 132 square metres and a south-west facing terrace of 12.6 square metres, and was only recessed by just over 1m from the parapet wall).

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 MER 893/67 (O) – Outline application for construction of a block of 12 flats – granted subject to conditions – 05/11/1968
- 4.2 MER 893/67 (D) – detailed plans for erection of 4 storey block of 12 flats and 6 garages

- 4.3 04/P0932 – Erection of an additional storey to the building to provide 2x 2-bedroom flats and alterations to the car parking area. The proposal was for an additional fifth floor with a curved roof, with recessed at front and rear with a balustrade, and new plant room on top – REFUSED 26/08/2004 on the grounds that (i) by virtue of its height, massing and appearance it would be visually obtrusive and harmful to the appearance of the street-scene and (ii) it would be prejudicial to the amenities of adjoining properties in terms of visual intrusion, loss of privacy and overshadowing and (iii) additional car parking spaces and loss of amenity space and consequent increase in vehicular activity close to the building would be harmful to the amenities of adjoining occupiers.
- 4.4 An appeal was lodged against the refusal (APP/T5270/A/04/1168778) and was subsequently dismissed. The Inspector noted that an additional storey might not
‘.. of itself, necessarily damage the street scene, given the varied roof heights and roof styles of nearby buildings. However, the chosen solution to utilise a radically different design combined with materials that would also contrast with the host building, is likely to make the building significantly more conspicuous than it is at present. This increased presence would be particularly noticeable in views from the north, where the new profile would be clearly visible behind Wimbledon Close. ‘
- 4.5 The Inspector noted that during his site visit, he saw an example of a curved roof and of penthouse storeys on blocks in Lansdowne Road but that this did not alter his view that the proposal would have an unacceptable impact on the character and appearance of the existing block and of the street scene.
- 4.6 Although the Inspector did not consider that there were grounds for dismissal based on loss of privacy, overlooking, overshadowing or loss of outlook, he was concerned about disturbance to bedrooms below substantial outside terraces, particularly given their extreme proximity to the bedroom windows. He was also concerned about disturbance from one of the new car parking spaces in relation to a ground floor flat as well as reduction of an already small rear communal amenity space and concluded that the proposal would harm neighbours’ living conditions. In addition, he also considered that the new car spaces would be likely to impact on highway safety due to unsuitable manoeuvring arrangements.
- 4.7 A copy of the appeal decision and the refused plans for 04/P0932 are appended.

5.0 **CONSULTATION**

Response to Originally submitted plans

- 5.1 Consultation letters were dispatched to neighbouring residents and 22 individual letters of objection were received as well as representations from Wimbledon Society, South Ridgway Residents Association and a joint letter from Upton Court owners and residents.
- 5.2 The main grounds of objection from individual residents are as follows:
- excessive height and massing out of keeping with surrounding buildings, visually intrusive, materials inappropriate
 - negative impact on setting of Conservation Area, would destroy existing harmonious roofscape
 - previous proposal to add a storey dismissed on appeal – current proposal fails to address Inspector’s grounds for refusal in relation to height and materials
 - there will inevitably be roof clutter affecting the clean lines shown
 - no additional refuse provision
 - undesirable precedent
 - will exacerbate existing parking pressure
 - overlooking, loss of privacy
 - noise from roof terrace, noise from electric pumps for bathrooms, use of staircase
 - overshadowing
 - not convinced that noise insulation will not be compromised by services etc
 - would not contribute to affordable housing provision
 - no provision made for maintenance access
- 5.3 South Ridgway Residents’ Association
 Note that a previous application for an additional storey was refused and dismissed on appeal in 2005. Current proposal fails to address inspector’s reasons for dismissal in relation to height and use of glass and composite cladding, which they consider to be incongruous and bulky. Submitted images show least offensive angle- would tower over neighbouring blocks and impact on views of blocks that look towards it. New parapet would be nearly as high as lift overrun and there will be roof clutter on top. Will add to acute existing on-street parking problems. Use of turning space unacceptable and there is no cycle parking provision. Will add to refuse storage requirements, necessitating reduction of amenity space or parking. Stacking will lead to disturbance of flat below and does not address the appeal Inspector’s previous concerns. Terrace will disturb all top floor flats. Water pressure low and pumps will cause more disturbance. Unconvinced about how effective noise insulation would be. Use of stair to top flat will increase noise. Access needed to roof for maintenance but none proposed. Flat not ‘affordable’ and won’t contribute to affordable housing targets.
- 5.4 Wimbledon Society
 Increase in height would create an unacceptable increase in size and mass, resulting in a structure that would dominate and be inconsistent with the scale and height of neighbouring developments and the use of

glass cladding panels would not relate to the existing materials. Would constitute overdevelopment and would be contrary to council policy.

- 5.5 Upton Court owners and residents – layout fails to meet previous Inspector’s previous grounds for dismissal relating to noise and disturbance to upper floor flats with living space located over bedrooms, pumps required because of low water pressure will cause noise disturbance and location of roof terrace in relation to top floor flats, no guarantee that insulation proposals will satisfactorily prevent noise if compromised by way in which installed, weight of roof will exacerbate existing problems with damp and cracking plaster, no disabled access to proposed flat- contrary to London plan and will cause disturbance from foot traffic, no maintenance access, unacceptable visual impact, inadequate parking, no cycle parking or refuse facility(existing refuse facility is at capacity, not affordable housing, no consultation with residents before making application.

5.5 **Amended Plans**

- 5.6 A further re-consultation has taken place following a reduction in the footprint of the proposed flat, recessing it further away from the parapet and reducing the footprint from 132 to 79 sq m and the size of the terrace from 12.6 to 8.7 sq m.

5.7 **Response to Revised Plans**

15 individual objections were received to the revised plans reiterating the previous objections set out at 5.2 above. A further joint letter on behalf of owners and occupiers of Upton Court also reiterates previous objections in relation to visual impact, lack of lift access, failure to overcome previous Inspector’s grounds for refusal in terms of appearance and impact on amenity of occupiers of the existing top floor, lack of adequate amenity space, car or cycle parking provision. South Ridgway residents association confirm that that their previous objections still stand and make specific reference to the impact of a new overrun if the lift were to be extended in the future to serve the new fifth storey.

5.8 **Transport Planning**

There are no transport objections to this application from a transport planning perspective. It is considered that this proposal will have a negligible impact on traffic levels in the area. The new flat should be permit free.

6.0 **POLICY CONTEXT**

6.1 **Planning Policy Statement**

The relevant national planning policy statement is the National Planning Policy Framework (March 2012). (NPPF)

The NPPF is a material consideration in planning decisions. It sets out a presumption in favour of sustainable development.

- 6.2 London Plan 2015
Relevant policies comprise:
Policy 3.3 - Increasing Housing Supply, 3.5 Quality and Design of New Housing Development, 3.8 Housing choice, 5.3 Sustainable design and construction, 6.9 Cycling, 6.13 Parking, 7.4 Local Character
- 6.3 London Borough of Merton Adopted Core Strategy (July 2011)
The Core Strategy was adopted on July 12th 2011. The relevant planning policies are:
CS8: Housing Choice, CS9: Housing Provision, CS14: Design, CS15: Climate Change, CS18: Active Transport and CS20: Parking, Service and Delivery.
- 6.4 London Borough of Merton Adopted Sites and Policies Plan (July 2014)
DM D2 Design Considerations in all developments, DM D3 Alterations and extensions to existing buildings, DMT1 Support for sustainable transport and active travel, DM T3 car parking and servicing standards

7.0 **PLANNING CONSIDERATIONS**

- 7.1 The proposal is for an additional residential unit within an established residential area. There is considered to be no in principle objection subject to its acceptability in relation to all other material planning considerations. The key planning considerations in relation to this application are considered to be the impact of the proposal on the character and appearance of the existing block and the streetscene, the proposed standard of accommodation, the impact on the amenity of neighbours and transport issues.
- 7.2 Design and Appearance/Impact on the Street Scene
- 7.3 As noted in the planning history, an earlier proposed addition of a fifth storey to the existing four storey block containing 2x 2-bedroom flats was refused and dismissed on appeal (appeal decision appended). The unacceptable visual impact was a key ground for the dismissal. It is therefore important to consider the extent to which the current scheme has overcome the shortcomings of the previous proposal.
- 7.4 The previous development was much larger in scale and proposed two flats with a footprint extending across the whole width of the existing building, with walls surmounted by a metal barrel vaulted roof, with rendered walls and large windows. The proposed front and rear roof terraces extended to the edge of the main roof at front and rear. The Appeal Inspector concurred with the Council's ground for refusal based on unacceptable visual impact, stating that the utilisation of

'a radically different design combined with materials that would also contrast with the host building, is likely to make the building significantly more conspicuous than it is at present.....'

and also that

'The design concept, materials and style of fenestration would bear little relationship to the block below or to its neighbours. This, combined with the additional height, would bring an obtrusive and discordant element to a building whose main aesthetic virtue in the past has been a tendency to blend in with the other more attractive buildings in The Downs.'

- 7.5 Importantly, the Inspector also stated that *'an additional storey may not, of itself, necessarily damage the streetscene, given the varied heights and roofstyles of nearby buildings'*. The current proposal is much more modest in scope than the appeal proposal, comprising only a single 2-bed residential unit. Instead of forming an additional floor topped with a roof, it is flat roofed, recessed away from all the building edges and is aptly concealed from ground level by a parapet raised 1m higher than the existing main roof. The parapet would be no higher than that of the adjoining building to the left, 'Wimbledon Close'.
- 7.6 In terms of materials, it is shown as comprising windows interspersed with back painted glass panels, which would have the appearance of glass, but through which light would not penetrate. This is in order to give it a lightweight appearance. In response to concerns expressed by residents' about the glass panels, the agent has advised that that they could alternatively use light coloured composite panels , which would echo the lighter horizontal bands on the existing building. The front elevation of the existing building is extensively glazed, and officers' view is that either approach would be acceptable.
- 7.7 Although it is acknowledged that surrounding buildings are generally 3 or 4-storeys in height, the previous appeal decision does not discount an additional storey if appropriately designed. The proposal is only for a single unit, is recessed away from the edge of the building on all sides, employs a flat roofed form and the materials to the front parapet will match the existing building, and the use of glass panels (or alternatively, light coloured composite panels) will reflect the building's current appearance. The modest addition is considered to be acceptable in relation to the street scene and impact on the roofscape along the Downs and therefore to be acceptable in relation to policies CS14, DM D1 and DM D2.
- 7.8 Impact on Residential Amenity
The previous Inspector was concerned about the impact of the proposed roof terraces on existing residents on the top floor of the building. Residents have also expressed concerns about the current proposal in respect of potential for noise and disturbance. Any potential

for internal noise disturbance between floors is governed by Building Regulations. There is only a small terrace at the rear, set back from the building edge by 2m, unlike the appeal proposal, where the terraces went out to the building edge at both back and front, and were very much larger in their extent and related to 2 separate units. Given its location and size, it is not considered that noise nuisance would provide grounds for refusal.

7.9 Standard of Accommodation

The proposed flat would have a GIA of 79 sq m, which exceeds the London Plan requirements of 70 sq m for a 2bed 4 person flat. The terrace is 8.7sqm, which meets the Council's requirements for a minimum of 7sq m. It would benefit from extremely good levels of daylight and sunlight. Although it is not served by the lift, the 4 floors below are, therefore I do not consider that the lack of a wheelchair accessible lift to 1 unit within the block would be grounds for refusal.

7.10 Parking/Highways

No additional parking is proposed. The application is within a Controlled Parking Zone and although it has a low PTAL rating of 2, the site is close to local bus routes and within walking distance of Raynes Park station. It would be required to be permit free, secured through a s.106 agreement. A location has been identified at the side of the block where a secure cycle store for the benefit of all residents could be located and its provision would be secured by condition.

7.11 Refuse and Recycling

Residents have objected on the basis that existing refuse facilities are at capacity for the block. The existing building contains 12 flats. Current Council requirements for refuse require 0.20 cubic metres per unit for dry recyclables and general refuse respectively, and 0.12 cubic metres for compostable waste which would equate to 2.6 cubic metres each for dry recyclables and general waste and 1.56 cubic metres for compostable waste for 13 flats (existing 12 plus one). This could be accommodated within 4x 1100 litre bins and 6 x 240 litre bins –with a slight over provision – within the existing bin store, if the entrance is re-located and this can be required by condition.

7.12 S106 Obligations and CIL

Following changes to national planning policy guidance in November 2014 in relation to criteria for affordable housing contributions, the Council no longer requires a financial contribution towards affordable housing on sites of 1-9 additional units in relation to policy CS8 Housing Choice which have a floorspace of less than 1000 sq m. The proposed development would be liable to pay the Mayoral Community Infrastructure Levy (CIL), the funds from which the mayor will apply to the Crossrail project, and also Merton's CIL.

7.13 Sustainability

The Code for Sustainable Homes has been discontinued and Code 4 requirements are not being applied to new housing units in Merton in line with the ministerial statement issued earlier in 2015. However, the council will continue to enforce the mandatory requirements for ENE1 and WAT1 equivalent Code Level 4 as a minimum across the borough for the delivery of new residential units. Evidence to demonstrate compliance with the CO2 reduction and internal water usage rates must be submitted to the council prior to the occupation of the development.

8.0 CONCLUSION

The proposed additional unit at roof top level is modest in scale, recessed from the main roof edge and partly concealed behind a parapet the same height as the adjoining building. The materials and flat roof form would reflect the extensive glazing of the existing building and its existing flat roof. It is not considered that there are grounds for refusal based on impact on the surrounding streetscape, where there is a variety of roof forms and heights. Any considerations in relation to noise transference between the existing top floor and the new unit would be covered by Building Regulations. The external terrace is considered to be sufficiently small and set back from the edge of the building, which will also have a new raised parapet, to minimise any potential for noise nuisance from its use. The proposal is therefore recommended for approval.

RECOMMENDATION:

GRANT PLANNING PERMISSION

Subject to completion of a legal agreement requiring that

- 1) the development is designated 'permit free'
- 2) that the developer pays the Council's legal costs for the agreement and monitoring costs

And the following conditions:

1. A.1 (Commencement of Development)
2. B.1 (External Materials to be Approved)
3. C.8 (No Use of Flat Roof other than terrace)
4. C.10 (Hours of Construction)
5. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence

to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

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.

6. Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the construction process shall be submitted and approved in writing with the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

7. Details of cycle parking provision to be submitted and approved and provided prior to occupation
8. Details of amended refuse storage to be submitted and approved and provided prior to occupation