

**PLANNING APPLICATIONS COMMITTEE
23 AUGUST 2018**

APPLICATION NO. DATE VALID

18/P2224 25/05/2018

Address/Site 162 and 164 Hartfield Road, Wimbledon SW19 3TQ

Ward **Dundonald**

Proposal: Demolition of two semi-detached dwellings and erection of a three storey building (with basement) comprising 2 x 2 bedroom flats and 5 x 1 bedroom flats and 1 x studio flat together with associated car parking and landscaping.

Drawing Nos 1516_P003 B, P004 G, P005 D, P100 J, P101 J, P102 K, P103 J, P201 C, P202 C, P203 C P206 C, P201 C, P210 E, P211 E, P212 F, P213 F P214 E, P216 B, P217 C and Design and Access Statement

Contact Officer: Richard Allen (020 8545 3621)

RECOMMENDATION

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

CHECKLIST INFORMATION

- Heads of agreement: Yes
- 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 –43
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- Controlled Parking Zone: Yes (Zone 4F)

1. **INTRODUCTION**

1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

1.2 The proposed redevelopment of the site by the erection of a building comprising 8 self-contained flats has previously been refused by the Planning Applications Committee on 28/09/2017. The applicant appealed against the Council's refusal of planning permission and the subsequent Appeal was dismissed on 19/02/2018 (Appeal Ref. APP/T5720/W/17/3181165). However, the Planning Inspector did not object to the design of the proposed development, but dismissed the appeal only on the grounds of the development was not 'permit free' and that the development would be inappropriate in the absence of a S.106 Agreement securing this. The current application is a resubmission of the refused application and no changes have been made to the design proposal

2. **SITE AND SURROUNDINGS**

2.1 The application site comprises a pair of semi-detached houses situated on the east side of Hartfield Road. The surrounding area is residential in character comprising mainly two storey housing. However, towards the north end of the road building heights increase and there are a number of new flat developments at the Wimbledon Town Centre end of Hartfield Road. The existing buildings on the site are not listed or locally listed and the site is not within a Conservation Area. The application site is within a Controlled Parking Zone (CPZ W4).

3. **CURRENT PROPOSAL**

3.1 The application has previously been reported to the Planning Applications Committee. For information, full details of the current proposal are set out below.

3.2 The proposal involves the demolition of the existing pair of semi-detached houses and the erection of a new two and a half storey building comprising 8 apartments with associated landscaping.

3.3 The proposed building would be 17.5 metres in width and be between 10.5 and 17 metres in length and have an eaves height of 8 metres and a ridge height of 9.5 metres. The proposed building would be set back from the site frontage by 3 metres and set off the boundary with 160 Hartfield Road by 1.2 metres at first floor level and 4 metres away from the boundary with 166 Hartfield Road at first floor level.

3.4 Internally, at basement level 2 x two bedroom flats would be formed with a gross internal floor area of 100m² and 95m² respectively. At ground floor level 2 x 2 bedroom flats of 89m² and 85m² would be provided, whilst at first floor level 2 x one bedroom flats (51m² and 50m² respectively) and 1 studio flat (41m²) be provided whilst at second floor level 1 x one bedroom flat (63m²) would be provided.

4. **PLANNING HISTORY**

4.1 In October 2015 a pre-application meeting was held in respect of the redevelopment of the site by the erection of a three storey building comprising 4 x 2 bedroom flats and 5 x 1 bedroom flats (LBM Ref.15/P3261/NEW).

4.2 In June 2017 planning permission was refused by the Planning Applications Committee for the demolition of the existing 2 x semi-detached dwellings and the erection of a two and a half storey building including basement consisting of 8 apartments (LBM Ref.16/P1139). Planning permission was refused on the grounds that:-

'The proposed development would, by reason of its design, detailing, bulk and massing constitute an unneighbourly form of development that would be out of scale and character with the adjacent two storey semi-detached housing and would be visually intrusive form of development, detrimental to the character and appearance of the Hartfield Road streetscene contrary to policy CS14 of the Adopted Merton Core Planning Strategy (2011) and policy DM D2 of the Adopted Merton Sites and Polices Plan (2014).'

4.3 The applicant subsequently Appealed against the Council's refusal of planning permission (Appeal Ref.APP/T5720/W/17/3181165). The Planning Inspector dismissed the appeal on 19/02/2018. However, although the Inspector dismissed the appeal, the Inspector concluded that the development would not detract from the character and appearance of the surrounding area. There would be no conflict with Policy CS14 of the Adopted Core Planning Strategy and Policy DM D2 of the adopted Merton sites and Polices Plan which seek to ensure that new development responds positively and appropriately to the surrounding area and respects and reinforces local character. The Inspector did, however, conclude that in the absence of a legal agreement that the development be designated 'permit free', i.e. that occupiers of the development would not be legible for on-street parking permits, the development may have an adverse effect on on-street parking and traffic management and thereby conflict with policy CS20.

5. **CONSULTATION**

5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 145 representations (including a petition signed by 77 residents) have been received raising objections. Details are set out below:-

- There is no reason to accept the Planning Inspectors decision as one inspectors design taste conflicts with the large number of people who have objected to the proposal.
- The proposed building is too bulky and the design is inappropriate for the area.
- The proposal is out of keeping with Victorian houses.
- The current proposal does not address the reasons for refusal of the previous application.

- The proposal would constitute over development of the site.
- The design conflicts with Council policies.
- The development will be overbearing.
- The proposed building would be taller than its neighbours.
- The development will result in the loss of trees.
- The proposal includes a large basement taking up over 80% of the site.
- The proposed building is out of scale.
- More flats are not needed. Family houses are required.
- The application is identical to the one rejected by the Planning Applications Committee on 6/6/2018.
- The construction of the basement may affect the water table.
- The scale of the development is inappropriate for the surrounding area.
- The proposed building would cover over 80% of the site.
- There will be significant disruption during construction works and on street parking bays would have to be suspended.
- The proposal will result in the loss of two family sized houses. There are enough one and two bedroom flats whereas there is a shortage of houses.
- The proposal will overlook 157 Gladstone Road.
- Visually intrusive development.
- Detrimental to the character of the road.
- The development would be an eyesore and would ruin the character of the street.
- Not enough parking for the number of flats.
- The design fails to respect the character of the area.
- Balconies will result in overlooking and loss of privacy.
- The proposal will result in the loss of two large gardens.
- Numbers 162 and 164 could be restored and divided into flats whilst retaining the line of Victorian Villas.
- The development would put further pressure on parking in Hartfield Road.
- The plans show a 'plant room' however, no noise assessment has been undertaken.
- The construction of 53 flats at the top of Hartfield Road (77-91) should not be seen as a precedent.

5.2 The Wimbledon Society

- The back flat at first floor level appears to be single aspect.
- A condition would be required to prevent the flat roofs being used as roof terraces.
- Privacy screens should be provided for the rear terraces.
- Landscaping would be required.

5.3 Transport Planning

The proposal is acceptable if the developer enters into a Unilateral Undertaking which would restrict the future occupiers of 4 new units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones, to be secured through S.106 Agreement.

- 5.4 Thames Water
With regard to the Waste Water network and waste water process infrastructure capacity, Thames Water raise no objection. In respect of the Water Network and water treatment infrastructure capacity Thames Water raise no objection. Thames Water however recommends that Informatives be imposed on any grant of planning permission.

6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011)
CS 8 (Housing Choice), CS14 (Design), CS15 (Climate Change) and CS20 (Parking).
- 6.2 Sites and Policies Plan (July 2014)
DM H2 (Housing Mix), DM D1 (Urban Design and the Public Realm), DM D2 (Design Considerations in all Developments), DM T3 (Car Parking and Servicing Standards) and DM F2 (Sustainable Urban Drainage Systems).
- 6.3 The London Plan (March 2015) as Amended by the Mayor of London's Housing Standards, Minor Alterations to the London Plan (March and 2016 and Housing SPG (March 2016)
The relevant policies within the London Plan are 3.3 (Increasing Housing Supply), 3.4 (Optimising Sites Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.11 (Affordable Housing), 5.3 (Sustainable Design and Construction), 5.7 (Renewable Energy), 7.3 (Designing out Crime), 7.4 (Local Character) and 7.6 (Architecture).

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning consideration relates the Planning Inspector's decision in respect of Appeal Ref.APP/T5720/W/3181165 (dated 19 February 2018 in respect of the refusal of planning application Ref.16/P1139. The other issues concern the demolition of the existing buildings, the design of the new building, together with neighbour amenity, basement construction, parking and sustainability issues.
- 7.2 Demolition of Existing Building
The existing pair of dwelling houses are of little architectural merit and there are no objections to the demolition of the existing building subject to a satisfactory replacement building and compliance with relevant adopted Merton Core Strategy policies, policies within the Merton Sites and Policies Plan and policies within the London Plan and relevant planning guidance. The demolition of the existing dwellings was accepted by the Inspector in determining the appeal.
- 7.3 Design Issues
The current proposal is for the redevelopment of the site by the erection of a two and a half storey building which has been subject to the previous appeal. Although of contemporary design, the proposed building would have a similar eaves and ridge height to neighbouring buildings. There is a mixture of

architectural style in Hartfield Road and there is no objection to the contemporary design adopted for the proposed building. Although the Council rejected the previous scheme on design and visual impact, the Planning Inspector did not agree and the design was accepted. The current scheme has incorporated the amendments suggested by officers under the previous application to reduce the bulk and massing and rearward projection of the proposed building. No changes have been made to the scheme's design, scale and position on site in comparison to the appeal scheme. The scheme is therefore considered to be acceptable in terms of policies CS14 and DM D2.

7.4 Neighbour Amenity

The proposed building has been designed to mitigate potential problems of loss of privacy with windows facing towards the street frontage and to the rear. Although rear terraces would be provided for each flat, the terraces would be screened to prevent overlooking of neighbouring gardens. The Planning Inspector found the impact on neighbour amenity to be acceptable. It is therefore considered that the siting of the proposed building and its relationship to existing neighbouring residential properties is acceptable in terms of policy DM D2.

7.5 Standard of Residential Accommodation

The flats have been designed to comply with the standards set out in the Mayor of London's guidance on new residential development the size of each flat is set out below:-

Flat B1 (2 bedroom) - 100m²
Flat B2 (2 bedroom) - 95m²
Flat G1 (2 bedroom) - 89m²
Flat G2 (2 bedroom) - 85m²
Flat F1 (1 bedroom) - 51m²
Flat F2 (1 bedroom) – 50m²
Flat F3 (1 bedroom Studio) - 41m²
Flat S1 (1 bedroom) – 63m²

The design and internal layout of the proposed flats are considered to be acceptable and comply with the minimum standards as set out in the London Plan.

7.6 Basement Construction

A number of representations comment on the provision of basement accommodation in the development and raise concerns over basement construction and the impact of basements upon the water table. However, in accordance with policy DM D2 the applicant has provided a Site Investigation Report and a Basement Impact Assessment and Method Statement. The statement concluded that the design and construction of the basement accommodation is in line with industry norms and there are no technical reasons why the basement should not be constructed as planned. The basement accommodation was accepted by the Planning Inspector. The provision of basement accommodation is therefore considered to be acceptable in terms of policy DM D2.

7.7 Parking

The development would not provide any on-site vehicle parking spaces. This was the same as the previous scheme. The proposal does provide secure cycle parking for 13 cycles. The existing pair of houses benefits from 4 parking permits for on street parking and this number of permits would be retained with the additional four units being designated 'permit free' secured through a section 106 Agreement. The Planning Inspector accepted the use of a S.106 Agreement to restrict parking permits. The lack of a signed S.106 Agreement at the time of determining the appeal was the only reason the appeal was dismissed. The applicant has outlined a willingness to sign the S.106 Agreement and this is reflected in the recommendation.

7.8 Sustainability Issues

The proposed building has been design to incorporate sustainability measures including Grey water harvesting to provide irrigation and WC flushing to the building, surface water attenuation tank for storm water disposal of basement terraces and surplus cavity drain system and a Green roof to the main roof,

7.9 Developer Contributions

The proposal involves the erection of 8 new flats. A financial contribution towards affordable housing would not be required in this instance as the development is less than 10 units as set out in NPPG (2014). The proposed development would however, be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

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

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. **CONCLUSION**

9.1 The Planning Inspector in the decision letter dated 19 February 2018 in respect of the refusal of application LBM Ref.16/P1139 considered the design and layout of the proposed building to be acceptable and that the development would not harm neighbour amenity. The sole reason for dismissing the appeal scheme was on the lack of a signed S.106 Agreement to secure permit free designation for four of the flats. Accordingly it is recommended that planning permission be granted subject to the developer entering into a legal agreement that four of the units in the development being designated 'permit free' secured through a S.106 agreement.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to a S.106 Agreement

Covering to following heads of terms:-

1. That four residential units on the site be designated 'Permit Free'.
2. That the developer paying the Councils legal and professional costs of drafting and completing the legal agreement.

And subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Drawings
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (Remove Permitted Development –Doors and Windows)
7. C.6 (Refuse and Recycling-Details to be Submitted)
8. C.8 (No Use of Flat Roof as Balcony/Terrace)
9. C.9 (Balcony Terrace Screening)
10. D.9 (External Lighting)
11. D.11 (Construction Times)
12. F.1 Landscaping Scheme
13. F.8 Site Supervision
14. H.9 (Construction Vehicles)
15. H.18 (Sustainable Urban Drainage)
16. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1)

(150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.

17. Prior to commencement of development full details of the method of construction of the basement shall be submitted to and be approved in writing by the Local Planning Authority. The basement shall be constructed in accordance with the details set out in the Basement Construction Method Statement unless agreed in writing by the Local Planning Authority.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2.

18. Prior to commencement of development full details of the design and planting of the green roofs shall be submitted to and be approved in writing by the Local Planning Authority and the green roofs installed in accordance with the approved details.

Reason for condition: To ensure a satisfactory appearance to the completed development and to comply with policy DM D2..

19. Informative
Evidence requirements in respect of condition 16 are detailed in the 'Schedule of evidence required for Post Construction Stage' from Ene1 and Wat 1 of the Code for Sustainable Homes Technical Guide.

20. INF.1 (Party Wall Act)

21. INF.7 (Hardstanding)

22. Informative
If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of Water Industry Act 1991. The developer would be expected to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer. Permit enquiries should be directed to Thames Water Risk management Team on 02035779483 or online via www.thameswater.co.uk/wastewaterquality

23. Informative
Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to the Thames Water website <https://developers.thameswater.co.uk/Developing-a-large-site/apply-and-pay-for-services/Wastewater-services>

24. Informative
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it

leaves Thames Waters pipes. The developer should take account of this pressure in the design of the proposed development.

[Click here](#) for full plans and documents related to this application.
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Appeal Decision

Site visit made on 28 November 2017

by **R J Marshall LLB DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/T5720/W/17/3181165

162, Hartfield Road, Merton, London, SW19 3TQ

- 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 Mr Ray Hosker (Hosker Wilson) against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P1139, dated 11 March 2016, was refused by notice dated 6 June 2017.
 - The development proposed is demolition of existing semi-detached properties at 162 and 164 Hartfield Road. New build residential development of 8 apartments, including a single storey basement.
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Decision

1. The appeal is dismissed.

Background

2. The application was refused permission against the recommendation of the Council's officers. The recommendation to grant planning permission was subject to the completion of a Section 106 Agreement that 4 of the residential units on the site be designated as "Permit Free". No such agreement is in place. Thus in determining this appeal I need, in addition to the Council's reason for refusal, to consider whether the absence of a legal agreement on "Permit Free" parking should stand against the proposal. I have sought the parties observations on this and have taken into account those received.

Main Issues

3. Having regard to the above the main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; and **second**, whether absence of a legal agreement on "Permit Free" parking should stand against the proposal.

Reasons

Character and appearance

4. The appeal site is towards the southern end of Hartfield Road. Taken as a whole this road has a varied character. Some way to the north of the appeal site, towards Wimbledon town centre, there are tall residential properties of varied age, design and height. At the far southern end of the road, on the opposite side of the road to the appeal site, are a few new flat developments,

- and the Council has recently permitted some new flats adjoining them in a modern contemporary style.
5. In the vicinity of the appeal site development is more uniform being predominantly 2 storey high Victorian style houses with bay windows. On the opposite side of the appeal site these houses are predominantly terraced and on the appeal side they are mostly semi-detached. It is one of these properties that it is proposed to demolish to make way for the proposed development.
 6. Although the appeal property is pleasant enough it, along with immediately adjoining properties, is not particularly noteworthy. Moreover, the varied gaps between the houses, a side extension and some rather unattractive garages between some of the houses, makes for a less uniform appearance in the vicinity of the appeal site than might otherwise be the case.
 7. The proposed flats would be on the same frontage as the existing property and located between 2 of the semi-detached houses. Substantial additional accommodation would be provided by an extension to the rear and the provision of basement flats.
 8. The proposed building would be the same height as the 2 adjoining properties. Like the adjoining properties it would have a hipped roof, albeit with a flat top to allow for the slightly increased roof pitch of the proposed building compared to its neighbours. There would be sufficient similarity between the proposed building and the adjoining houses to ensure that the proposed development would, seen from the roadside, fit in acceptably amidst its surroundings. Assisting in that regard would be its pleasingly uniform front facade with attractive detailing.
 9. Seen from the rear the proposed development would have a a rather more contrasting appearance than the neighbouring houses. However, it is an attractive enough design in its own right seen from the rear and the character and appearance of the area is more defined by the front than rear elevations. The provision of a basement well would be visible from some points but not to a degree that would make it appear overly intrusive especially as adequate rear garden space would remain available.
 10. There have along Hartfield Road been a few recent attractive conversions of existing Victorian properties. However, this does not mean that new development is unacceptable.
 11. It is concluded that the proposed development would not detract from the character and appearance of the surrounding area. There would be no conflict with Policy CS14 of the Adopted Merton Core Planning Strategy and Policy DM D2 of the Adopted Merton Sites and Policies Plan which seek to ensure that new development responds positively and appropriately to the surrounding area and respects and reinforces local character.

Absence of legal agreement

12. No car parking spaces are provided for the proposed development, which lies within a Controlled Parking Zone (CPZ). Given this the Council seeks to limit the number of parking permits to the 4 that are associated with the existing houses.

13. CS Policy CS 20 seeks to implement effective traffic management. To this end it requires, amongst other, that new development does not have an adverse effect on on-street parking and traffic management and supports permit free developments in CPZs such as this with good access to facilities and services.
14. What I saw of the take-up of existing parking spaces and the characteristics of Hartfield Road, supported by the observations of some local residents, backs up the Council's stance in seeking to limit the number of parking permits. The appellant has provided no evidence to the contrary.
15. One of the conditions suggested by the Council at appeal stage requires the appellant to enter into a Section 106 agreement that 4 of the proposed flats be "permit free". The appellant has raised no objection to this condition and considers it to be reasonable and enforceable. However, the Planning Practice Guidance (PPG) advises that a positively worded condition should not be used to require an applicant to enter into a planning obligation. Even a negatively worded condition is likely, it says, to be inappropriate in the majority of cases other than in the exceptional circumstances of more complex strategic development which is not the case here.
16. Given the above, it is concluded that absence of a legal agreement on "Permit Free" parking should stand against the proposal. Without the agreement I cannot be satisfied that there would not be an adverse effect on on-street parking and traffic management and thereby conflict with CS Policy CS 20.

Other matters

17. Local residents raise objections the go beyond those of the Council. However, having regard to the key concerns raised, I am satisfied that subject to conditions on balcony screening the proposed development would not, given its location relative to neighbouring properties, give rise to unacceptable loss of privacy. The rear projection of the proposed development would be sufficiently distant from neighbouring properties to cause no unacceptable harm through visual impact. There is no substantial evidence to support a restriction on basement development and the appellant has provided a detailed technical assessment on its acceptability. There is no evidence to support the contention that the loss of 2 family sized houses would be harmful or that acceptable drainage could not be provided.

Final balancing and Conclusion

18. I have found no harm in relation to the first issue, nor to the "other matters" raised by third parties. However, I find the potential harm in relation to on-street parking and traffic management in the absence of a restriction on the number of parking permits to be a sufficient factor in its own right for the appeal to be dismissed. Taken as a whole the proposal would be contrary to the development plan. And whilst many aspects of sustainable development in terms of the National Planning Policy Framework (the Framework) would be met by the provision of additional housing the potential harm in relation to the on-street parking and traffic management is such that this would not be sustainable development in the terms of that document.

19. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR