

# Agenda Item 3

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## PLANNING APPLICATIONS COMMITTEE

11 FEBRUARY 2021  
(7.15 pm - 10.17 pm)

**PRESENT** Councillor Dave Ward (in the Chair),  
Councillor Stephen Crowe, Councillor Stephen Alambritis,  
Councillor Billy Christie, Councillor David Dean,  
Councillor Nick Draper, Councillor Joan Henry,  
Councillor Simon McGrath, Councillor Carl Quilliam and  
Councillor Peter Southgate

**IN ATTENDANCE** Sarath Attanayake (Transport Planning Project Officer),  
Tim Bryson (Development Control Team Leader (North)),  
Amy Dumitrescu (Democratic Services Officer),  
Jonathan Lewis (Development Control Team Leader (South)),  
Tim Lipscomb (Case Officer) and Farzana Mughal (Democratic  
Services Officer)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There was no apologies for absence.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

**RESOLVED:** That the minutes of the meeting held on 14<sup>th</sup> January, 2021 were agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modification to the officers' report which was published in the modification sheet (see item no. 13). This applied to items no. 5, 6, 7, 8 and 9.

Furthermore, the Chair advised that the order of the agenda was changed and would be considered in the order as follows: items, 5, 6, 8, 9, 10 and 7. For the purpose of the minutes, items were minuted in the order they appeared in the published agenda.

5 94 THE BROADWAY, LONDON, SW19 1RH (Agenda Item 5)

Proposal: Erection of a four storey rear extension and internal reconfiguration of existing residential unit to create four additional residential dwellings.

The Committee noted the report and the plans presented by the Development Control Team Leader (North). The Committee also noted the modification sheet contained supplementary agenda. The Officer provided updates on various matters relating to the amendments.

Two residents had registered to speak in objection to the proposed scheme, and at the request of the Chair, had raised a number of points, including:

- the proposed scheme would potentially cause substantial damage to the immunity and residents' lives;
- obstruction to natural light to the neighbouring properties;
- the proposed scheme was out of character and would harm the character of the area;
- the proposed scheme was overbearing and oppressive;
- residents had lived in the area for many years and want to continue enjoying living in their homes;
- the proposed development was not in line with the surrounding buildings;
- the current proposal would not be in contradiction to Merton Council's, DMD2, DMD3 and CS14 policies;
- concerns in relation to lack of and rise of anti-social behaviour;
- concerns in relation to the increased footfall and traffic along Prince's Yard.

The applicant's agent had registered to speak, and at the request of the Chair addressed the Committee with the following points:

- the proposal seeks the erection of a four-story rear extension to provide four high-quality self-contained residential dwellings;
- all units would exceed the minimum space standards and all habitable rooms would be provided with well-sized windows;
- the development would not be harmful to the area;
- the development was deemed to be in keeping with the character of the area and in accordance with policy CS14;
- the site was close proximity to several local services and amenities which residents would benefit from;
- the development would not have an impact on the immunity to the neighbouring properties;
- it was clarified the proposed development was significant distance from South Park Road, therefore, this would not cause loss of light to the properties on South Park Road;
- it was clarified that only one of the proposed units would be accessed from Prince's Yard, the other proposed dwellings would be accessed from the front of the site on Broadway;

- the proposed units had a maximum occupancy of two individuals and was unlikely to cause disturbance to the neighbouring properties;
- the development would provide much needed additional housing, with a provision of dwelling sizes that would be appropriate for the demands of the surrounding community.

In response to the objectors concerns and issues raised, the Development Control Leader (North) reported that with regards to the residential immunity, the wall to the rear side of the proposed development would go beyond the rear elevation of number 92 by 2.1 meters. It was clarified that the height of the development was not excessive to the height of existing buildings.

In response to Members' questions and comments' in relation to the loss of daylight to the neighbouring properties, in particular, to number 92, the Development Control Team Leader (North) clarified that the applicant had not submitted Daylight and Sunlight Assessment.

Having considered all of the information before them, Members' were minded to defer the application pending Daylight and Sunlight Assessment to be carried out.

The motion was moved and seconded. The Chair put to vote and it was

**RESOLVED** that the application number 20/P3088 be **DEFERRED** pending Daylight and Sunlight Assessment to be carried out.

#### 6 VISTA HOUSE AND PROSPECT HOUSE, CHAPTER WAY, COLLIERS WOOD SW19 2RE (Agenda Item 6)

Proposal: Application to determine whether prior approval is required in respect of the proposed erection of sixth floor extensions to Vista House and Prospect House, to create 5x new self-contained flats, plus the installation of a vertical wall cycle storage rack for both buildings at ground floor level.

The Committee noted the report and the plans presented by the Case Officer. The Committee also noted the modifications sheet contained supplementary agenda. The Case Officer provided updates on various matters relating to the amendments.

An objector had registered to speak on behalf of the residents, and at the request of the Chair, had raised a number of points, including:

- that the proposed scheme fell outside the scope of the relevant legislation covering permitted development and that "prior approval" could therefore not be granted regardless of the officers report;
- concerns with regards to the cladding, and that this was also raised by the leaseholders;
- concerns to the architect design
- the scale of the external appearance of the building would have an impact on the adjoining heritage assets;

- it was advised that the application be deferred pending to seek legal advice in relation to the permitted development rights for topmost storey;
- concerns of the impact of the immunity of the existing occupants.

In response to the objector's comment, the Development Control Team Leader (South) advised that if Members' were minded to defer the application in order to seek legal clarification on the matters raised above.

The applicant's agent had registered to speak, and at the request of the Chair addressed the Committee with the following points:

- the development would provide an additional five residential homes;
- the development consistent with the Council's Local Plan;
- the welfare of residents was prudent to the applicant, and would ensure that any disruption in relation to the construction was kept to a minimum;
- the Committee to recognised the opportunity to provide much needed additional new homes on a sustainable site;
- under the Permitted Development Rights, the legislation allowed for extension to the rooftop of an existing building.

During the debate, Members' sought clarification in relation to the development rights of the extension to the rooftop.

The Committee recommended the application be deferred pending legal advice in relation to the permitted development rights of an extension to the rooftop to the existing accommodation and the issues in relation to the cladding.

Officers advised that the legislation which had come into force last year could be open to interpretation on the specific legal point that the objector had raised and that there would be merit in deferral so as to obtain legal advice.

A motion for deferral of the determination of the application by the Committee pending legal advice in relation to the permitted development rights of an extension to the rooftop to the existing accommodation and issues with regards to the cladding was moved and seconded. However, on being put to the vote the motion was lost.

In response to Members' questions and comments' the Development Control Team Leader (South) clarified the following points:

- the access road was unadopted and not owned by the local authority. The responsibility for the upkeep and maintenance rested entirely with the property owners;
- Members' were drawn to the modifications sheet which outlined the issues regarding the cladding and fire safety.

The Chair moved to the vote on the officers' recommendation and it was

**RESOLVED** that the application number 20/P2841 be **GRANTED** planning permission subject to conditions.

7 FAIR GREEN PARADE, LONDON ROAD, MITCHAM, CR4 3NA (Agenda Item 7)

Proposal: Erection of a two storey roof extension to allow provision for nine self-contained flats.

The Committee noted the report and the plans presented by the Development Control Team Leader (South). The Committee also noted the modifications sheet contained supplementary agenda.

In response to Members' question, in relation to Affordable Housing, Members were reminded that the threshold at which affordable provision would be sought was 10 units or more. The proposed scheme was for a 9 units and some were of a size that could enable sub-division. Officers explained that it would be prudent to attach an s106 planning agreement to review viability to deliver affordable housing contributions if the applicant submitted an application to increase the number of units to 10 or more once the scheme was substantially completed.

Members' welcomed the design and appearance of the proposed development.

The Chair moved to the vote on the officers' recommendation and it was

**RESOLVED** that the application number 20/P0823 be **GRANTED** planning permission subject to s106 obligations or any other enabling agreement and conditions.

8 3 HAMILTON ROAD, SOUTH WIMBLEDON, SW19 1JD (Agenda Item 8)

Proposal: Erection of a single storey rear and side infill extension and excavation of a basement level extension with installation of a 1x light well grille to front of property and 1x glazed to rear.

The Committee noted the report and the plans presented by the Development Control Team Leader (North). The Committee also noted the modifications sheet contained supplementary agenda. The Officer provided updates on various matters relating to the amendments.

An objector had registered to speak to the proposed scheme, and at the request of the Chair, had raised a number of points, including:

- the loss of trees which adds character and value to the street scene;
- if the proposed scheme complies with the DMD2 policy;
- the development basement would extend beyond the footprint of the original building;
- the proposed scheme was out of character to the area;

- concerns in terms of flood risk.

Members noted the applicant was not present at the meeting.

Councillor Ben Butler (Ward Member for Abbey) had registered to speak, and on behalf of the residents he expressed his concerns with regards to the proposed scheme and the fact that the scheme had a number of conditions attached which was a concern. He reiterated the objector's concerns with regards to the potential loss of trees and that the scheme was out of character to the street scene. He further stated that the plans had not addressed the issues in relation to the flood risk.

In response to Members' questions and comments' the Development Control Team Leader (South) stated the following:

- in terms of trees, there had been no response from the Street Tree Officer, however, the officer had suggested a condition for a Tree Protection Plan to be submitted;
- in terms of flood risk and drainage, the officer had recommended for a Flood Risk Assessment to be carried out;
- the installation of the light to the front would not have an impact with the loss of parking space;

A Member asked whether a condition could be included that the light would be of a sufficient strength and that off-street parking space be retained to the front of the property.

The Chair moved to the vote on the officers' recommendation to grant planning permission. However, on being put to vote the motion was lost.

During the debate, Members' expressed their concerns in relation to the visual impact of the development. Furthermore, a motion to defer the application was put forward in order to carry out a Tree Assessment report.

The Chair moved to the vote and it was

**RESOLVED** that the application number 20/P2774 be **DEFERRED** pending Tree Assessment Report to be carried out.

9 25-27 LANDGROVE ROAD, WIMBLEDON, SW19 7LL (Agenda Item 9)

Proposal: Use of building as one, 1 bedroom residential unit, together with associated external alterations and amenity space.

The Committee noted the report and the plans presented by the Development Control Team Leader (North). The Committee also noted the modifications sheet contained supplementary agenda. The Officer provided updates on various matters relating to the amendments.

Two residents had registered to speak in objection to the proposed scheme, and at the request of the Chair, had raised a number of points, including:

- the dwellings would be out of character;
- Use as a residential unit would cause harm to surrounding neighboring amenity
- the garage would be used for residential purposes;
- the application does not comply with the Council's scheme, in terms of; the obscured glass to the roof windows the Committee had refused the application previously;
- the windows should be obscured to prevent overlooking. The fence would not prevent the overlooking issues;
- Concerns raised in relation to lack of privacy.

The applicant's agent had registered to speak, and at the request of the Chair addressed the Committee with the following points:

- there was no intention for the applicant to convert the development to a house;
- the development would be used by the applicant's family;
- as stated in the report, the development required minimal external changes;
- the proposed scheme would have no impact on the street scene, however would improve the front street elevation;
- the proposal would create an additional on street parking space.

Councillor Oonagh Moulton (Ward Member for Wimbledon Park) had registered to speak, and at the request of the Chair advised the Committee that the proposed scheme would not be used with the intention of a garage and would be used for residential purpose. The development would potentially increase in noise and overlooking from both the building and garden and the loss of immunity for the residents. She further expressed her concerns that the ongoing planning application submitted by the applicant had caused stress to local residents.

In response to Members' questions and comments' the Development Control Team Leader (North) stated the following points:

- the ground floor windows were different to the original scheme submitted previously;
- a condition had been imposed for the use of obscure glazing roof to prevent overlooking;
- if the previous application had been refused, the applicant could submit multiple planning applications with modified plans.

The Chair moved to the vote on the officers' recommendation and it was

**RESOLVED** that the application number 20/P3071 be **GRANTED** planning permission subject to s106 Agreement and conditions.

10 49 QUEEN'S ROAD, WIMBLEDON, SW19 8NP (Agenda Item 10)

Proposal: Creation of 10 persons HMO. Erection of rear dormer window and 2NO front facing roof lights and 1NO slit window to front gable element.

The Committee noted the report and the plans presented by the Development Control Team Leader (South).

An objector had registered to speak to the proposed scheme, and at the request of the Chair, had raised a number of points, including:

- the development would be detrimentally harmful to the character of the conservation area;
- the development was excessive and would not create good quality housing;
- the development initially was for a six persons HMO and was not aware that this was now proposed for a ten persons HMO.

The applicant and agent had registered to speak, and at the request of the Chair addressed the Committee with the following points:

- the scheme complies in line with the Council's regulations;
- the applicant also resides at this development;
- the scheme would provide a high quality accommodations for occupants to rent;
- it was clarified that the shed was used to install disability equipment;
- the visual appearance had been upgraded and the garden to the front enhanced the street scene.

In response to Members' questions and comments' the Development Control Team Leader (South) clarified the proposal was to increase the capacity from six persons HMO to ten persons HMO.

The Chair moved to the vote on the officers' recommendation and it was

**RESOLVED** that the application number 20/P2779 be **GRANTED** planning permission subject to conditions.

#### 11 PLANNING APPEAL DECISIONS (Agenda Item 11)

The Committee noted the planning appeal decisions.

#### 12 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)

The Committee noted the planning enforcement report.

#### 13 MODIFICATIONS SHEET (Agenda Item 13)

The Committee noted the modifications sheet.