

PLANNING APPLICATIONS COMMITTEE

21 OCTOBER 2021

APPLICATION NO.

DATE VALID

21/P2673

05/07/2021

Site Address:

52B Russell Road, Wimbledon, London, SW19 1QL

Ward:

Abbey

Proposal:

REPLACEMENT OF BEDROOM WINDOW WITH DOORS

Drawing Nos:

P03 Revision 02, P01 Revision 02, S01 Revision 01

Contact Officer:

Charlotte Gilhooly

RECOMMENDATION

GRANT Planning permission subject to conditions

CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	No
Design Review Panel consulted	No
Number of neighbours consulted	12
External consultations	0
Internal consultations	0
Controlled Parking Zone	No - Choose an item.

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee at the request of Councillor Nigel Benbow.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a traditional Victorian detached property which has been divided in three flats located on the north east side of Russell Road in Wimbledon. The site is not listed or located within a Conservation Area . There are no further constraints.

3. CURRENT PROPOSAL

This application seeks retrospective planning permission to replace the existing sash window at ground floor level with French doors which are 2.42m high and 1m wide.

Materials include white PVC, double glazed French doors.

4. PLANNING HISTORY

- 20/P2317: REPLACEMENT OF BEDROOM WINDOW WITH DOORS AND INSTALLATION OF GARDEN FENCING. REFUSED PERMISSION 16-09-2020. APPEAL DISMISSED 14-06-2021.

5. CONSULTATION

External

Neighbour consultation

- 5.1 Consultation letters were sent to neighbouring properties. 5 representations have been received raising objection which are summarised below:
- This application is not accurately described. It is a retrospective planning application which was completed in February 2020.
 - An Enforcement Notice ER19M2250 52 Russell Road, SW19 1QL is dated 4 April 2020 given to me by Ms Luxmi Ghosh, Planning Enforcement Officer. Why has this not been acted upon, some 16 months later?
 - What is happening about Planning Application 20/P2317? This was refused on 16.09.20 and dismissed by the Inspectorate of Planning on 14.06.21. Despite being told to put back as things were, they still have not.
 - A person who has undertaken unauthorised development has only

ONE OPPORTUNITY to obtain planning permission after the event. This can either be by means of a retrospective planning application (under section 73A of the Town and Country Planning Act 1990 (<http://www.legislation.gov.uk/ukpga/1990/8/section/73A>)) or by means of an appeal against an enforcement notice on ground that planning permission ought to be granted or the condition or limitation concerned ought to be discharged - this is referred to as a ground (a) appeal.

- The local planning authority can decline to determine a retrospective planning application if an enforcement notice has previously been issued (section 70C of the Town and Country Planning Act, 1990 (<http://www.legislation.gov.uk/ukpga/2011/20/section/123/enacted>)). No appeal under ground (a) may be made if an enforcement notice is issued within the time allowed for determination of a retrospective planning application.
- Application 21/P2673 is not an accurate description. Why does it not say it's a retrospective?
- Ms R Hawkless is the leaseholder of 52B Russell Road and she has contravened the lease by altering her property and installing a 6ft fence. The freeholder of the property is 52 Russell Road Residents' Association Ltd. The Directors of the freehold have never been asked to give their permission.
- I am concerned at the competence of the Merton Planning Department.
- The Planning Inspector dismissed the appeal (20/P2317) for the previous application at this property.
- This application is for the retention of French doors, however the owners intention is still the same which is to have private amenity space.
- In para 10 of the Inspectors Report he refers to drawf walls which previously enclosed the garden, however this is incorrect, the property has never been enclosed.
- The purpose of the French doors is to repurpose the outdoor area as private amenity space.
- The proposal would have a detrimental impact on the amenity of residents living at the property and the proposal should be seen as a change of use.
- White PVC windows are not in keeping with the character of the building
- Works were completed on 26/02/20.
- The applicant stated there were no trees which would be affected in their application form. However there is a tree.
- The applicant is not the freeholder of the property and should therefore not be allowed to submit this planning application. As such the Council should not be allowed to use their administrative powers to determine this application.

- This retrospective application has not been agreed by the freeholder.
- A site notice was not displayed even though this is a requirement.
- This property is architecturally unique and was built circa 1880. It makes a positive contribution to the character of the area. The French doors have damaged the character of this building.
- Granting permission for this proposal would set a detrimental precedent.
- The owner of 52B have contravened their lease agreement.
- The French doors are out of keeping and do not match existing fenestration.
- I would like to request that the original window is restored to the property.
- The French doors protrude further than the existing main door whereas the existing fenestration was set back into the wall. The French doors are also awkwardly located only 1.5m away from the main door.
- How can the applicants apply for planning permission without first getting the Freeholders permission? Why has the tall fence not been removed despite being told to by Enforcement? I would like to request this happens immediately. This is now an 18month old case and a waste of tax payers money.
- The Inspector has not said the French Doors can remain.

Russell Road Residents Association

- Russell Road Residents Association is made up of three leaseholders.
- The lease says no changes are allowed that require planning permission. Any other changes require all leaseholders to agree.
- The applicant has damaged the damp proof course.
- The leaseholder had not removed the fence some 2 months after being told to do so. The fence finally came down on 17/09/21.

Planning Officers comments:

- You can be a leaseholder and still apply for planning permission as long as it has at least 7 years on the leasehold. The applicant has confirmed this on the application form for planning application 21/P2673.
- Consultation letters have been sent to neighbouring properties; the Council have therefore fulfilled their statutory function in this regard.

5.2 POLICY CONTEXT

National Planning Policy Framework (2019)

- Chapter 12 Achieving well-designed places

London Plan (2021)

- D3 Optimising site capacity through the design-led approach

- D4 Delivering good design
- D8 Public Realm

Merton Core Strategy (2011)

- Policy CS 14 Design

Merton Sites and Policies Plan (2014)

- DM D2 Design considerations in all developments
- DM D3 Alterations and extensions to existing buildings

6. PLANNING CONSIDERATIONS

- 6.1 The planning considerations for the proposal relate to the impact of the proposal on the character and appearance of the host building, streetscene and the impact upon neighbour amenity.

Character and Appearance

- 6.2 London Plan policies D3, D4, D8, Core Strategy policy CS14 and SPP Policies DM D2 and DM D3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.

- 6.3 It is noted a number of objections have been received which are concerned with the impact the proposed French doors have on the character of the building. However, under the previous planning application 20/P2317 which was appealed (ref: APP/T5720/W/20/3263833 the Inspector stated the following:

“The proposals also include the creation of a new pair of doors in the front elevation of the building, replacing a previously existing window. The new doors have been designed to harmonise with the original Victorian design, however, and they do not cause undue harm to the architectural qualities of the host building.”

- 6.4 The Inspector has confirmed the French doors have not caused undue harm to the character of the building and while they are considered to be an unusual addition to the front of a character building, they have preserved the lintel and the width of the opening has remained unchanged. It should be noted that the Council did not refuse the previous application on the proposed French doors either. As such, it is considered an acceptable addition to the character of the building and surrounding area.

Neighbouring Amenity

- 6.5 London Plan Policy D3 and D4 and SPP policy DM D2 state that proposals

must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

- 6.6 The neighbouring properties which may be affected by this proposal include 50 Russell Road, 52a Russell Road, 52b Russell Road, and Flats 1-4 56 Russell Road.
- 6.7 The French doors are at ground floor level and would therefore not result in a loss of daylight/sunlight, be visually intrusive or result in a loss of privacy for neighbouring properties. It is noted there is some concern over the use of the outdoor area and the noise this would create, but given the size of the front garden and its location, it is not considered to result in a material increase in noise. As such this element of the proposal is considered acceptable.
- 6.8 Overall the proposals are considered acceptable in terms of the impact on neighbouring amenity.

7. CONCLUSION

The scale, form, design, positioning and materials of the proposed French Doors are not considered to have an undue detrimental impact upon the character or appearance of the host building, the surrounding area or cause harm to neighbouring amenity. Therefore, the proposal is considered to comply with the principles of policies DM D2 and DM D3 DM D4 of the Adopted SPP 2014, CS14 of the LBM Core Strategy 2011 and D3, D4 and D8 of the London Plan 2021.

It is therefore recommended to grant permission subject to conditions.

8. RECOMMENDATION

- 8.1 Grant permission subject to subject to conditions

Conditions

1. A1 Commencement of development (full application): The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: In the interests of proper planning.

2. A7 Approved Plans: The development hereby permitted shall be carried out in accordance with the following approved plans: [P03 Revision 02, P01 Revision 02, S01 Revision 01]

Reason: For the avoidance of doubt and in the interests of proper planning.

3. B3 External materials as specified: The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

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