SURBITON NEIGHBOURHOOD COMMITTEE

13 JUNE 2018

LATE MATERIAL
Ref: 17/16795/FUL – Demolition of existing garage buildings and erection of two five bedroom detached houses with associated car parking and landscaping.

Correction to report:
- Paragraph 30, sentence 2 – replace “Building 2 on Plot 2 would measure a maximum of 9.15m in height.” with “Building 2 on Plot 2 would measure a maximum of 9.6m in height.”
- Paragraph 41, sentence 2 – replace “Villiers Road ” with “Southborough Road and Ditton Road”.

New Condition (Arboricultural Method Statement):

No development shall commence until an updated Arboricultural Method Statement is submitted and approved in writing by the Local Planning Authority detailing the following elements:
1. Details regarding alterations in levels both within the development site and the adjacent access road.
2. Details of the manner in which the widening of the access road will be undertaken, including any new hard surfacing and no dig methodology.
3. Details regarding any works to retained trees required to facilitate access and development including any trees adjacent to the access road.

The approved Arboricultural Method Statement shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.

Reason: These details are required prior to commencement of development because the details would affect subsequent design of other elements of the scheme and must be agreed at the outset and in the interests of good arboricultural practice, in order to safeguard the longevity, health and appearance of the tree(s) protected by a Tree Preservation Order (TPO) and in the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Comments received from Mr David Morgan, Member of the Southborough Residents Association submitted on 7 June 2018

On Thu, Jun 7, 2018 at 12:57 PM, David Morgan <qamorgan37@sky.com> wrote:
Dear Malcolm,

Following the publication of the Committee Report which is now on the Planning File for the above application a group of residents and neighbours met last night to review the position and following such
review I was asked to write to you to point out the following discrepancies in the report which we feel need to be drawn to the attention of Councillors who will be deciding the application on the 13th June :-

1. The first document in the list of documents is a CGI image of the front elevation of the style of the new buildings showing an expanse of green grass at the front. Whilst this is only for illustration purposes it does give an entirely false impression as anyone viewing the new properties from the lane would be a good deal closer as there is only a distance of approximately 9 metres between the north/west boundary of the lane and the front of the houses. Moreover the neighbouring properties either side have a protective hedge or wall in front screening them from the lane.

2. In paragraph 38 of the report dealing with the effect on neighbouring properties there is no mention of number 10 Southborough Road which is directly opposite whose garden will be overlooked and there will be some loss of light and privacy. There is no mention of the second storey window in the front elevation of plot 2 which will overlook both no 8 and 10 Southborough Road. In paragraph 41 there is a reference to “Villiers Road” which is clearly an error.

3. The Arboicultural Report obtained by the developer does not deal with the effect of the proposed development on the route protection area of tree T15 in the garden of number 8 Southborough Road which is the subject of a TPO. It does say that less than 1% of the route protection area will be affected but it is clear that in digging the foundations of the building which is plot ‘2’ the route protection area will be compromised. This is a valuable tree and the building line should be moved back so as not to damage its roots.

4. In the Transfer Deed of number 88 Ditton Road, there is a restrictive covenant taken for the benefit of number 88 Ditton Road that the owners of the retained plot cannot plant a tree or hedge along the common boundary. This will restrict the developer’s ability to replant trees or a hedge along the rear boundary of the plot as proposed.

5. The Report makes no reference in the previous relevant history to the 2006 Planning Appeal in respect of Application 06/16139 for the erection of two 5 bedroomed houses on this site which concluded that the erection of two 5 bed houses on this site would significantly harm the character and appearance of the Conservation Area. Moreover in paragraph 49 the concluding paragraph there is no reference to Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires any development in conservation areas to preserve or enhance the existing heritage assets of the Borough. The conclusion simply says that the benefits of providing additional residential housing outweigh any harm to the heritage assets but it does not address the point made by the objectors that this proposed development will significantly harm the character and appearance of the Southborough Conservation Area.

6. The Southborough Residents' Association and the objecting neighbours acknowledge that the site has an existing Planning Permission for a 4 bedroomed house the design of which is generally acceptable but we would ask the Committee to pay a site visit and the surrounding area and see for themselves that two large and imposing 5 bedroomed properties do not reflect the general style and size of the newer properties in Dunton Close, Malcolm Drive and Redwood Walk. Moreover to link the style of the proposed new five bed houses to the Edwardian properties on substantial plots in Southborough Road is like comparing apples to pineapples.

7. Those neighbours who live on Southborough Lane are concerned about the health and safety aspects of the development and the increase in traffic that will arise from the provision of 6 new parking spaces within the site. This is surely contrary to the London Mayor’s policy of reducing reliance on private motor vehicles and encouraging use of Public Transport. There is an excellent bus service within half a mile of the site. Whilst the development will replace a garage and car port on the site these have not been used for some time. The width of the Lane only just permits the passage of a single vehicle and the Lane is regularly used by school children and other pedestrians, there is no pavement or street lighting to light the Lane in winter and the Council does not appear to have addressed these issues in its Report.

I have sent a copy of this e-mail to Hilary Gander and would ask you to circulate this to other members of the Committee before the 13th June.

Yours sincerely

David Morgan
Committee member of the Southborough Residents Association
Officers’ response to the above points raised are as follows:

1. Members should note that the submitted CGI is indicative and has only been depicted in such a way so as to clearly show the proposed appearance of the two dwellings without any surrounding obstruction.

2. Whilst Officers have not specifically acknowledged No. 10 Southborough Road in Paragraph 38 of the report, Paragraph 39 states that “generous separation distances of between 26m and 41m between the properties on Ditton Road and Southborough Road” would remain. This applies to No. 10 Southborough Road. The proposed dwellings would be at right angles to Nos 8 and 10 Southborough Road and whilst limited views into neighbouring gardens may be afforded, as stated in Paragraph 39 the partial screening that the proposed fences… and boundary trees would provide are considered not to create an unacceptable sense of enclosure or loss of outlook. Neither would they afford direct views into neighbouring habitable rooms. The reference to Villiers Road in Paragraph 41 is an error and should read “Southborough Road”.

3. The Arboricultural report states the following:

"Ground protection:

The area at the front of the site is within the RPA of T15. The spread of roots from the tree within the site are likely to have been impeded by the road, as well as the root system of G1. However, it is recommended that a cautionary approach is taken to the area, and that the area is protected with ground protection throughout the development. To ensure the ongoing survival of the retained trees, this is detailed in the Arboricultural Method Statement and indicated on the Tree Protection Plan where required.

New Hard Surfaces within RPAs:

It is proposed that the existing lane is widened at the northwest of the site. This area is within the RPA of T15. The spread of roots from the tree in this area are likely to have been impeded by the road, as well as the root system of G1 - the area of widening is directly under the rootline of G1. There will be the requirement to grind out the stumps of the G1 trees to form a base for the new surface. Due to the demand for water and nutrients from the G1 trees it is likely that root activity from T15 will have been hindered in this area, and impact on T15 is therefore likely to be limited.

Construction within RPAs:

The construction of the proposed plot 2 encroaches slightly into the RPA of T15. This encroachment has been measured accurately in cad as being less than 1% of the RPA. This is considered to be a marginal encroachment, and the retention of the tree is still viable. Therefore special construction measures or adjustment of the plans are not required.
The Council’s Tree and Landscape Officer agrees with the conclusions drawn by the Arboricultural Report. According to Council records it is noted that the access road has existed since the late 1800’s and is a highly compacted granular surface with a capping of tarmac. This will be predated by the tree, but the impact of this compacted hard surfacing will likely mean that less root activity is found close to the surface on this side of the tree, and when this is combined with the aggressive and dense rooting nature of the Leyland Cypress hedge on the opposite side of the road, it is clear that the roots of T.15 would very much have been impeded in this direction and outcompeted for resources by the hedge. It is possible that some roots may have grown at a deeper level, but the great majority of roots will be concentrated within the open ground of the garden within which the tree is situated. Given that this is the case, the intention of the Arboricultural Consultant to employ ground protection prior to demolition and throughout development is possibly beyond what is necessary but demonstrates their willingness to ensure that no harm is caused where possible. The encroachment of the proposed dwelling is minimal to non-existent given the likely impediment to root growth in this direction, the only part of the development that will require particular attention to the roots of T.15 will be the widening and resurfacing of the access road. With regards to this element the Arboricultural Consultant has stated within the report that site levels and hard surfacing were still to be finalised at the time of writing.

As such, an updated Arboricultural Method Statement with regards to the levels and hard surfacing and specifically the widening of the access road via a pre-commencement condition would be required. Additional information required within this same condition would be in reference to the works to trees in order to facilitate the development as it has not been clarified whether any works would be required to other protected trees growing along the length of the access road in order to facilitate site deliveries etc.

4. Whilst Officers acknowledge that there may be a restrictive covenant associated with the new plot of land created to the rear of No. 88 and planting hedges or trees along the common boundary, this issue falls outside the remit of planning.

5. The Planning Appeal in relation to application 06/16139/FUL was assessed under a previous policy framework which is no longer applicable. As to the reference to Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990, whilst it is not specifically mentioned, the spirit of the legislation (“to preserve and enhance” the existing heritage assets in the Borough) is captured by Paragraph 29, bullet point 1 of the Officers report which states that "the Council will:

- preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design and a focus on heritage-led regeneration"

Paragraph 35 of the Officer Report states that the proposed development is considered to preserve the significance of the Southborough Conservation Area by incorporating a high quality development.

6. As stated in Paragraphs 35 and 31 of the Officer’s Report:
“Overall, the proposed development is considered to preserve the significance of the Southborough Conservation Area by incorporating a high quality development.”

And

“In terms of design the new dwellings would take cues such as the gable features, porches on the front elevations and sash and bay windows from similar properties in the immediate surrounding area” and therefore would be in keeping with the character and appearance of the surrounding area.


7. As stated in Paragraph 3 of the Officer Report, the Council’s Highways and Transportation Engineer has not raised any objection with regards to vehicular and pedestrian safety. In addition, the submitted swept path diagrams show adequate space to enable safe vehicular manoeuvrability in accordance with Policies DM9 and DM10 of the LDF Core Strategy and the Sustainable Transport SPD, 2013.

**Comments received from Mr David Barton and Ms A Wren, submitted on 8 June 2018**

Officers’ response to the above points raised in the attached document” are as follows:

1. Exhibit 1 - Members should note that the submitted CGI is indicative and has only been depicted in such a way so as to clearly show the proposed appearance of the two dwellings without any surrounding obstruction.

Exhibits 2-5 - The Arboricultural report states the following:

**Ground protection:**

The area at the front of the site is within the RPA of T15. The spread of roots from the tree within the site are likely to have been impeded by the road, as well as the root system of G1. However, it is recommended that a cautionary approach is taken to the area, and that the area is protected with ground protection throughout the development. To ensure the ongoing survival of the retained trees, this is detailed in the Arboricultural Method Statement and indicated on the Tree Protection Plan where required.

**New Hard Surfaces within RPAs:**

It is proposed that the existing lane is widened at the northwest of the site. This area is within the RPA of T15. The spread of roots from the tree in this area are likely to have been impeded by the road, as well as the root system of G1 - the area of widening is directly under the rootline of G1. There will be the requirement to grind out the stumps of the G1 trees to form a base for the new surface. Due to the demand for water and nutrients from the G1 trees it is
likely that root activity from T15 will have been hindered in this area, and impact on T15 is therefore likely to be limited.

**Construction within RPAs:**

The construction of the proposed plot 2 encroaches slightly into the RPA of T15. This encroachment has been measured accurately in cad as being less than 1% of the RPA. This is considered to be a marginal encroachment, and the retention of the tree is still viable. Therefore special construction measures or adjustment of the plans are not required.

The Council’s Tree and Landscape Officer agrees with the conclusions drawn by the Arboricultural Report. According to Council records it is noted that the access road has existed since the late 1800’s and is a highly compacted granular surface with a capping of tarmac. This will be predated by the tree, but the impact of this compacted hard surfacing will likely mean that less root activity is found close to the surface on this side of the tree, and when this is combined with the aggressive and dense rooting nature of the Leyland Cypress hedge on the opposite side of the road, it is clear that the roots of T.15 would very much have been impeded in this direction and outcompeted for resources by the hedge. It is possible that some roots may have grown at a deeper level, but the great majority of roots will be concentrated within the open ground of the garden within which the tree is situated. Given that this is the case, the intention of the Arboricultural Consultant to employ ground protection prior to demolition and throughout development is possibly beyond what is necessary but demonstrates their willingness to ensure that no harm is caused where possible. The encroachment of the proposed dwelling is minimal to non-existent given the likely impediment to root growth in this direction, the only part of the development that will require particular attention to the roots of T.15 will be the widening and resurfacing of the access road. With regards to this element the Arboricultural Consultant has stated within the report that site levels and hard surfacing were still to be finalised at the time of writing.

As such, an updated Arboricultural Method Statement with regards to the levels and hard surfacing and specifically the widening of the access road via a pre-commencement condition would be required. Additional information required within this same condition would be in reference to the works to trees in order to facilitate the development as it has not been clarified whether any works would be required to other protected trees growing along the length of the access road in order to facilitate site deliveries etc.

Exhibit 6 and 7- As stated in Paragraph 3 of the Officer Report, the Council’s Highways and Transportation Engineer has not raised any objection with regards to vehicular and pedestrian safety. In addition, the submitted swept path diagrams show adequate space to enable safe vehicular manoeuvrability in accordance with Policies DM9 and DM10 of the LDF Core Strategy and the Sustainable Transport SPD, 2013. Officers highlight that the access lane is already used as the principle access for other properties such as Glenthorne and Cedar Lodge. A Construction Management Plan would be enforced via
condition to safeguard the amenities of the surrounding residential occupiers and to safeguard highway safety and the free flow of traffic in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Exhibit 8-10 - Whilst it is acknowledged that Southborough Road is a wide Avenue, Officers would like to point that the proposed dwellings would not be the first to be erected on the access lane and that a number of other properties of a comparable scale already exist.

2. As stated in Paragraph 48 “Despite the proposal involving the removal of eleven trees, Officers note that the loss of trees does not relate to any “high category” specimens. In addition, it is considered that this loss would be mitigated by replacement tree planting and soft landscaping and secured by way of a planning condition. The Council’s Tree and Landscape Officer agrees with the conclusions drawn by the Arboricultural Report.

As stated in Paragraphs 35 and 31 of the Officer’s Report:

“Overall, the proposed development is considered to preserve the significance of the Southborough Conservation Area by incorporating a high quality development.”

And

“In terms of design the new dwellings would take cues such as the gable features, porches on the front elevations and sash and bay windows from similar properties in the immediate surrounding area” and therefore would be in keeping with the character and appearance of the surrounding area.

The observations made by the Inspector in relation to the appeal regarding planning application 06/16139/FUL was assessed under a previous and policy framework which is no longer applicable.

3. Whilst Officers acknowledge that there may be a restrictive covenant associated with the new plot of land created to the rear of No. 88 and planting hedges or trees along the common boundary, this issue falls outside the remit of planning.
Dear Sirs and Madam, in advance of the meeting of the Surbiton Neighbourhood Committee (the “Committee”) on Wed 13 June 2018 regarding the above planning application, I wish to table additional material for consideration by Planning Officers and the Committee members. I would ask that this letter is passed to the Committee for their consideration in advance of the meeting.

1. Images of site and surrounds

Please see enclosed in exhibits containing images of the development and surrounds including comments to highlight concerns raised by various objectors:

Exhibit 1 - is the CGI image uploaded by the Applicant. It important to note that this is not an accurate representation of the site as it shows a large expanse of green grass in front of the lane which does not exist.

Exhibit 1 - CGI image of development
Inaccurate perspective as shows expanse of green lawn in from of Lane when development will overshadow narrow lane
**Exhibits 2 and 3** provide a true representation of the lane and demonstrating how the development will clearly change the nature of lane, imposing a new dominant building line on the narrow lane, removing a significant number of trees and putting at risk various protected trees on the left of the picture:

(a) Exhibit 2 shows the TPO Horse Chestnut whose canopy and therefore route system extends far over the development site.

(b) Exhibit 3 shows 7-8 protected Lime Trees bordering the lane the protection of which is not considered in the development proposals or proposed approval. Any lane widening could clearly damage these trees.

**Exhibit 2** - Image of Lane looking toward Southborough Rd of narrow unadopted lane. Horse Chestnut T15 canopy clearly over development site on right

**Exhibit 3** - Lane directly outside development site. Protected lime trees on left of picture. Route systems under unadopted lane proposed to be widened

**Exhibits 4 and 5** show the extent of the trunk and route system of the Horse Chestnut which are actually on the lane and at great risk of ongoing damage from lane widening, construction
works or new traffic on the lane. The Leyland Cypress on the left of the picture are refer to as 1 hedge in the tree reports - this is actually a row of 19 large trees to be wholly removed.

Exhibit 4 - Proposed area of Lane widening - Horse Chestnut (T15) on right whose canopy and route system clearly extend into development site and at risk for damage for any lane widening

Exhibit 5 - The trunk of the large horse chestnut (T15) is actually protruding onto the lane. It is not clear how and lane widening would be possible without damaging this TPO tree
Exhibits 6 and 7 demonstrate the narrowness of the lane in sections that will not be possible to widen. It is hard to see how the safety of pedestrians will not be compromised by significant increase in traffic.

Exhibit 6 - Un-widened portion of lane and protected lime trees on left of image

Exhibit 7 - Small car on lane entry to demonstrate narrowness. With increase traffic safety will be compromised as widening is not possible. Large trucks on construction will clearly cause potential damage to trees and structures
Exhibit 8 and 8b - shows an image of Southborough Road which is a wide avenue that can accommodate large houses like those in the proposed development. The houses are well set back from the large avenue and have significant larger land plots. Using Southborough Rd (or Ditton Rd) as a justification for the scale of the houses on the development site is not comparable.

Exhibit 8 - View of Southborough Lane. A wide avenue that can accommodate large houses like in the proposed development - unlike the lane. The street scape of Southborough Rd should not be used as a justification for the development.
Exhibits 9 and 10 show houses on Malcolm Drive and Dunton Close which are more comparable to the Lane - smaller 4 bed houses over 2 floors. The proposed development given its sheer size is also incongruent with the houses on these smaller roads.

As exhibit 10 shows the Lane is about half the width of Dunton Close.

Exhibit 9 - Smaller house sizes on Malcolm Drive close more comparable to the lane

Exhibit 10 - A view down Dunton close showing smaller 4 bed 2 storey houses. At the middle of the picture the Lane can be seen which is half the width of Dunton Close which demonstrates what an imposing impact the development will have on the street scape of the Lane
2. Additional planning considerations

Policy Guidance 7 and 8 of the Residential Design SPD 2013

The development does not appear consistent with Policy Guidance 7 and 8 of the Residential Design SPD 2013 and therefore we ask the Planning Officers and Committee members to consider this in their deliberations.

a) Removal of trees - RPD PG7 says:

“Generally there will be a presumption against the loss of trees - regardless of whether they are protected by virtue of a tree preservation order or with respect to their location within a designated conservation area.

Where a development proposal involves the removal of a tree on site, the applicant will be expected to demonstrate that ...(b) 2 replacement trees can be planted on-site.”

This policy is repeated in DM10 of the RBK Core Strategy adopted in April 2012 which says where trees are to be removed the council will require “two specimens for each tree lost”.

29 of 33 trees (14 large trees identified on site plus the 19 large Leyland Cyprus referred to as one hedge in the report) are proposed to be removed from the site and there is no clear provision for the replacement for these. In addition legal agreements actually prevent tree replacement on the rear of the block as detailed in section 3 of this letter.

Policy Guidance 8 - Garden Development

It is not clear how the proposed development is consistent with PG8 as detailed by my comments below in red in brackets:

PG 8 says - "New residential development on garden land which is out of character with the existing form of development and urban grain will be resisted. Comprehensive developments that create a sense of place in themselves will be considered subject to the criteria below:

- (a) Development proposals must incorporate existing landscape features and harmonise with the character and setting of area.

[Comment - The exhibited pictures demonstrate, in my opinion, the development does not harmonise with the rural lane on which it is located nor with the properties on comparable lanes or indeed Southborough Road. In 2006 the Inspector who rejected a similar 2 house development on the same site noted the same saying:

“In my opinion, the informality, and an associated sense of undeveloped space, contribute to the setting of the large houses, and more generally, to the distinctive character of the conservation area.”]

- (b) Development proposals should broadly accord with the existing plot ratio of the site, e.g. ratio of built floor space to undeveloped land.

[Comment - The plot ratio is approximately 0.5 which is out of keeping with both properties surrounding it both immediately and in Southborough. A plot ratio of 0.5 is more akin to semi-detached Victorian terrace houses in Surbiton.]

- (c) There should be no net loss of trees on site.

[Comment - There will be a significant loss of trees 29 of 33 trees to be removed. By way of comparison the existing single house development approved on the same involved the loss of only 3 of 33 trees with shows how over-development can impact a site]

- (d) Established building lines should be maintained.

[Comment - the new development will significantly change the building line on the Lane]
- (e) **Safe and suitably landscaped** [vehicular] access to a site will be a prerequisite. Private and communal open space should be incorporated to the standards listed below under Movement and Amenity.

[Comment - the narrowness of Lane and increased proposed traffic of 6 new cars and deliveries will compromise the safety of users which includes elderly and schoolchildren who regularly use it to access hook road and bus routes. The lane cannot be widened in various parts]

- (f) Threats to the amenity of existing neighbouring dwellings should not be introduced for example through overlooking from new windows or overshadowing from new buildings.

[Comment - the third storey windows will lead to serious overlooking of houses on both Southborough Road (in particular number 8 and 10) and Ditton Road (in particular No 86-90).]

In addition the occupiers of neighbouring property Glenmore have submitted concerns that the **rear building line** (South facing) of the proposed house on Plot 1 (adjacent to Glenmore) extends far beyond the rear building line of Glenmore which will block light to both the front and rear of Glenmore.

- (g) Any car parking lost through redevelopment should be re-provided on-site with care taken to ensure car parking does not dominate the site.”

(a) CS8 and DM10 of the Councils Core Strategy 2012

CS8 states that developments in the conservation zone must “have regard to the historical and natural environment” and “relate well to its surroundings”

It is clear from the images submitted that the development will completely change the nature of the lane (as recognised by the Inspector in 2006) and will neither relate well to properties on the lane (or surrounding lanes or indeed the beautiful Edwardian properties located on Southborough Road in terms of style or plot ratio.

DM10 states that the development must consider the “prevailing development typology, including house types, sizes and occupancy” consider the “prevailing density of the surrounding area” and “space between building” and have regard to “the amenities of neighbours including privacy outlook, sunlight and visual intrusion”.

The typology of the proposed developments does not match any of the surrounding properties, the plot ratio at 50% is out of keeping with properties on the lane and (wider conservation area), the building line and spaces between buildings will be fundamentally changed by the development and as noted above the development will have both light and intrusion impacts on multiple neighbours given the nature of of its location. It is therefore not clear how the identified areas of CS8 or DM10 are satisfied.

3. Legal Agreements

The planning and tree proposals do not make reference to the covenant contained over the proposed site which prevents planting of any trees in advance of the border of 88 Ditton Road which is proposed in the development to offset the loss of trees elsewhere.

As a recent purchaser of 88 Ditton Road this covenant provided comfort that the existing tree line (Trees T5-T8) would be protected and privacy and green outlook would be maintained. Privacy will be significantly impacted if these trees are removed especially by third storey windows. As previously submitted the large trees on the plot contribute greatly to the setting of the surrounding houses on the lane, Ditton Road and Southborough Road and therefore to the conservation area by creating a feeling of open undeveloped green space.

I note the points submitted in this letter are in addition to the various objections we and other neighbours have already submitted.

Thank you in advance for your consideration.
Yours faithfully

Mr D Barton and Ms A Ren
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