

**MALDENS AND COOMBE NEIGHBOURHOOD**

**20 MARCH 2019**

**LATE MATERIAL**

The following material has been received since the publication of the agenda for this meeting.

**Maldens and Coombe Neighbourhood Committee**  
**20th March 2019**  
**Late Material**

18/00172/FUL – Demolition of existing dwelling and erection of replacement dwelling with basement and roofspace accommodation.

**Corrections to Committee Report**

- Planning Policy/Development Plan – replace “National Planning Policy Framework (NPPF) 2018” with “National Planning Policy Framework (NPPF) 2019”
- Replace Paragraph 32 with reworded Paragraph 32 as below:

32. The footprint of the proposed replacement dwelling would extend a further approximate 3.4 metres along the shared boundary with No. 11 Coombe Rise. The proposed replacement dwelling would have an eaves height of approximately 5.8 metres. The hipped roof design would have a maximum height of approximately 8.5 metres. The roof form would slope away, albeit upwards, with the maximum height set in from the shared boundary by approximately 2.5 metres. The application site and immediate neighbouring properties benefit from fairly substantial rear gardens in excess of 29 metres.

The ‘BRE Site Layout Planning for Daylight and Sunlight’ Fact Sheet 2 (2013) recommends at least 50% of the area of each amenity space (e.g. rear garden) should receive at least two hours of sunlight on 21st March. It concludes that if as a result of a new development, an existing garden or amenity space does not meet the 50% criteria, then the loss of sunlight is likely to be noticeable.

It was noted during the site visit that dense vegetation was a feature along the shared boundary with No. 11 Coombe Rise, however this is considered temporary as it could be pruned/removed, whereas the proposed extension would be a permanent feature. Notwithstanding this, it is considered that there would be some overshadowing and loss of direct sunlight to the rear elevation habitable room windows and the garden/patio area of No. 11 Coombe Rise, however this is not considered to result in a significant loss of daylight/sunlight to this neighbouring dwelling. There would be additional bulk along the shared boundary with No. 11 Coombe Rise, however, it is not considered that this would result in a significant visual overbearing impact or an unreasonable loss of outlook to this neighbouring dwelling, particularly given that this is largely to the side of this house.

**Officer Response (to letter received 17<sup>th</sup> March 2019)**

1. The updated NPPF 2019 (in comparison to the NPPF 2018) would not materially change the assessment of the application, by reason that the changes are minimal and relate mainly to the wording of sections on supply and delivery of housing, habitats and biodiversity and sustainable development.
2. It is acknowledged that the Council have a Local Requirements List 2013 however as this list was adopted more than two years ago, Kingston Council are unable to insist on these being provided as part of an application and would not be a reason to invalidate the application.
3. The submitted drawings demonstrate that the development would not overhang adjoining land (Committee Report - Paragraph 6) therefore Certificate B is not required. The applicant is also advised that the development should take place only on land within the applicant's ownership and that no part of the proposed dwelling should encroach onto the adjoining site (Informative 6). Land ownership is not a planning issue that could be used to justify refusal of a planning application. Land ownership is a private property matter.
4. It is correct to state that there are no Tree Preservation Orders (TPOs) within the red line site curtilage. The nearest TPOs are located on the opposite side of Coombe Rise adjacent to the rear garden boundaries of properties located on Brook Gardens. An additional pre-commencement condition has been added as late material to ensure there would be no adverse impact on the TPOs in close proximity to the site curtilage.
5. Regarding the basement, this is not located within a flood risk area. It is acknowledged that the development would comprise of a substantial basement extension (Committee Report Paragraph 43). Non-provision of this would not be a reason to invalidate a planning application, as it is not a national requirement. However, a pre-commencement condition (Condition 4) requiring a Basement Impact Assessment (BIA) shall be submitted and approved by the Local Planning Authority. The National Planning Practice Guidance (2018) states [inter alia] that pre-commencement conditions should only be used where the LPA is satisfied that the requirements of the condition are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission. It was considered necessary to ensure the functioning of the development is satisfactory, to protect the area against flooding and to safeguard the amenities of neighbouring residential properties. The applicant has given written agreement to such a condition in accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. It should be noted that structural issues are not a planning issue. These issues will generally be considered against the Building Regulations.

6. It is acknowledged that whilst Officers have not specifically referred to habitable room windows, Paragraph 32 of the Committee Report makes reference to the impact upon the neighbouring dwelling. Notwithstanding this, Paragraph 32 of the Committee Report has been expanded and reworded as above. It should be noted that the measurements stated are approximate and scaled from the submitted drawings.

7. The Committee Report concludes that the proposal would comply, in terms of character and appearance, with Policies CS8 and DM10 of the Council's LDF Core Strategy (2012).

8. The initial neighbour notification letter was dated 11/01/2019 and the neighbour consultation period was further extended to 22/02/2019, therefore giving adequate time for third party representations to comment. Comments can be made until the day of determination. 1 additional objection has been received summarised below:

- loss of daylight/sunlight
- overlooking
- loss of privacy
- inappropriate design/layout
- excessive height of building; disproportionately high in comparison to surrounding properties

It is not considered that there has been any maladministration and that there is no reason for Members to not make a decision on this application.

## **RECOMMENDATION**

Add condition (Arboricultural Method Statement and Tree Protection Plan):

13. No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Plan has been submitted and approved by the Local Planning Authority. This submission shall include:

- (a) A plan to a scale and level of accuracy appropriate to the proposal, that shows the positions, crown spreads and root protection areas (RPA) of every retained tree on site, and on nearby ground or land adjacent to the site, in relation to the approved plans.
- (b) A schedule of pre-construction tree works for the above-detailed trees, where appropriate.
- (c) Details and positions of the tree root protection zones.
- (d) Details and positions of tree protection barriers and ground protection where appropriate.
- (e) Details and positions of the construction exclusion zones.

(f) Details and positions of the existing and proposed underground service runs, to be routed to avoid root protection zones where possible.

(g) Details and positions of any change in levels or the positions of any excavations within 5m of the root protection area of retained trees.

(h) Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, service installation, bridging water features, surfacing).

(i) Details of the working methods to be employed for the installation of drives, paths within the RPA's of retained trees in accordance with the principles of 'No Dig' construction. The details shall be in accordance with British Standard BS: 5837: 2005 sections 9.3, 9.2, 9, 11.7, 5.2.2 and 10 for requirements (c) to (h) inclusive.

The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction period.

Reason: In the interests of visual amenities and so 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.