

## DELEGATED REPORT

REF No: 18/16577/FUL  
SITE: Gate House Ditton Road, Surbiton,  
KT6 6RQ  
WARD: Surbiton Hill



### PROPOSAL:

Variation of Condition 2 (Approved Plans) and removal of Condition 5 (Occupancy Restriction) of Planning Permission 15/16146/FUL (Erection of 4 new garages and creation of hardstanding for 2 parking spaces and turning area)

Plan Type: Full Application

Expiry Date: 04/10/2018

### APPLICANT'S PLAN NOS:

2127 B1 BLOCK PLAN	RECEIVED	09/08/2018
2127 P1 B LOCATION PLANS	RECEIVED	09/08/2018
2127_P1_D EXISTING AND PROPOSED PLANS	RECEIVED	09/08/2018
2127L1 - SITE LOCATION PLAN	RECEIVED	09/08/2018

### PLANNING POLICY GUIDANCE/PLANNING POLICY STATEMENTS

#### DEVELOPMENT PLAN:

Mayor for London  
London Plan March 2016 (consolidated with alterations since 2011)  
LDF Core Strategy Adopted April 2012

## POLICIES

	LDF CORE STRATEGY CORE POLICIES
CS 08	Character, Heritage and Design
	LDF CORE STRATEGY DEVELOPMENT MANAGEMENT
DM10	Design Requirements for New Developments

## CONSULTATIONS

1. Neighbour notifications: 1 letters of objections have been received. The objections can be summarised as follows:
  - Principle of additional garaging accepted; However
  - request condition for domestic use only; as
  - Problems have arisen with garages of instances of anti-social behaviour; and
  - anything other than domestic use would lead to noise and disturbance security issues and increased traffic

## SITE AND SURROUNDINGS

2. The application site is a backland island site enclosed by the boundaries of the rear gardens of 8 and 9 Mayfair Close, 11 and 10 Malvern Close and the lock up garages at the Rear of gate House which are accessed from Ditton Road adjacent the Hook Road junction. The site is overgrown with vegetation.
3. The site is located in a predominantly residential area and is not located in a conservation area

## PROPOSAL

4. Permission is sought for the variation of Condition 2 (Approved Plans) and removal of Condition 5 (Occupancy Restriction) of Planning Permission 15/16146/FUL (Erection of 4 new garages and creation of hardstanding for 2 parking spaces and turning area)

## ASSESSMENT

5. The application has been assessed against the policies of the National Planning Policy Framework and the current Development Plan which

consists of the London Plan and the Council's adopted LDF Core Strategy. The main considerations of the case are:

- The principle of the development
- Impact on the character and appearance of the surrounding area
- Impact on the residential amenities of neighbouring occupiers
- Highways

Principle of the development:

6. The planning history shows that garaging under reference 3367 and 4344 has been previously granted on the application site. The development permitted under the two referenced applications has been substantially implemented in the form of the Gate House residential block and the existing garaging on the site. The officers report under planning reference 03/16258/FUL does not consider the relevance of these two historic permissions. In essence the land on which the garages are to be sited has a permission in perpetuity to erect garaging on the site. It was therefore considered in this context that the principle of the development is acceptable under planning permission 15/16146/FUL and the current application seeks to make some amendments to that scheme which are considered below.

Impact on the character and appearance of the surrounding area:

7. The site is currently overgrown with vegetation and has an unkempt appearance. This part of the Gate House site is open and visible from the surrounding residential properties that overlook it in particular in the rear views from the adjacent properties in Malvern Close and Mayfair Close. The proposed development would tidy up the land at the rear of the properties.
8. The overall mass and bulk of the proposed built form would be in keeping with that existing on the site and would be of an architectural style sympathetic to the existing built form on the site. It is considered that the garaging although visible from the neighbouring properties would not be a dominant or overbearing feature and would not cause any significant harm to the visual amenities of the surrounding area.
9. It is considered that the proposal would not detract from the overall character and appearance of the surrounding area and would accord with policies CS8 and DM10 of the Council's adopted LDF Core Strategy April 2012.

Impact on the residential amenities of the neighbouring occupiers:

10. The size, siting and design of the proposed development in relation to the neighbouring properties is such that it would not cause any significant harm to the provision of daylight/sunlight, outlook or privacy of the neighbouring occupiers.
11. It is considered that the additional vehicle movement at the rear of the private gardens of 8 and 9 Mayfair Close, 11 and 10 Malvern Close

would be low level and would not result in an increase in any significant noise or disturbance that would be considered to cause harm to the enjoyment of the neighbouring occupiers private garden space or **diminish** the living conditions of these neighbouring occupiers.

12. The proposal therefore would accord with policy DM10 of the Council's adopted LDF Core Strategy April 2012.

#### Highways

13. The neighbourhood traffic engineer raises no objection and it is considered that the proposal would not prejudice highway safety or the free flow of vehicular or pedestrian movement.
14. The proposal in this respect would accord with policy DM10 of the Council's adopted LDF Core Strategy April 2012

#### Condition 5 15/16146/FUL:

15. It is considered that the restriction to the garages being solely for the occupants of Gate House is unnecessary for the purposes of the condition to protect the amenity value of front gardens and ensuring adequate off-street parking facilities.
16. The proposal would not infringe upon the amenity value of front gardens and the proposal is not intended to relieve existing on street parking pressures or meet additional demand for parking of the existing residents of the gate house. It is considered that the level of vehicular movement would not be different whether a condition enforced the use of the garages for the residents of Gate House only.
17. It is considered necessary to restrict the use of the garages only for the stationing of a motor vehicle and for no other purpose to avoid any significant harmful impacts on the amenities of the surrounding area and as such rather remove the condition it is considered necessary to vary the condition.

#### Recommendation

Approve subject to the following condition(s):

- 1 The development hereby permitted shall be commenced within 3 years from the date of this decision.

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

2127 B1 Block Plan	09/08/ 2018
2127 P1 B Location Plans	09/08/ 2018
2127_P1_D Existing and Proposed Plans	09/08/ 2018
2127L1 - Site Location Plan	09/08/ 2018

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

- 3 The facing materials to be used in the construction of the garages shall be those specified on the application form and approved drawings or such other materials as have been approved in writing by the Local Planning Authority before the development is commenced and shall thereafter be retained as such.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 4 The garage and car parking accommodation shown upon the approved drawings shall be provided with a hard bound dust free surface, adequately drained before the development to which it relates is occupied and thereafter it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.

Reason: To ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding roads by parked vehicles in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 5 The use of the garaging hereby permitted shall be restricted solely to the garaging of motor vehicles and for no other purpose whatsoever; and shall be permanently retained for that use.

Reason: To protect the amenity and character of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 6 The development hereby permitted shall be carried out in accordance with the construction methods and root protection areas detailed in the accompanying tree report and approved plan 2127/P1/B listed in condition 2 of this permission unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent unnecessary damage occurring to the trees during building operations, thereby safeguarding the visual amenities of the site in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

#### Informative(s)

- 1 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

2 When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

3 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

4 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5

During the course of **the** previous application 15/16146/FUL an objection was received highlighting the possible presence and spread of **Japanese** knotweed on the site and to adjoining sites. The applicant should be aware that It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990. The applicant is referred to and should accord with the Environment Agency's Managing Japanese knotweed on development sites (version 3 amended in 2013) the knotweed code of practice.

Signature of Case Officer: AF Date : 13/12/2018  Signature of Lead Officer: Barry John Lomax Date :17/12/2018
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To be initialled by the Chair of Neighbourhood Committee or other authorised Councillor in all cases involving unresolved material planning representations.	
1. I endorse the recommendation of the Service Director(Planning and Transportation) to GRANT planning permission	
Signature	: _____
Date	: _____
or	
2. I wish this application to be referred to the Committee for determination.	
Signature	: _____
Date	: _____

Signature of Authorising Officer : Date :
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