

- 9 The information submitted did not suggest that it has been marketed for alternative uses, which could include uses which serve the community, and therefore it was not considered that the requirements of the policy have been met in a manner which justified allowing the loss of the public house..
- 10 The key question regarding this new application from the perspective of policy DM TC 4 is whether the marketing for alternative uses including community uses has been addressed. Since the previous refusal the applicant has provided additional information on marketing for alternative uses to support the application seeking to address the reason for refusal.
- 11 There is further evidence with this application, that in particular since February 2012 marketing has been widened indicating that community uses may be considered (subject to planning permission). The details are still advertised on the website of the specialist leisure agents Christie & Co. Despite some initial enquiries, it remains the case that there has been no substantive interest.
- 12 With the proximity to Teddington town centre, and the range of community uses already on offer in the locality, officers are not aware any specific outstanding needs for social infrastructure in the locality which might suit this site.
- 13 Overall, with the additional marketing information, the Council can be satisfied that alternative social infrastructure uses that would meet local needs and are suitable and viable for the site, have not been identified. A change of use to residential can therefore be considered in principle and the first reason for refusal has been overcome.
- 14 The DMP emphasizes a need for family homes (policy DM HO 4) and the houses proposed reflect this.

#### Design and Appearance

15 Policy DM DC 1 states:

- *New development must be of a high architectural and urban design quality based on sustainable design principles. Development must be inclusive, respect local character including the nature of a particular road, and connect with, and contribute positively, to its surroundings based on a thorough understanding of the site and its context. In assessing the design quality of a proposal the Council will have regard to the following: compatibility with local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form sustainable development and adaptability, subject to aesthetic considerations, layout and access, space between buildings and relationship to the public realm, detailing and materials*

16 Policy DM HO 2 is also of relevance in this case:

#### **17 Infill Development**

- *All infill development must reflect the character of the surrounding area and protect the amenity of neighbours. In considering applications for infill development the following factors will be taken into account:*
- *Plot width - plots must be sufficient width to allow a dwelling(s) to be sited with adequate separation between dwellings;*
- *Spacing between dwelling - new dwellings must have similar spacing between buildings to any established spacing in the street;*
- *Height - dwelling height should reflect the height of existing buildings;*
- *Materials - where materials on existing dwellings are similar, new dwellings should reflect those materials;*
- *Architectural details - new dwellings should incorporate or reflect traditional architectural features;*
- *Trees, shrubs and wildlife habitats - features important to character, appearance or wildlife must*

*be retained or re-provided;*

- *Impact on neighbours - including loss of privacy to homes or gardens.*
- 18 The loss of the building would be regrettable as it has some merit. However, in the absence of a Listed or locally listed designation it would be difficult to argue for its retention if an appropriate replacement was proposed.
  - 19 The refused scheme involved a terrace of five 3-storey buildings with the third storey partially within the roofspace. This approach reflected neither the existing building nor any others on this side of the road. Whilst the ridge height was similar to the adjoining 55 North Lane the vertical emphasis of having a third storey was wholly out of character. The massing and scale were clearly excessive and the proposal was out of character with other development on this side of the road.
  - 20 Townhouses exist on the opposite side of the road, but these are clearly two storey with rooms wholly within the roofspace. Their design is considered to be inferior to the designs of properties on the eastern side of North Lane and should not be taken as a template. A new design on the eastern side of the road needs to take into account the other designs on that side and it was not considered that the refused scheme did this. As a consequence the proposal was also contrary to Supplementary Planning Document 'Small and Medium Housing Sites'.
  - 21 The new proposal is for two pairs of semi detached houses. These would have rooms which are wholly within the roofspace with front and rear facing dormer windows. The ridge height would be slightly lower than the adjoining pair of semi detached houses, 55 and 57. It would be slightly higher than the detached adjoining property, No 47.
  - 22 The design is more traditional than previously submitted and although not a copy of 55/57, is more reflective of them. Neither of those properties have roof extensions, however the more modern houses in the vicinity including those opposite have wide front dormers. The dormers proposed here are, by comparison, small with pitched roofs. There will be reasonable spacing between the existing and proposed buildings. Whilst the footprints of the houses are slightly larger than 55/57, so are the plots.
  - 23 On the basis of the above points it is considered that the proposed design would not be detrimentally out of character. The mass and scale take into account adjoining properties. The density will be noticeably less than other developments in the area. The second reason for refusal is considered to have been overcome.

#### Impact on neighbours

Policy DM DC 5 states:

- *In considering proposals for development the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. To protect privacy, for residential development there should normally be a minimum distance of 20 m between main facing windows of habitable rooms. The Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings, and that adjoining land or properties are protected from overshadowing in accordance with established standards.*
- 24 The property most affected by the proposal would be 47 North Lane the detached house to the north west. Currently part of the public house is located on the boundary. This element is single storey and projects 1.5m rearwards of the original part of No 47 and is to the side of the conservatory which has been added to that property. The refused application indicated a house which projected 3.4m further back than the original rear wall of 47, albeit 1.5m from the side boundary. As the proposed building lies to the south, light to the rear conservatory and garden would have been significantly affected.

- 25 The new scheme shows the nearest house projecting 2.6m beyond the original rear wall of 47. It would be 1.5m away from that property.
- 26 In association with policy DM DC 5 the DMP states that with respect to light, the Council will be guided in general terms by the standards set out in Site Layout, Planning for Sunlight and Daylight, and in Sun on Ground Indicators published by the Building Research Establishment (BRE).
- 27 As the impact on 47 had been noted with the previous application the applicant commissioned a study on the impact on light of this new proposal. With regard to daylight, there will be a minor effect on the side facing rooflights on the main roof, however these are already affected to some extent by the existing building and it is not considered that the change will be significant. There is a rear conservatory built in 2006 and this has a glazed pitched roof facing the application site. Although the south east facing wall is in brickwork, the rear and other side facing walls are mostly glazed with no nearby obstructions. Bearing this in mind it is not considered that there would be an unreasonable impact on daylight.
- 28 In relation to sunlight, the only southerly facing windows are the rooflights and as these are in the roof above the first floor sunlight will not be greatly affected by the new building. The main concern of the neighbour is the loss of sunlight received through the glazed roof of the conservatory which she uses for painting. A conservatory is not generally taken to be a 'habitable room' and whilst the BRE guidance acknowledges that sunlight is needed, no standard test on what constitutes an unreasonable loss of sunlight is set out. It is acknowledged that there will be a reduction in the amount of sunlight received through the glazed roof. However it has been possible for officers to consider the shadow cast by the proposal by using sunlight indicators. The height of the existing extension on the boundary is 3.7m and the eaves height of the proposed house is 5m, however this will be 1.5m from the boundary. To some extent the increased height is mitigated by the increased distance from the boundary and it has been concluded there would be a minor loss of sunlight although not unreasonable in comparison to the existing situation. On this basis the loss of sunlight to the conservatory is not seen as a reason for refusal.
- 29 Overshadowing of the rear garden of 47 has also been considered. The BRE guidelines state that that at least half it should receive at least two hours of sunlight on 21 March. The proposal would not breach this requirement according to the BRE tests applied.
- 30 The other near neighbouring property is 55 North Lane to the south east. There would be a minor impact on daylight to two windows towards the rear portion of the building, however the nearest proposed house will be over 4m from the outrigger to 55 and would not unreasonably affect daylight. The vertical sky component on one would remain above 27% as required by the BRE guidelines and the other is a secondary window to a room with a rear facing window.
- 31 Taking into account the separation from the side boundaries and the proposed rearward projection it is not considered that the proposed development would be overbearing.
- 32 Parts of rear gardens in North Lane would be overlooked, but only at an angle. Due to the distances involved and the orientation of the site it is not considered that other properties would be unreasonably affected by loss of light. No upstairs side facing windows in clear glass are proposed.

#### Transport

- 33 Policy DM TP 8 states the following:

#### ***Off Street Parking - Retention and New Provision***

- *Developments, redevelopments, conversions and extensions will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact*

*on on-street parking conditions and local traffic conditions. A set of maximum car parking standards and minimum cycle parking standards are set out in Appendix Four - Parking Standards 'Appendix Four - Parking Standards' for all types of development, these take into account bus, rail and tube accessibility as well as local highway and traffic conditions including demand for on-street parking. These standards will be expected to be met, unless it can be shown that in proposing levels of parking applicants can demonstrate that there would be no adverse impact on the area in terms of street scene or on-street parking.*

- 34 On the basis of the adopted parking standards the current lawful use would require around 22.5 spaces for the public house and 2 spaces for the flat above. The parking requirement for the proposal would be 6 spaces off street (1.5 per dwelling). Whilst this is a significant reduction in overall demand the peak parking for residential is overnight (between 1am and 5am) whereas parking peak for the pub would be during operational hours. 4 spaces are proposed and this would not satisfy the parking policy unless the applicant demonstrated that there would be no adverse impact on the area in terms of street scene or on-street parking. The new parking spaces would also result in the loss of on street parking.
- 35 A parking survey has been submitted and it is possible to assess the loss of on street parking and also the potential displacement on further parking on street given the shortfall of off street parking proposed. The survey shows that the proposal would not reduce the available parking on street to under 10% and would therefore not be contrary to Supplementary Planning Document 'Front Garden and other Off Street Parking Standards' which states that parking at more than 90% full is considered heavy. The application therefore is acceptable in policy terms.
- 36 The proposed crossovers are wider than acceptable and this could be dealt with by condition as could details of cycle and refuse storage.

#### Residential Development Standards

- 37 The proposed dwellings are of a reasonable size and the layouts are generally acceptable. The Residential Development Standards SPD in conjunction with policy DM HO 4 also has minimum private amenity space requirements. The policy states: *For houses a minimum total private space of 70 sq m for 3 or more beds and 40sqm for 2 beds should be provided.* Whilst the plots shown as 49A and B achieve the 70 sq m, 51 and 53 fall short by 10 – 15 sq m. However, private amenity space has been taken as the rear gardens. The applicant has argued that 'private amenity space' could be taken as any amenity space which is privately owned rather than amenity space which is 'private' –screened from public view. In which case the front garden could be included and the 70 sq m will be greatly exceeded.
- 38 Whilst arguably not complying with the normal space requirements the site needs to be considered in a context where other family housing exists with smaller gardens space. The rear garden of No 57, for example, is only 35 sq m. Other nearby family houses have even smaller rear gardens. On balance it is not considered that this element on its own would constitute a robust reason for refusal if the scheme was otherwise acceptable for the reasons given above.

#### Affordable Housing

- 39 Policy DM HO 6 requires new private housing to contribute towards affordable housing and the amount is calculated using a formula which captures a proportion the subsidy that a developer would have put in, had the scheme been for affordable housing. The contribution that would be sought would be discounted to represent 20% affordable housing, given the proposal is to create four units as outlined in the policy. The amount was calculated using the method explained in supplementary planning guidance as £224,642. This does not necessarily take into account specific site related factors and the applicants stated that payment of such a sum would render the scheme unviable. Following submission of documentation substantiating this claim a sum of £133,000 has been agreed. The Planning Viability Advisor of the Council considers this reasonable.

Planning Obligations Strategy

40 The following contributions to infrastructure would normally be expected:

EDUCATION	
Primary	41 £17,834.00
secondary	42 £10,663.00
5% Management	43 £1,424.85
<b>TOTAL DUE</b>	<b>44 £29,921.85</b>

45 The applicant has agreed to this being secured by a S106 agreement.

Trees

46 Policy DM DC 4 of the DPD seeks to protect existing trees and landscaping.

47 Although not protected by any preservation order or Conservation Area status a number of trees have been removed at the side and rear. A landscaping condition would be attached to any approval which would allow for some replacements as mitigation of their loss.

Sustainability

48 Policies CP1 and CP2 of the Adopted Core Strategy place increased emphasis on new development being of a sustainable nature, with CP2 in particular requiring that all new development achieves a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. Council also expects a scheme such as this to be subject to the Sustainable Construction Checklist. These requirements are carried through to Policies DM SD1, DM SD 2 and DM SD 4 of the DM DPD.

49 The proposed development would also be required to meet the relevant Code for Sustainable Homes Code Level 3 standard as outlined by Policy DM SD 1 of the DM DPD. The proposal is accompanied by a pre-assessment report confirming that Code Level 3 will be met. The proposal narrowly fails to meet C grade on the Sustainable Construction Checklist, however photovoltaic panels will be used as a source of renewable energy, and the overall saving on carbon dioxide of 21%. Although slightly deficient in terms of the checklist other sustainable requirements are met and in terms of sustainability the overall scheme is considered to be acceptable.

Community Infrastructure Levy

50 The scheme will be liable for the Mayor of London Community Infrastructure Levy.

**Conclusion**

51 The proposal follows a refusal of a similar scheme. The reasons for refusal related to the loss of the public house, the proposed design, mass and scale, the impact on on-street parking and the lack of contributions towards affordable housing and infrastructure. In relation to the loss of the public house, additional marketing information has been supplied and the requirements of the relevant policy in the *Development Management Plan* are considered to have been met. A more traditional design approach with a reduction in the number of houses and significantly reduced mass have addressed the concerns relating to design. The applicant has demonstrated that the development can be accommodated without on-street parking levels exceeding 90%. It is not considered that neighbours will be unreasonably affected. Appropriate contributions will be made towards infrastructure and affordable housing.

**Recommendation:**

APPROVE subject to S106 legal agreement securing contributions towards infrastructure and affordable housing.

**Standard conditions:**

AT01 - Development begun within 3 years

- BD12 - Details - Materials to be approved
- DV02A - Boundary Treatment
- DV15 - Windows obscure – first floor side elevations
- DV44A - Code for Sustainable Homes – Level 3
- LT09 - Hard and soft landscaping required
- DV48 - Approved Drawings – 300312/03A and 05 received on 20th July 2012; 300312/03B and 04E and received on 20th August 2012
- DV49 - Construction Method Statement
- GD02A - Restrict alterations/extensions
- GD08A - Restrict outbuildings

**Non-standard conditions:**

- NS01 - None of the buildings hereby approved shall be occupied until refuse enclosures and cycle storage for the proposed dwellings have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. REASON: To safeguard the appearance of the property and the amenities of the area and comply with the transport policies of the Council.
- NS02 - The dwellings hereby approved shall not be constructed other than to Lifetime Homes standards as described in the Design & Access Statement & shall thereafter be maintained to those standards. Reason: To ensure adaptable homes to meet diverse and changing needs.
- NS03 - Notwithstanding the drawings hereby approved, the width of the proposed vehicular crossovers shall not exceed 3.5m. Reason: To comply with the Council's Front garden and Other Off Street Parking SPD and to preserve highway and pedestrian safety.

**Standard informatives:**

- IE05A - Noise control
- IH03B - Vehicular crossover
- IH06B - Damage to highway
- IL10A - Building Regulations
- IL16HA - Policies:
  - Local Development Framework
  - Core Strategy Policies: CP 1, 2, 3, 4, 7, 10, 14, 15, 16, 17, 18
  - Development Management Plan Policies: DM SD 1, 2; OS 2, 4, 5, 6; HD 1, 2, 3; HO 4, 6; SI 1; TP 2, 8; DC 1, 5, 6
  - SPD: Design Quality
  - SPD: Sustainable Construction Checklist
  - SPD: Small and Medium Housing Sites
  - SPD: Residential Development Standards
  - SPD Affordable Housing
- IL13 - Section 106 agreement
- IL19 - Summary reasons for granting planning permission: See conclusion
- IL24 - CIL Liable
- IM13 - Street numbering

**Background papers:**

- Application forms and drawings
- Letters of representation
- Application forms, drawings for previous application 11/4041/FUL