

23 March 2021

MERTON SMALL SITES TOOLKIT: CONSULTATION RESPONSE

The Society welcomes the production of guidance for applicants, which aims to **“maintain high quality standards, tackling the effect of climate change and improving our neighbourhoods”** (p5).

And that **“it is crucial that future development forms part of the character of Merton”** (p6). The inclusion of the existing Conservation Area Character Appraisals as one of the documents to be taken on board is also welcomed.

Generally: There will be some who will read the whole document, but the great majority would wish to have a **basic one-page executive summary of the main urban design points**. This could double as the contents page. **Reflecting local character**, respecting the **daylight rights of neighbours, height limits, building lines, trees and landscape and nature, energy**, and **building re-use** should all be simply summarised, with more details following in the main body of the document.

The good design principles (now relegated to p29) should come earlier and be re-ordered. **First should be “Economical and Sustainable”**. **Climate Change** thinking is not an optional, and **retaining existing buildings** needs to be included. Materials should come last. Fuel choice should relate to carbon impact and air quality rather than to “costs”.

Then should come “Putting People First”, with the amenity of neighbouring properties leading. Developer disregard for sites adjoining their project is rampant, with daylighting, sunlighting and privacy badly understood. Then “Fit for Purpose” and lastly “Made in Merton”.

The Policy Context diagram (p6) should **include the existing Character Appraisals**. The diagram at 2.1 shows a link between the client and the Council, by-passing the architect, which can lead to confusion: this should be re-considered.

The current planning process diagram (3.2) illustrates exactly what needs to be changed to fully involve the public in the initial briefing process in scheme design, as set out in the **NPPF**. Instead, this step should specifically say that as soon as the developer seeks advice from the planning staff, the **Council will post the site information and a record of the meeting on the Council website**, so that the local people are able to consider and then pass their comments directly to the Council. (Not to the developer, as this risks the Council being side-lined. The growing practice of developers offering to take over the “public consultation” from hard pressed local planning offices, whilst superficially attractive to Councils, needs to be curtailed).

This approach can both support the Council staff, and provide an early indication of the local feeling, which helps the developer. It should also help to reduce objections. Should the developer not agree to this course, the Council should consider terminating pre-application advice.

The days of **secret pre-app discussions should surely end**, as the NPPF suggests, if proper public involvement is to mean anything. **Whose town is it anyway?** It would be prudent to bring in this new consultation approach for only the larger, and also the more sensitive, sites in the first instance, to establish the best working pattern. The claim that pre-app discussions are “confidential” should not be accepted.

In more detail:

3.1 The illustration of **tall buildings** opposite semi-detached houses could provide developers with the wrong kind of exemplar unless it is made clear that taller buildings can only be considered where sites are identified as such in the Local Plan.

3.4 **Roof top additions** can be highly damaging to local character and this needs to be made clear. Whilst the current HMG Prior Approval arrangements are in place, Councils are still able to ensure that the design and “architectural features” are up to standard. Additionally, the backland mews houses seem to be adversely affecting the daylight to the rear gardens of the nearby houses (see Plan policy DM D2), which is unacceptable.

P26: Need to add in the importance of **adapting buildings**, where this is possible rather than needlessly demolishing them, and adding to the carbon footprint. And the importance of **designing for climate change** needs to be given more prominence.

5.2 and 5.1.1: Need to add in “Merton’s Character Study *and the Local Character Appraisals*”.

6.1.14/16: There is a need to state here quite clearly that **all single aspect houses**, no matter what size, are embargoed. Back-to-back houses (which single aspect houses effectively are) were condemned years ago, and should have no place in a modern town.

6.1.17: The **privacy separation distance** should be 20m (not 18m) between opposing windows, and 10m between the proposed windows and the adjoining garden, at 2 storeys. For additional storeys, this distance should increase at the same rate as the building height (ie at 45 degrees).

It should be noted that contractors often “forget” to install obscured glazing and, even if it is in position, the impression for the neighbours of being “overlooked” is ever-present.

6.1.12: This guidance only deals with the “selfish” need for daylighting and sunlighting to the proposed development. It should be expanded to remind designers that they have to first respect the **daylighting and sunlighting needs/rights of the adjoining properties**, not just “windows” but the actual site edges to back gardens etc.

Because of Climate Change it is expected that there will be a massive increase in the number of retrofitted **roof-mounted PV Panels**. It is vitally important that new development does not shade out these adjoining roofs. As the sun at midday in mid-winter is only 16 degrees above the horizon, a new sunlighting standard that limits the height of new “shadowing” development is needed.

7.16 and fig 7.26: This diagram is inadequate and perpetuates the poor standards of daylight protection that are currently and inadequately being quoted by most developers. As the Council will know, in addition to the “Common Law” standard of measuring light to windows, the daylighting code in the planning system also ensures that light angles to the neighbouring site edges (gardens etc) is adequate. This is explained (perhaps imperfectly?) in the BRE documentation but needs to be a clear and integral part of the design guide. So, in addition to the **25 degree line from neighbouring windows**, there should also be the **43 degree line from the site boundary** (measured from a point 2m above ground). So the diagram should illustrate this 43 degree angle, and the privacy distance should be 20m not 18m, and an additional dimension of 10m should be shown between the new mews and the garden fence. (see also 6.1.12)

(There is an alternative to the 43 degree struck angle, where the BRE protractors are used, delivering the same amount of light, again all explained in the BRE document). Additionally, the diagram should show the **16 degree PV panel protection angle**, taken from the eaves line of the neighbouring property.

7.1.9: Tall blank walls are also likely to contravene the daylight code, so a further sentence should be added: eg “.. neighbouring properties, **and conform to the daylighting code safeguarding daylight to the boundaries of the adjoining sites and properties**”.

7.1.10: and Fig. 7.28: These also need to be added to, to take on board the daylighting points above. The text in effect says that a development, whilst conforming to the 45 degree standards, is nevertheless not acceptable. Something therefore needs to be modified, so that the developer can clearly see “what is needed, and what is not”.

8.1 4: Encouraging the developer to retain trees that are not protected, could give the impression that protected trees need not be retained. Suggest add a lead-in phrase that clarifies this point.

Additionally, this is the time for the Council to now adopt the “**Tree Years**” replacement policy, where the combined ages of any lost trees on a development site are matched by the combined ages of the replacement trees, with plus 25% for run of the mill trees, and plus 100% for specimen trees, or TPO’s etc. Should the site not be able to accommodate these trees, then the developer provides the finance to the Council to plant the surplus elsewhere. The definition of a “tree” should be set as a Heavy Nursery Stock, with a trunk diameter of no less than 14 cm. This ensures that the unscrupulous do not simply plant whips.

The “**Tree Years**” cost to the developer is very low, well within the normal “landscape” budget, and the tree ages are easily calculated by the tree consultants. Over time, this replacement approach can increase the Borough tree stocks, which are currently declining. On no account should the CAVAT system be used in planning: it is of value in calculating financial damages in the courts etc, but is hopelessly complex and expensive to operate.

The illustrations in Section 8 really should not start with the literally superficial provision of boxes for wildlife. Instead it should major on illustrating **how a project works in energy, self sufficiency and climate emergency terms**. PV panel arrays on new and existing buildings, heat pumps, external and internal wall insulation are all very significant environmentally.

8.1.15: “to promote a circular economy, consider re-using materials **and buildings** where possible”.

8.1.17: Suggest rephrase (see 6.1.14 above) to read “Overheating may be a major problem **in Limited aspect homes**”. Add reference to the daylighting and PV array shadowing angle protection in 6/1/12 above.

Some of the projects show single aspect homes for example, presumably because the development “looked good” (eg p84), but these schemes should not be used as exemplars.

Ideally the word ‘typology’ should be replaced, not being in general use: if it is used, it needs to be defined in the glossary.

Two additional concepts need also to be considered.

Firstly, there should be a general presumption and expectation by the Council that any new development **should be better than what now exists** and should improve its local environment. Clearly this cannot be claimed for some recent projects.

Judging whether this is the case should concentrate on the basics, the building form and how it sits in its locality, and how it meets the basic design criteria as set out in this document. What we do not need is for the verdict to depend on the applied superficialities of today’s elevational fashions. As someone once unkindly said: one can put lipstick on a pig, but it is still a pig.

Secondly, there is an increasing awareness of the need for **incorporating nature and green-ness** in development projects.

An embargo on parking (and over-large basements) in rear gardens, encouraging rooftop greenspace, green walls, trees, all need to be given more prominence in the document.

Finally, this is the kind of planning document that could be a useful resource for local groups, as well as those engaged in the shaping of development. Accordingly, it would be highly desirable to have a printed version available, rather than being held in website-only format,

The Society looks forward to the publication of the eventual document.

Yours faithfully,

Chris Goodair
Chair, Wimbledon Society Planning and Environment Committee