

**PLANNING APPLICATIONS COMMITTEE**  
**11 February 2016**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

15/P3969

22/10/2015

**Address/Site** 8 St Mary's Road, Wimbledon SW19 7BW

**(Ward)** Village

**Proposal:** Demolition of existing dwelling house and erection of new four storey dwelling house comprising a basement level and rooms in the roof space, together with associated car parking and landscaping

**Drawing Nos** Site Location Plan, Site Survey, 598/P01 Rev F, 598/P02 Rev E, Design and Access Statement, Daylight/Sunlight Report, Drainage Strategy and Basement Construction Method Statement

**Contact Officer:** Richard Allen (020 8545 3621)

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**RECOMMENDATION**

**GRANT Planning Permission subject to conditions**

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**CHECKLIST INFORMATION**

- Heads of agreement: no
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number of neighbours consulted – 5
- External consultants: None
- Density: n/a
- Number of jobs created: n/a

- Archaeology Priority Zone: Yes

## 1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two storey detached house situated on the north-east side of St. Mary's Road at the junction with Church Hill. The adjoining house to the north, no.10 St Mary's Road, is newly completed and replaces the original house. To the south of the application site is 6 St Mary's Road, a large three storey detached dwelling, also a replacement for the original house, completed post-2001. The application site is not within a conservation area but is close to the boundary with the Merton (Wimbledon North) Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The current proposal comprises the demolition of the existing dwelling house and the erection of a new dwelling house with accommodation over four levels including basement and rooms within the roof space. The submission follows the previous refusal of planning permission for the demolition of the existing dwelling house and the erection of a detached dwelling house by the Planning Applications Committee on 17 September 2015 (LBM Ref.15/P2556).

- 3.2 The original submission has been amended following discussions with the owners of no. 6 and the changes to the previously refused scheme are now as follows:-

- The front building line is set 1 metre further back from the front boundary
- The width of the house has been reduced by 300mm, increasing the distance from the boundary with number 6.
- The recessed part of the rear single storey element at ground floor (and the basement underneath) has been moved 1.5m further away from the boundary with no.6 to 4m and has also been shortened by 1m in depth.
- The first floor has a flat roofed element at the rear so that the main roof is set 0.7m further back, lining up with the corner of the main roof of no.6.
- The width of the projection of the chimney has been reduced.
- The height of the proposed fencing has been reduced by 0.2m and the front section has been replaced with 900mm trellis.
- A level survey of number 6 has been carried out and the information added to the plan and elevations.

- The volume of the development has been reduced from 1650 cubic metres to 1416 cubic metres (14.2% reduction) and the square meterage from 565 to 485 (14.1% reduction)
- 3.2 The proposed house would have an overall length of 18m from the front corner of the house to the rear elevation at ground floor level, and 12.7m at first floor level. It would have an average eaves height and ridge height of 6.7m and 10m and would be set away from the boundary with 6 St Mary's Road by between 1.15 and 1.3m. It would abut the boundary with 10 St Mary's Road at ground floor level, with a 1m set back at first floor level. The proposed house would be set back from the site frontage by between 8.8 and 10.5m to the front corners of the building. Two off street parking spaces would be provided within the front curtilage. A new front boundary wall, railings and gates are also proposed. At the rear of the site approximately 250m<sup>2</sup> of rear garden amenity space would be provided.
- 3.3 Internally, at basement level guest accommodation/staff flat, playroom and storage areas would be provided. The main habitable accommodation would be at ground floor level with an entrance hall, living room, study and living/kitchen/dining area. There are 3 bedrooms at first floor and 2 bedrooms within the roof space lit by dormer windows to the front and rear roof elevations and rooflights to the side. A single dormer would be provided to the side roof elevation facing 10 St Mary's Road to provide headroom to a bathroom. A traditional design approach has been adopted with facing brickwork, clay tiled roof and timber windows.

#### 4. **RELEVANT PLANNING HISTORY**

- 4.1 The original house dates from 1955. A garage extension was approved in May 1969 (MER 291/69), a single storey rear extension was approved (MER 328/77) in 1977, and a dustbin store was approved (MER 163/78) in 1978.
- 4.2 In March 2002 planning permission was granted for the erection of a part single/part two storey front extension (LBM Ref.01/P2125).
- 4.3 In August 2007 planning permission was granted for the erection of a new bathroom at first floor level and change of use of garage to sitting room at ground level and installation of new roof light to existing bathroom at first floor level (LBM Ref.07/P1853) with a further permission for the same proposal granted in May 2011 (LBM Ref.11/P0585).
- 4.4 In September 2015, Members resolved to refuse planning permission Planning Applications Committee for the demolition of the existing house and the erection of a new dwelling house (LBM Ref.15/P2556). Planning permission was refused on the grounds that:-

'The proposed dwelling would, by reason of its bulk, massing and siting constitute an overdevelopment of the site, that would be oppressive and overbearing and would have an unacceptable impact on the amenities of the occupiers of number 6 St Mary's Road, contrary to Policy DM D2 of the

Merton Sites and Policies Plan (July 2014) and Policy CS14 of the Merton LDF Core Planning Strategy (July 2011).

4.5 6 St Mary's Road

Planning permission was granted in October 2001 for the redevelopment of the site by the erection of a detached dwelling house (LBM Ref.01/P1438).

4.6 10 St Mary's Road

A similar redevelopment to that proposed has been recently undertaken at 10 St Mary's Road involving demolition of the existing dwelling house and erection of a new detached dwelling house with basement and accommodation within the roof space (LBM Ref.13/P3848 amended by LBM Ref.14/P3534). There is currently an application awaiting determination seeking to regularise the siting of the building 1.8m further away from the front boundary 15/P3783).

5. **CONSULTATION**

5.1 **Initial Consultation**

The application has been advertised by notice and individual letters. In response to the initial consultation, five individual letters were received from neighbouring properties as well as from Wimbledon Society and the Belvedere Estates Residents Association. One letter of support was received from occupiers of 10 St Mary's Road, which is the adjacent property on the left hand side.

5.2 Concerns and objections are set out below:-

-The owner of 4 St Aubyn's Avenue is concerned that the rear of the proposed house extends considerably beyond the present building, encroaching on their garden, which backs onto the site.

- It is unclear if the changes are of sufficient magnitude to address the reasons for refusal of the original application, without understanding the relative changes in magnitude on a % basis, impact on right to light and scale of development relative to adjacent sites and supports refusal until such information is provided, should at least receive proper scrutiny from Committee

-still constitutes a massive overdevelopment of the site, estimate that square footage only been minimally reduced. Previous issues raised at PAC have not been addressed.

-The occupiers of no.6 referred to meetings held between themselves and the developers and their architects, with Councillor Latif as arbitrator, which have led to the front building line moving back, reduction in depth of ground floor, reduction in width, reduction in size of chimney and replacement of front section of boundary treatment with 900mmm trellis instead of 2m closeboarded fence as well as a levels survey to accurately depict the relationships in relation to basement construction and light impact. However, as the submitted plans show the first and second floor extended back by a further metre compared to the refused application, the bulk, massing and

siting is still considered to be oppressive and overbearing and to have an unacceptable impact. Despite the changes and meeting the architect the owners of 6 St Mary's Road still cannot support the proposal.

#### 5.2 Wimbledon Society

Large window in the south-west elevation at ground floor level would overlook the garden of number 6 St Mary's Road given difference in site levels. A suitable condition should be applied in relation to the basement construction. Should be designed to Code 5. Ideally, parking should be restricted to one car to allow more soft landscaping. Design of front boundary treatment should be conditioned to encourage hedging to reflect green character of the area.

#### 5.3 Belvedere Estates Residents Association

BERA previously objected to the impact of excessive massing on neighbours, particularly 6 St Mary's Road, which is substantially lower than 8. The current application is 1m further back at the front but also at the rear so the effect will be worse. More should be done to meet local concerns. Previous objections are maintained.

5.4 One letter of support was received from the occupiers of 10 St Mary's Road who state that the amendments made from the previous application are all positive from the perspective of 10 St Mary's Road and strike a good balance between various objectives. They consider that the proposed dwelling will significantly improve the street scene.

#### 5.5 **Second Consultation**

Following further discussions between the developers, the occupiers of no 6 St Mary's Road and Councillor Latif as independent arbitrator, further revisions were submitted on 14 December 2015 which resulted in the changes as set out at para 3.2. The principal change from the original plans submitted for this current application is that the first and second floors do not project beyond the maximum depth of the previous application and the reductions are retained to the other elements.

5.6 In response to these further changes, 6 St Marys Road have advised that they do not object to the amended plans subject to conditions and a covenant from the developer as set out below:

- as agreed with the developer, a covenant to the deeds of no 8 that would restrict any future owner from erecting a wall or fence higher than the section of 900mm trellis shown on the amended plans
- light coloured fencing to be erected inside 8's boundary prior to demolition to minimise dust and debris, retained for duration of demolition, basement excavation and construction, with any scaffolding covered over, site to be dampened down each day during demolition, basement excavation and construction and waste cement not allowed to run down the road further past and the drain outside no.6 kept free from blockages,
- asbestos risk from demolition. Asbestos removal specialist to assess any asbestos risk prior to commencement of demolition work and if any asbestos found, neighbours to be notified of date of removal

- construction to be checked weekly to ensure strict adherence to approved drawings and any deviation immediately addressed before progressing further
- if excavation of the basement results in excessive movement being felt, especially visible cracks, a less aggressive method of construction to be employed
- condition requiring details of all boundary walls and fences to be approved prior to commencement and then thereafter be retained including 900mm trellis
- condition requiring windows in first and second floor side elevations to be obscure glazed to 1.7m above finished floor level
- no construction works outside 8am-6pm Mon-Fri, 8.30am- 1pm Sat and at no time on Sundays or Bank Holidays

## 6. **POLICY CONTEXT**

### 6.2 Adopted Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

### 6.3 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM H4 (Demolition and Redevelopment of a Single Dwelling house), DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets), DM F2 (Sustainable Urban Drainage Systems) and DM T4 (Car Parking and Servicing Standards).

### 6.4 London Plan (March 2015)

3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 7.6 (Architecture),

## 7. **PLANNING CONSIDERATIONS**

### 7.1 **Background**

As set out in the 'Current Proposal' and 'Planning History' section above, the previous application for a replacement house (15/P2556) was refused by Members at Planning Applications Committee in September 2015 on the following grounds

*'The proposed dwelling would, by reason of its bulk, massing and siting constitute an overdevelopment of the site, that would be oppressive and overbearing and would have an unacceptable impact on the amenities of the occupiers of number 6 St Mary's Road, contrary to Policy DM D2 of the Merton Sites and Policies Plan (July 2014) and Policy CS14 of the Merton LDF Core Planning Strategy (July 2011).*

The main discussion at Committee related to concern about the impact on the amenities of 6 St Mary's Road.

7.2 Following the refusal of the previous application, discussions took place directly between the occupiers of no.6 St Mary's Road, the developer and their architects. This resulted in a number of amendments to the scheme prior to re-submission, followed by another round of revisions once the application had been made. These were the result of a further meeting with the occupiers of no.6, who have since advised that they raise no objections to the latest amended plans, subject to suitable conditions and the agreement of the developer to the provisions set out at 5.6 above.

7.3 **Main Planning Considerations**

The main considerations are the design and appearance and impact on the adjoining Conservation Area, impact on neighbour amenity including basement impact, parking, trees/landscaping and sustainability issues.

7.4 **Design and Impact on the setting of the Conservation Area**

The proposed house sits between 2 traditionally designed houses at 6 and 10 which have replaced the original properties (no. 10 just completed). The properties are on a hill and the proposed ridge and eaves height provides a transition between those of the neighbouring houses. No.8 adopts a similar traditional design approach to its neighbours using facing brick and clay tiles and timber windows. The gap between the proposed house and no.6 has been increased by 300mm compared to the previous refusal, and the gap between the boundary and flank wall is of a similar size to that between the flank wall of no.10 and the boundary. The siting of the front elevation sits appropriately between its neighbours in the streetscene. The detailing is of appropriate quality for the setting, close to the boundary with the Merton (Wimbledon North) Conservation Area. The proposal would not therefore, affect the character or appearance of the adjacent conservation area and is acceptable in terms of policies DM D2 and DM D4.

7.5 **Neighbour Amenity Issues**

7.6 10 St Mary's Road

No. 10 St Mary's Road sits at a higher level to the application site and its footprint of the proposed house does not extend beyond it at ground, first or second floor level. The flank elevation facing the side boundary with no.10 contains a small secondary bedroom window and a landing light at first floor, and a dormer serving the bathroom and 2 rooflights providing secondary light to 2 bedrooms at roof level. Given the siting, massing and change in levels, there is considered to be no adverse impact in terms of daylight, sunlight or outlook, and the flank windows will be conditioned to be obscure glazed and fixed below 1.7m or high level as appropriate to prevent any impact on privacy. The occupiers of no.10 have written in support of the current application.

7.7 6 St Mary's Road

As set out in the Proposal section (para. 3.2), a number of changes have been made to the massing and siting of the proposed house since the previous refusal, intended to address the concerns of Members of Planning Applications Committee and the occupiers of 6 St Mary's Road about the impact of the massing on no.6. The front building line has been set back by 1m, the flank wall has been moved away from the boundary with no.6 by 300mm, the boundary treatment has been amended to 900mm trellis instead of 2m closeboarded fence adjacent to the side bay window of no.6 and the side chimney has been reduced. The ground floor extension, which sits at a higher level relative to no.6, is recessed away from the boundary at the point where it is the same depth as the main wall of the existing house. The depth of recess has been increased by 1.5m to 4m compared to the refused application as well as being reduced by 1m in depth. The roof form at first and second floor level closest to the boundary with no.6 has been adjusted so that the main hipped roof does not project beyond the corner of the roof of no 6 close to the boundary. Each of the massing changes reduces impact on no 6. The size of the house has been reduced at every accommodation level resulting in an over 14% reduction in both volume and square meterage. Officers consider that the grounds for refusal of the previous application have been addressed and it is noted that the occupiers of no 6 have advised that they do not object to the revised plans subject to the caveats set out at 5.6 above.

- 7.8 It is noted that the developer has separately agreed to a covenant restricting the height of the front section of side boundary between 8 and 6 to 900mm trellis. A condition will be attached to the planning permission requiring provision of boundary treatment in accordance with the approved details.
- 7.9 There was some discussion at the previous Committee about loss of light to the secondary bay window on the flank wall of no.6. There are 3 main daylight assessments. The primary assessment is the VSC which measures the potential to receive light on the external face of the window wall. The BRE Guide permits a reduction of up to 20% before suggesting that reductions will be noticeable. The dining room and Bedroom assessed will fully and comfortably comply with this element of the BRE Criteria. The Family room will not achieve the 20% reduction but the reduction is now 22% compared to 32% previously which is a great improvement and only just beyond the Guideline. All rooms considered will fully and comfortably comply with the Daylight Distribution and Average Daylight Factor criteria for daylight clearly indicating that the rooms will remain well-lit in daylight terms post development despite the reductions recorded. The scheme is also fully compliant with the BRE Guidelines in terms of sunlight as well as the shadowing of the rear amenity area. The proposal is conserved to be acceptable in its impact on no6 on relation to daylight, sunlight and overshadowing.
- 7.10 In terms of privacy, the large flank window at ground floor will be screened by the proposed 1.8m high boundary fence. At first floor, there are 2 narrow flank windows both serving bathrooms, which can be conditioned to be obscure glazed and fixed below 1.7m. There are 2 flank rooflights serving a storage



area and a bedroom which will be set at least 1.7m above finished floor level and will be conditioned to be high level.

#### 7.11 Construction Impact

The neighbour at no 6 has requested the provision of a solid hoarding on the side boundary before demolition commences to minimise dust as well as other dust and surface water control measures. A condition will be attached requiring the provision of a hoarding before demolition commences, damping down during demolition and during dry conditions, as well as control of surface water run off. In relation to concerns about asbestos report removal, it is noted that an asbestos report has already been prepared by a specialist contractor, and that a licensed contractor will be required to carry out the works under other legislation, therefore a planning condition is not required and would be ultra vires.

7.12 The Council's standard condition limiting construction works to between 8am-6pm Mon-Fri, 8am- 1pm Sat and at no time on Sundays or Bank Holidays will be applied.

7.13 It is noted that concerns have been expressed from neighbouring properties other than no 6 about impact on privacy or outlook, but the separating distances are more than sufficient to ensure that there is no adverse impact on these properties.

#### 7.14 **Provision of Basement Accommodation**

Paragraphs 6.26-6.36 of policy DM D2 of the Sites and Policies Plan specifically refer to basement construction. The policy requires that all developments that involve the construction of basements are accompanied with a basement construction method statement. The architect has submitted a Basement Construction Method Statement produced by Structa Engineering which includes details of site soil/ground condition survey and a basement construction methodology. It is concluded that there is a safe and effective method of excavating and constructing the basement without significant impact on the public highway or neighbouring properties. Conditions will be attached requiring submission of a detailed construction method statement and drainage strategy prior to commencement of works on site.

#### 7.15 **Parking**

The proposal would incorporate two off-street car parking spaces within the front garden accessed by a single vehicular crossover from St Mary's Road. The proposed access and parking arrangements are considered to be acceptable and accord with policy CS20.

#### 7.16 **Trees and Landscaping**

There are no existing trees on the site that are protected by tree preservation order (TPO) or any trees that would be affected by the proposed development. The proposal is therefore acceptable in terms of policy DM 02. A landscaping scheme for the front and rear garden areas will be required by condition.

#### 7.17 **Sustainability Issues**

The Government removed the requirement for compliance with the Code for Sustainable Homes on 26 March 2015, as part of the Deregulation Act 2015. The council is permitted, and will continue to enforce the mandatory minimum requirements for energy performance and water efficiency at a level equivalent to Code for Sustainable Homes Level 4 for the delivery of new residential units across the borough. This will ensure compliance with Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011. The architect has stated that using passive means for achieving energy efficiency will be the starting point with low U values for the external fabric of the building, improved air tightness, reduced thermal bridging and making effective use of resources and materials, minimizing water and CO2 emissions. The architect has also confirmed that the design of the proposed house meets the Lifetime Homes criteria.

## 8. **CONCLUSION**

- 8.1 Since the previous refusal of planning permission, the proposal has been amended to take into account the concerns of Planning Applications Committee and the adjoining occupier at no.6 about the impact on their amenities, with the result that the massing and floor area has been reduced by over 14%. It is considered to be acceptable in terms of impact on neighbour amenity, subject to the imposition of appropriate planning conditions. The design and massing would be appropriate to its setting and would not adversely affect the setting of the nearby Merton (Wimbledon North) Conservation Area. Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

subject to the following conditions:-

1. A.1 Commencement of Development
3. A.7 Approved Plans
2. B.1 (Approval of Facing Materials)
3. B.4 (Site Surface Treatment)
4. B.5 (Boundary Treatment)
5. C.2 (No Permitted Development Doors/Windows)
6. No permitted development (extensions and outbuildings)

6. C.4 (Obscure Glazing, fixed below 1.7m – First Floor Side Windows and Dormer Windows Facing 6 and 10 St Mary’s Road)
7. Flank rooflights – cill height not less than 1.7m above FFL
7. C.7 (Refuse and Recycling-Implementation)
8. D.9 (External Lighting)
9. D.11 (Construction Times 08.00-18.00 Mon-Fri, 08.00-13.00 Sat, no time Sun or Bank Holidays )
10. F.1 (Landscaping Scheme- including no expansion of hardstanding area within front curtilage)
11. F.2 (Landscaping Implementation)
12. H.7 (Cycle Parking Implementation)
13. H.9 Construction Vehicles)
14. J.1 (Lifetime Homes)
15. Prior to commencement of development, a detailed Basement Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority and the basement construction undertaken in accordance with the approved details.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2.

16. Detailed drainage strategy
17. Control of dust and surface water run off
18. ‘No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4. Evidence requirements are detailed in the “Schedule of Evidence Required” for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010). Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.’ Evidence requirements are detailed in the “Schedule of Evidence Required - Post Construction Stage” under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).’

INF.1 Party Wall Act

INF.8 Construction of Vehicular Access

INF.12 Works Affecting the Public Highway