

**PLANNING APPLICATIONS COMMITTEE
19 JANUARY 2017**

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P2849	05/08/2016
Address/Site	3 Thornton Hill, Wimbledon SW19 4H0	
(Ward)	Hillside	
Proposal:	Conversion of 3 x flats into 2 x semi-detached houses, erection of two storey side extension, rear roof extension and excavation of basement with associated parking and landscaping.	
Drawing Nos	657/031 P1, 032 P1, 033 P2, 034 P2, 035 P2, 036 P2, 040 P1, 041 P1, 042 P1, 043 P1, 044 P2, 045 P1, Design and Access Statement, Basement Construction Method Statement and Tree Report	
Contact Officer:	Richard Allen (8545 3621)	

RECOMMENDATION

GRANT Planning Permission subject to conditions

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- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 49
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- Controlled Parking Zone: Yes
- Area at Risk of Flooding - No

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 three-storey detached Victorian property that has been split into three self-contained flats. The property is situated on the south side of Thornton Hill and is orientated at right angles in relation to the junction with Thornton Hill and Savona Close. The application site slopes steeply downhill from the rear elevation of the building. A detached dwelling house is has recently been constructed in what was once part of the rear garden of the application site. The application site is within the Merton (Wimbledon West) Conservation area and is within a controlled parking zone (CPZ W1).

3. **CURRENT PROPOSAL**

3.1 The current proposal involves the conversion of 3 x flats into 2 x semi-detached houses, erection of two storey side extension, rear roof extension and excavation of basement with associated parking and landscaping.

3.2 The proposed two storey side extension would be constructed onto the south west elevation of the existing building and would be 3.5 metres in width, 7 metres in length and would have an eaves height of between 4 and 4.5 metres (due to the sloping nature of the site). The side extension would be set back from the front elevation of the original building by 1.3 metres and set back from the rear elevation by 1 metre. The side extension would have a pitched roof incorporating a rear dormer window and has been designed to complement the style of the original house.

3.3 The proposed rear roof extension would comprise 3 x dormer windows each of which would be 1.2 metres in height and 1.8 metres in width. The dormers would be set 1 metre above eaves height. It is also proposed to remodel the existing front dormer window to match the new rear dormers.

3.4 It is also proposed to excavate a basement below the existing lower ground floor level. The basement level accommodation for each house would have access onto a sunken patio with steps up to rear garden level.

3.5 Internally, the existing building, previously occupied as three flats would be vertically sub-divided to provide two semi-detached houses.

3.6 House A

At basement level a family room, utility, plant room and hallway would be provided. At lower ground floor level an entrance hall, dining room, kitchen would be formed, at ground level an entrance hall, bathroom and two bedrooms would be provided, with one bedroom having access to a rear terrace. At first floor level, the main bedroom and bathroom would be provided and at second floor level and additional bedroom and bathroom would be formed.

3.7 House B

At basement level a family room, utility and plant room and hallway would be formed. At lower ground floor level a dining room, hallway and kitchen would be provided. At ground floor level a bedroom, bathroom, study and entrance hall would be provided. At first floor level, a bedroom and bathroom would be formed, whilst at second floor level a bedroom and bathroom would be provided.

- 3.8 The extensions to the building have been designed to complement the original building with the side extension having brick detailing to match the original building. At basement and lower ground level the rear elevation would be of contemporary design comprising full height glazing with render surround at basement and lower ground floor levels. The existing rear garden would be sub-divided to provide each dwelling with a rear garden.

4. **PLANNING HISTORY**

- 4.1 In October 2013 planning permission and conservation area consent was refused for the demolition of the existing house and erection of two pairs of semi-detached houses (LBM Refs.13/P2120 and 13/P2078). Planning permission and conservation area consent was refused on the following grounds:-

‘The proposed development would result in the loss of a dwelling noted as making a positive contribution to the character and appearance of the Wimbledon West Conservation Area and for which insufficient justification has been given. As such, the proposed development would be contrary to policy BE.2 of the LB Merton UDP – 2003’, and

‘No tree survey or arboricultural impact assessment has been submitted with the applications and as such the development cannot be fully assessed and is contrary to policy CS13 of the LB Merton Core Strategy -2011’, and

‘The proposed new dwellings by virtue of their scale, massing, and proximity to the boundary with 1 Thornton Hill would comprise an excessively cramped and overbearing form of development detrimental to the privacy and outlook of 1 Thornton Hill and out of character with the pattern of development detrimental to the privacy and outlook of 1 Thornton Hill and out of character with the pattern of development within the West Wimbledon Conservation Area. As such, the proposed development is contrary to policies HS.1, BE.1, BE.15 and BE.22 of the LB Merton UDP – 2003, policy CS14 of the LB Merton Core Strategy – 2011 and the Council’s New Residential Extensions SPG’.

- 4.2 In November 2013 planning permission was refused for the reinstatement of single dwelling from three flats to a single family dwelling house involving the erection of a part two storey/part three storey side extension together with associated landscaping and erection of a four bedroom dwelling house within

the rear part of the garden (LBM Ref.13/P2650). Planning permission was refused on the grounds that:-

'The proposed development would result in the addition of a three storey side extension to 3 Thornton Hill, which would appear as an excessively large and overbearing addition, and the loss of original features of the existing property, a dwelling noted as making a positive contribution to the character and appearance of the Wimbledon west Conservation area, through the proposed conversion/modernization works. As such the proposed development would be contrary to policies BE.1, BE.15 and BE.23 of the LB Merton UDP – 2003, and policy CS14 of the LB Merton Core Strategy 2011'.

In December 2013 a planning application was submitted for the reinstatement of a single family dwelling house from the three existing flats involving erection of two storey side and front extensions and new four bedroom house at the rear of the site together with associated landscaping and car parking (LBM Ref.13/P3950). However, the application was withdrawn by the applicant on 21/2/2014.

4.3 In May 2014 planning permission was granted for the conversion of the three existing flats into a single dwelling house, erection of two storey side extension, raising the ridge of the main roof, replacement of front and rear dormer windows, installation of front vehicular access and alterations to front curtilage (LBM Ref.14/P0644). The loss of residential units was only considered to be acceptable in this instance due to the improvements gained to the character and appearance of the conservation area by the refurbishment of the building.

4.4 In November 2015 a pre-application meeting was held regarding the proposed conversion of the property from three flats to two semi-detached houses and the erection of a rear extension and basement and associated landscaping (LBM Ref.15/P3660/NEW).

5. **CONSULTATION**

5.1 The application has been advertised by site conservation area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 8 letters of objection have been received. The grounds of objection are set out below:-

Numbers 1 and 3 Thornton Hill are identical Victorian villas built by the same builder around 1865. The proposed development is out of character with the existing building and 1 Thornton Hill, and would be detrimental to the character of the conservation area.

- The extension is large and overbearing.
- The proposed dormer windows would overlook 5 Thornton Hill.
- The development of 3B Thornton Hill caused damage to number 5 and there are concerns regarding further building work .
- The original intention was for number 3B to look like 5 Thornton Hill. In practice it looks very different.

- The proposed basement is excessively large.

5.2 The Wimbledon Society

The application property is currently divided into 3 flats and the proposal involves substantial basements, with major excavations to the rear and side, to create a pair of semi-detached houses, each of five floors. The rear garden would be excavated to match the floor level of the basement. The Society is also concerned that:-

- The first floor balcony would overlook the private garden of 1 Thornton Hill. Full height balcony screening should be required and no access to flat roofs.
- The excavation for the basement may affect the Lime tree.
- There does not appear to be a hydrology report submitted with the application.
- There is no Thornton Hill elevation to show what boundary treatment is proposed. High stepped walls as at 5 Thornton Hill are incongruous.
- The existing front dormer is shown as being retained. It would be desirable to remove this and replace it with a roof light.
- The existing external drainage pipework disfigures the building and it would be desirable to replace it with an internal system.

5.3 Flood Risk Officer

The Councils Flood Risk Officer has stated that there are reservations over this proposal and overall compliance with policy DM D2 Basements and Subterranean developments. The policy states that basements should not extend more than 50% of the garden. Furthermore, the policy also states that land stability and hydrology must be considered in detail including mitigation where required and 1m of permeable soil must be provided above the basement. The application site is steeply sloping and the proposed dig down is to a depth of 6.5m below ground level which is substantial and the scheme is nearly 1.5 storeys deeper than the existing, half croft basement. The proximity to the highway means that the retaining wall will be supporting our highway and footway including utilities. As the site is on the face of Thornton Hill, there is a change in geology within this area which ultimately means that springs can be present and high groundwater levels may exist in winter periods particularly. A back water effect could be caused by the subterranean structure which therefore could result in a rise in ground water levels, especially on the upslope side of the structure. No mitigation appears to have been proposed to address this risk. The drainage design for surface water and foul water mind is acceptable and attenuation is included with non-return valves, so the rate of discharge from the site will be restricted prior to connection to the Thames Water sewer network.

5.4 Tree Officer

The tree officer has been consulted and states that the tree report has been amended to incorporate changes to the area of protection around the Lime tree and the protection area has been increased accordingly; However, the tree report retains measures for the stem to be boxed (item 8.13); for the canopy to be pruned to provide adequate clearance (item 7.4); and for ground

protection to be installed within the protected area (item 8.14) to cater for pedestrian and construction traffic. This is not considered to be acceptable. . Also no information has been provided with regards to the excavation and construction processes on this site. No encroachment of site traffic & works within the protected zone of this tree will be permitted. However, whilst the tree officer would have preferred to see all of the required information prior to a recommendation for approval, the tree officer has specified conditions to be imposed on any grant of planning permission to ensure that the Lime tree is protected during construction works.

5.5 Climate Change Officer

All new developments comprising the creation of new dwellings should demonstrate how the development will: 1. Comply with Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) and Policy 5.2 of the London Plan 2015. This should include a breakdown of how emissions reductions are achieved at each level of the energy hierarchy. 2. Achieve internal water usage rates not in excess of 105 litres per person per day, equivalent to Code for Sustainable Homes Level 4. In addition, depending on what part of the Building Regulations that development is assessed an appropriate condition should be imposed.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS 8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

6.2 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM T2 (Transport Impacts and Developments) and DM T3 (Car Parking and Servicing Standards).

6.3 The London Plan (March 2015)

The relevant policies within the London Plan are 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential) 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.11 (Affordable Housing), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 5.7 (Renewable Energy), 7.4 (Local Character) and 7.6 (Architecture).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principal of the conversion of the property from three flats to two houses together with design/conservation, basement construction, neighbour amenity, tree and parking issues.

7.2 Principal of change of Use

The proposal involves the conversion and sub-division of the property to form two dwellings. There is an extant planning permission to convert the property from three flats into a single family dwelling house (LBM Ref.14/P0644) dated 21 May 2014. Although the proposal would have resulted in the loss of residential units, the conversion was considered to be acceptable only on the basis of gains to the character and appearance of the conservation area. Conversion of the property into two residential units is therefore preferable in terms of policy CS9 as it results in an additional unit compared to the extant permission. The proposal would result in two family sized houses being formed within the extended building.

7.3 Design and Conservation Issues

The proposed alterations and extensions have been subject to pre-application discussions and the design of the extensions and alterations to the fenestration of the building are considered to be acceptable. The proposed side extension would be of traditional design whilst at lower ground level and basement level the rear extension would be of contemporary design with white rendered finish with bi-folding glazed doors. New timber windows and doors would be installed and the roof re-tiled with traditional clay tiles and the new dormer windows would be of modest proportions and be clad in zinc. The proposed extension and refurbishment of the building, together with associated landscaping works would result in a positive improvement to the building and the Merton (Wimbledon West) Conservation Area.

7.4 Basement Construction

The existing property is situated on a sloping site and has existing accommodation at lower ground floor level. It is proposed to refurbish the lower ground floor and construct a basement beneath the lower ground floor of each house, with bi-folding doors opening out onto a sunken patio area. The Council's Flood Risk Officer has raised concerns regarding the possibility of underground springs being present and high ground water levels may exist in winter months. A back water effect could therefore be caused by the subterranean structure which could result in a rise in groundwater levels. However, the applicant has submitted a Basement Construction Method Statement that concludes that the basement can be constructed in a safe manner without significant impact upon the public highway or neighbouring properties. Notwithstanding the information contained within the submitted Basement Construction Method Statement specific planning conditions in respect of land stability and hydrology are considered to be appropriate in this instance to accord with the requirements of policy DM D2 (Design Considerations in all Developments).

7.5 Neighbour Amenity

The proposal involves the sub-division of the existing building into two residential units involving extensions to the existing building. The nearest residential property is the new house constructed in part of the rear garden of the application site, the flank wall of which is between 10.5 and 15 metres from the rear elevation of the application property. Although the proposed houses would incorporate rear balconies, the balconies would face towards the blank side elevation of the recently completed house at the rear of the

application site. The separation distance between the balconies and the rear of the garden is considered to be acceptable. The proposal would not therefore result in any undue levels of overlooking and/or loss of privacy to occupiers of neighbouring properties and the proposal accords with the aims of policy DM D2.

7.6 Trees

The tree officer has raised concerns regarding the condition of the Lime tree within the rear garden that may have sustained damage during the development of the rear part of the site (now occupied by a new house). The tree officer has therefore requested that conditions be imposed on any grant of planning permission to protect the Lime tree during construction works. Therefore with appropriate planning conditions the proposal is acceptable in terms of policy DM O2.

7.7 Parking

Two off street parking spaces would be provided, one within the front curtilage of house A and one within the rear garden of house B. Two new vehicular accesses would be required to be constructed off Thornton Hill.

7.8 Sustainability Issues

On 25 March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.9 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code Level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

7.10 In light of the government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

7.11 Developer Contributions

The proposal involves the conversion and sub-division of the property to form two semi-detached houses. Therefore, there would be no requirement for a financial contribution towards affordable housing in the borough in this instance. The proposed development would however, be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. **CONCLUSION**

9.1 The conversion and extension of the property to form two dwellings is considered to be acceptable and the proposal would result in the refurbishment of the building and result in a positive improvement to the character and appearance of the Merton (Wimbledon West) 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)
2. A.7 (Approved Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.7 (Refuse and Recycling-Implementation)
8. D.9 (External Lighting)
9. D.11 (Construction Times)
10. F.1 (Landscaping Scheme)
11. F.5 (Tree Protection)
12. The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures through the course of the excavation of the basement

and for the whole of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees and to comply with policy DM O2 of the Adopted Merton sites and Polices Plan (2014).

13. No work shall be commenced until details of the proposed method of excavation and the construction operations on the site shall be submitted to and approved in writing by the LPA and the work shall be carried out in accordance with the approved details.

Reason: To protect and safeguard the existing retained trees and to comply with policy DM O2 of the Adopted Merton sites and Polices Plan (2014).

14. The porous parking/hardstanding hereby permitted within the root protection area of the Lime tree shall be constructed using a no-dig construction technique, using a cellular confinement system or similar technique and there shall be no disturbance of the existing ground levels.

Reason: To protect and safeguard the existing retained Lime tree in accordance with policy DM O2 of the Adopted Merton sites and Polices Plan (2014).

15. F.8 (Site Supervision)

16. H.9 (Construction Vehicles)

17. Prior to commencement of development a land stability and hydrology survey shall be undertaken and submitted to and be approved in writing by the Local Planning Authority.

Reason for condition: To comply with the requirements of policy DM D2 (Design Considerations in all Developments).

18. Prior to commencement of development a Basement Construction Method Statement shall be submitted to the Local planning Authority for approval. The basement Construction Method statement shall include the following:-

- a) Full details of the foundation of the existing building (this needs to be investigated as the location of the secant piles are dependent on this).
- b) Details of the existing lower ground external and internal walls and the floor slab.
- c) Analysis to show that the external walls and internal walls can be safely supported by the combination of secant piles/temporary/permanent piles and needle beams.

- d) Detailed information on how the Contractor plans to install the secant piled wall, i.e. size of the excavator, positions of the excavator to complete installation of the perimeter of the secant piles wall.
- e) Detailed information on how the Contractor plans to get the excavating equipment into the lower ground level and install temporary and permanent piles on either sides of the external/internal walls.
- f) All the piles will have 6.5m free length – Design calculations to show the piles can resist all the axial and any bending forces resulting from the loads above and design details of all temporary works such as piles, bracing etc.
- g) Construction sequence of the bored secant piled wall.
- h) Temporary works propping and de-propping sequence.
- i) The CMS mentions surcharge of the adjacent buildings will be considered in the design – Please ensure to consider the live load surcharge from the highway.
- j) Ground Investigation report with borehole logs with suggestions to the soil parameters such as angle of internal friction, density, shear strength etc to be used in design.
- k) Construction Management Plan

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 (Design Considerations in all Developments).

- 19. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1) (150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.
- 20. Prior to commencement of development full details of the design of balcony screens shall be submitted to and be approved in writing by the Local Planning Authority. The balcony screening shall be installed prior to first occupancy of the completed development and be permanently maintained thereafter.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the adopted Merton Sites and Policies Plan (July 2014).

- 21. Informative
Evidence requirements in respect of condition 13 are detailed in the 'Schedule of evidence required for Post Construction Stage from Ene1 and Wat 1 of the Code for Sustainable Homes Technical Guide.
- 22. INF.7 (Hardstanding)

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