

PLANNING APPLICATIONS COMMITTEE
30th April 2014

		<u>Item No:</u>
<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P0010	19/12/2013
Address/Site	68 Bathgate Road, Wimbledon Village, London, SW19 5PH	
(Ward)	Village	
Proposal:	Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) involving alterations to the layout and footprint of the proposed basement	
Drawing Nos	G-SITE-01, G-E-01 Rev K (x2) and SK-13-03	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Permission subject to Conditions.

CHECKLIST INFORMATION.

- Heads of agreement: - N/A
 - Is a screening opinion required: No
 - Is an Environmental 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 – 4
 - External consultations – No
 - Number of jobs created – N/A
 - Controlled Parking Zone – No
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1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration in light of the high number of objections against the proposal.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is a two storey detached dwellinghouse located in the northern section of Bathgate Road, Wimbledon. The building is currently being redeveloped in accordance with planning permission 11/P1985 which includes partial facade retention and extensions to the front, rear and basement level. Bathgate Road is characterised by large two storey detached family houses. All the houses are set back from the road with soft grass verges adjacent to the road and most have mature landscaped front gardens which contribute immensely to the character of the area.
- 2.2 Properties adjacent to and opposite the application site are all substantial detached houses. Further south of the application site, on the opposite side of the road, are the AELTC practice tennis courts. The existing house is a little unusual in that the frontage is totally open, with a grass verge and hard surfaced parking area and 3 trees close to the front boundary, but no hedge at the edge of the grass verge.
- 2.3 The application site is located within the Bathgate Road Conservation Area

3. **CURRENT PROPOSAL**

- 3.1 Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) involving alterations to the layout and footprint of the proposed basement.
- 3.2 The initial basement was approved under planning application 11/P1985 and was further amended with a non-material amendment application 13/P0567. The current changes to the basement differ from the approved non-material application with a part reduction in the width of the basement (1.1m on left hand side and 1.2m (min) and 1.4m (max) on right hand side) and an increase in the forward projection by 0.2m (min) and 0.8m (max). This increase in depth at the front of the basement would create an enlarged staircase, plant room, cinema room and shallower basement pool (from 11m to 7.5m).

4. **PLANNING HISTORY**

- 4.1 MER433/71 - S/s extension – Grant - 29/07/1971.

- 4.2 MER1197/71 S/s addition to provide w.c – Refused - 27/01/1972
- 4.3 MER349/72 - Section 53 determination for single storey addition to provide wc - permission required - 11/05/1972
- 4.4 MER817/72 - S/s addition to provide new w.c - Grant - 28/09/1972
- 4.5 MER605/79 - Extension at rear 1st floor level – Refused - 06/09/1979
- 4.6 07/P1284 - Erection of gates and posts – Refused on 24/7/07 for the following reason:

The proposed front gates and posts, by reason of design and height, would be detrimental to the amenity of the Bathgate Road street scene and would fail to preserve the character and appearance of the Bathgate Road Conservation Area, contrary to policies BE1 and BE22 of the Councils adopted Unitary Development Plan (October 2003)
- 4.7 08/P1605 - Alterations and extension to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition & loft conversion with 2 rear dormer windows – Grant - 12/08/2008
- 4.8 10/P0780 - Application for non-material amendments to planning application 08/P1605 for the part rear basement with rear glazed light well – Grant - 11/05/2010
- 4.9 11/P1985 - Substantial demolition of existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows, basement with rear light well – Grant - 20/09/2012
- 4.10 13/P3451 - Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) to enable to demolition and reconstruction of part of the rear flank wall behind the chimney at ground and first floor level – Grant - 12/12/2013.
- 4.11 13/P2452 - Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) to enable to demolition and reconstruction of first floor flank wall and chimney – Grant - 26/09/2013
- 4.12 13/P1911 - Application for the removal of condition 10 (gates hereby approved shall not open over the adjacent highway) attached to LBM planning application ref 11/P1985, relating to the substantial demolition of

existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows, basement with rear light well – Grant - 22/08/2013

- 4.13 13/P3431 - Application for non-material amendments to LBM planning permission 11/P1985 (dated 20/09/2013) involved alterations to proposed basement layout. The request for a non-material amendment was declined and it was deemed full planning permission was required as the proposed alterations could potential impact upon the structural stability of the retained building.
- 4.14 13/P1913 - Application for discharge of conditions 3, 4, 7 and 9 attached to LBM planning application 11/p1985 dated 20/09/2012 relation to the substantial demolition of existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows, basement with rear light well – Grant - 18/09/2013
- 4.15 13/P0567 - Application for non-material amendments to LBM planning permission 11/P1985 (dated 20/09/2012) involving the construction of swimming pool within the approved basement level and alterations to basement layout – Grant - 07/03/2013.

5. **CONSULTATION**

- 5.1 The application has been advertised by conservation area site and press notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 8 letters of objection (including one from the Wimbledon Society) have been received; the letters raise the following objections:
- Never-ending series of applications
 - Concern is that much of the escalation is to be underground
 - Bathgate Road is at the bottom of a steep hill and the water table is high
 - Existing problems with flooding
 - Large subterranean construction would exacerbate drainage
 - Plans now are very different from those which were considered and granted by the planning committee.
 - Impact upon pruning and replacement of trees (trees have been excessively pruned)
 - Early working house on Sundays

- Seems to be an attempt to take a strip of Council land in front of the property boundary
- The Council has failed to protect Bathgate Road. English Heritage has placed the whole conservation area on their 'at risk' register.
- Application site forms part of the FA Powell houses in Bathgate Road which the Council's design guide states as being an excellent example of a Bathgate Road house that needs to be preserved.
- Developer must be forced to restore the Powell façade
- Impact upon stability of surrounding properties.
- Basement large in width and depth
- Noise and vibration from generator for the pool
- Set precedent within the conservation area
- Impact upon trees due to size of basement

Wimbledon Society

- Property is part of a well-designed group of detached houses by Brockelsby
- In comparison to 11/P1985 there are significant changes - new basement is much larger, bringing it closer to the front of the house, much deeper to accommodate a swimming pool and even more of the original structure and walling is to be removed
- Current Council policy on basements (DMD2(c) requires the applicant to provide an assessment of basement and subterranean scheme impacts on drainage, flooding, ground water conditions and structural stability. This has not been provided.
- A construction method statement must be included as part of validating the planning application
- A hydrology report should also be included
- As more of the existing building is to be removed, development needs to demonstrate how the proposal conserves and ...enhances the significance of the asset.
- Policy DMH4 says that substantially demolishing an existing house to create a new dwelling as here should achieve Code level 5. This has not been demonstrated.
- Does not meet lifetimes homes standards (WC required on main ground floor).

6. POLICY CONTEXT

6.1 Merton Council's UDP Adopted October 2001:

BE.1 Conservation Areas, New Development, Change of Use, Alterations and Extensions.

BE.2 Conservation Areas, Demolition

BE.15 New Buildings and Extensions – Daylight, Sunlight, Privacy, Visual Intrusion and Noise
BE.22 Design of New Development
BE.23 Alterations and Extensions to Buildings
NE.11 Trees; Protection.

6.2 Bathgate Road Conservation Area Design Guide 1995.

6.3 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are:

CS 13 (Open Space, Nature Conservation, Leisure and Culture)
CS 14 (Design)

7. **PLANNING CONSIDERATIONS**

7.1 The main issues to consider are the appropriateness of the proposed changes to the layout and design of the proposed basement and the planning history of the site, structural integrity of the retained building, and impact upon the neighbouring amenity and trees.

7.2 **Planning History**

7.2.1 The frustration of neighbours regarding the number of changes to the original planning permission 11/P1985 is noted, however the Council has a duty to consider and treat each planning application on its own merits. There have been a series of planning applications at the application site which are summarized in paragraphs 4.1 – 4.15 of this report. The planning history of the site is a material consideration in this instance and therefore the most relevant planning applications are outlined below:

7.2.2 08/P1605 - On 12th August 2008 planning permission was granted under delegated powers for alterations and extension to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition & loft conversion with 2 rear dormer windows. This planning permission set the initial precedent for development at the application site with extensions to the original building.

7.2.3 11/P1985 – On 20th September 2012 planning permission was granted by planning committee for the substantial demolition of existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows and basement with rear light well.

7.2.4 In regards to planning application 11/P1985, the applicant stated that they

had a fail back position with the extant planning permission 08/P1605. The applicant stated that the development proposed under 11/P1985, would appear identical to the previous permission (08/P1605). The case put forward was that the end result would appear the same in terms of design. When an assessment was carried out regarding which elements of the original house were to be removed to construct planning permission 08/P1605, it was put forward that substantial demolition would be required and this would not be materially different than the scheme presented under planning application 11/P1985 to substantially demolish the original building (with part retention facade) . As a valid start on site had been made in relation to the 2008 permission, this was a very strong material consideration at the time and for this reason, the proposal (11/P1985) was considered to be acceptable, although it could be viewed as contrary to Policy BE2.

7.2.5 13/P0567 - On 20th August 2012 planning permission was granted under delegated powers for a non-material amendments to LBM planning permission 11/P1985 involving the construction of swimming pool within the approved basement level and alterations to basement layout. This non-material amendment involved changes to the footprint of the basement and internal amendments to create a basement swimming pool. As the proposed works would be confined to the footprint of the original house and the basement would only affect works internally, it was considered that this was a small scale alteration that could be treated as non-material. It should also be noted that planning permission is not required for a basement beneath the footprint of an original dwellinghouse (with no light wells) and therefore this also influenced the issuing of the non-material amendment.

7.2.6 13/P2452 - On 26th September 2013 planning permission was granted under delegated powers for demolition and reconstruction of first floor flank wall and chimney. This application sought to demolish the first floor flank wall and chimney of the eastern elevation of the building following advice from the appellant's structural engineer. The structural engineer recommended that in the preparation of the detailed structural design of the basement it was their opinion that the stability of the flank elevation wall would present a risk to the workforce whilst constructing the basement. The Councils Building Control Officer agreed with the appellant's structural engineer in this respect. The concerns of neighbours were noted with more of the original house being demolished, however the ground floor of the eastern flank elevation would remain and part of the front elevation and the western elevation will remain the same as the previous planning permission (11/P1985). It was therefore difficult to argue that the end result of the building would be materially different compared to the extant planning permission 11/P1985).

7.2.7 13/P3451 - On 12th December 2013 planning permission was granted under delegated powers for demolition and reconstruction of part of the rear flank wall behind the chimney at ground and first floor level. In this instance it was proposed to demolish a small section of right hand side flank wall at ground and first floor level and reuse the existing materials. The appellant stated that the demolition is required due to the proximity/logistics of the piling equipment and the retained elevation in correlation with the basement proposals, which was established following specialist subcontractors report. The area of wall in question is to the rear of the flank wall being retained, and is a section of wall approximately 1M in width and located behind the chimney stack. The proposal was to carefully take down and reconstruction of this section of wall which will then enable the basement layout to be constructed without infringing on the design layout, whilst maintaining a safe distance between to piling equipment and the facade retained along the flank wall. It was considered that the demolition of this section of wall would not materially alter the appearance or integrity of the retained structure.

7.3 Comparison to 13/P0567

7.3.1 The principle of the proposed basement has already been established by planning permission 11/P1985. A further alteration to the layout and function of the basement was allowed under a non-material amendment application (13/P0567) due to the work being confined within the footprint of the original building and internal alterations to the use of the previously approved basement area. The current changes to the basement differ from the non-material approval with a part reduction in the width of the basement (1.1m on left hand side and 1.2m (min) and 1.4m (max) on right hand side) and an increase in the forward projection by 0.2m (min) and 0.8m (max). The re-configured basement would have an enlarged staircase, plant room, cinema room and smaller basement pool (reduced from 11m to 7.5m in length).

7.3.2 The current application could be viewed as not being very substantially different from the original approval, as amended by 13/P0567. However, in light of residents' interest in the 2 previous applications to make further changes as set out at paras 7.2.6 and 7.2.7, combined with increasing concern about basement applications, it was considered that a formal application should be required. The proposed basement would be partly reduced in width on both sides and there would be a small further forward projection which would have no additional impact upon the design of the scheme, structural integrity of the building above, neighbouring amenity or trees. Although acknowledging residents' frustration and annoyance at the series of applications relating to the property, in this instance there is considered to be no grounds to justify refusal of planning permission.

7.4 Structural Integrity

- 7.4.1 Those elements that remain of the original house have been supported by a specialised façade retention system which incorporates a series of scaffolding structures with concrete foundations and scaffold tubes being passed through core drilled holes in the existing masonry. The Council's Building Control Officer has confirmed that the change to the footprint of the basement would have no impact upon the structural integrity of those elements of the original building which have been retained.

7.5 Neighbouring Amenity

- 7.51 The enlargement of the proposed basement is considered to be modest in size and with works being situated below ground level, there would be no undue loss of neighbouring amenity.

7.6 Trees

- 7.6.1 The proposed increase in depth is considered modest, would be located beneath the footprint of the original building and would be well distanced away from trees to ensure that there would be no harm to tree roots.

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

- 8.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.
- 8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

9. **CONCLUSION**

- 9.1 A material planning consideration in this instance is the non-material amendment application 13/P0567. The proposal differs from the extant non-material amendment with a part reduction in the width of the basement and a slight forward projection. The changes to the basement would not be visible from above ground level, would be a part reduction in the width and a slight increase in the depth with no undue impact upon the retained building above, neighbouring amenity or trees.

RECOMMENDATION

GRANT VARIATION OF CONDITION 2 to read as follows;

1. Approved Plans

INFORMATIVE

Please note that the substantive conditions attached to planning permission 11/P1985 (as amended) continue to apply.