

**PLANNING APPLICATIONS COMMITTEE  
21 AUGUST 2014**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	13/P2414	29/07/2013
<b>Address/Site:</b>	Rear of 7 Somerset Road, Wimbledon, SW19 5JU	
<b>(Ward)</b>	Village	
<b>Proposal:</b>	Proposed erection of new detached 6 bedroom dwelling (to be built on existing tennis court area) to rear of 7 Somerset Road and fronting Lincoln Avenue	
<b>Drawing No's:</b>	0404177/PL.300, 0404177/PL.301, 0404177/PL.302 D, 0404177/PL.303, 0404177/PL.304, 0404177/PL.305, 2013/049a, 2013/049b, 13179-BT2, BAN18738-12a, Topography Plan, Design and Access Statement, Arboricultural Impact Appraisal and Method Statement, Landscape Specification Report, Badger Survey and Mitigation Strategy Report, Sustainable Construction Supplementary Planning Statement.	
<b>Contact Officer:</b>	Sabah Halli (0208 545 3297)	

---

**RECOMMENDATION**

**GRANT Permission subject to Section 106 Agreement and Conditions**

---

**CHECKLIST INFORMATION**

- Heads of Agreement: Financial contribution towards affordable housing within the borough, and badger mitigation strategy
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes

- Design Review Panel consulted: No
- Number of neighbours consulted: 25
- External consultations: No
- Controlled Parking Zone: No

## 1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination at the request of a Ward Councillor.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises part of the large rear garden area of 7 Somerset Road, Wimbledon. It occupies a part of the garden that is currently laid out as a tennis court. The site is bounded by the side and rear garden boundaries of adjoining properties.
- 2.2 The application site is not within a Conservation Area. Properties along Somerset Road and Lincoln Avenue are subject to an Article 4 direction prohibiting the erection of marquees and other temporary structures.
- 2.3 There are six Tree Protection Orders (TPO) at no.7 and one TPO at no.9

## 3. **CURRENT PROPOSAL**

- 3.1 This application comprises the erection of a new detached 6 bedroom dwelling within the rear curtilage of 7 Somerset Road, with accommodation at basement level. It is very similar to an earlier application that was granted permission at Planning Applications Committee in 2010 but which has now expired.
- 3.2 The proposed house would be two storeys in height with a flat roof (plus basement), and would project only slightly forward of the adjoining double garage at 3 Lincoln Avenue. The new property would be set 16m from the existing property at 7 Somerset Road and would be lower in height than both 7 Somerset Road and 1 Lincoln Avenue.
- 3.3 It would have a height of 5.8m from ground level (the same as the previously approved dwelling) and depth of 13.1 – 13.4m. The dwelling would have a similar footprint to that previously approved except that it would have a wider frontage and is sited further away from 3 Lincoln Avenue. There would be a 1.5 – 2m gap between the flank and the side boundary with 3 Lincoln Avenue and 2.5m from the side boundary to be established with no.7. The dwelling would be 17 – 25m from its rear boundary.

- 3.4 The basement level would have the same footprint as the main dwelling and would provide two bedrooms, kitchenette/laundry, bathroom, plant room, TV room, and gym area, opening out into a sunken courtyard area at the rear. The basement would receive natural light from a side light well courtyard and rear access into the garden.
- 3.5 Accommodation at ground floor level would comprise a single garage, hall, Kitchen, drawing room, and family room and would also directly access the garden to the rear. The first floor level would comprise 4 bedrooms with en-suite facilities and includes a small rear terrace attached to the master bedroom.
- 3.6 In addition to the single integral garage, there is sufficient space to park a car on the front driveway.
- 3.7 The proposed dwelling would be of a simple, modern design and be constructed of through coloured render with powder coated aluminium window frames and doors. Boundary treatments are proposed to be timber fencing and/or hedgerows.

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

##### Tennis Court Land at 7 Somerset Road

12/P1707 – ERECTION OF NEW DETACHED 2 - STOREY DWELLING WITH BASEMENT FRONTING LINCOLN AVENUE – Previously deferred at January 2013 Planning Applications Committee (PAC) for further information. This application has been made by the site owners and will be required to be considered at a later date at PAC.

\*The application subject of this report is made by Banner Homes.

09/P2458 - ERECTION OF NEW DETACHED 2-STOREY DWELLING WITH BASEMENT FRONTING LINCOLN AVENUE – Approved at June 2010 PAC. (Not implemented – permission expired 4<sup>th</sup> June 2013)

12/P0181 and 09/P1855 – APPLICATIONS FOR DETACHED HOUSES FRONTING LINCOLN AVENUE (both withdrawn)

##### 7 and 9 Somerset Road

13/P2401 - DEMOLITION OF 2 X EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT DETACHED HOUSES – Approved September 2013 (Applicant is Banner Homes)

12/P2102 - DEMOLITION OF 2 x EXISTING DETACHED HOUSES AND

ERECTION OF 3 HOUSES ( 2 x 3 STOREY REPLACEMENT DWELLINGS FRONTING SOMERSET ROAD AND NEW DETACHED 2 STOREY DWELLING TO REAR OF 9 SOMERSET ROAD) – Previously deferred at January 2013 Planning Applications Committee (PAC) for further information. This application has been made by the site owners and will be required to be considered at PAC at a later date.

12/P1709 - DEMOLITION OF TWO EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT HOUSES DETACHED HOUSES – Approved (Applicant is the site owner)

## 5. CONSULTATION

The application has been advertised by site notice and letters of notification to the occupiers of neighbouring properties. Three representations have been received:

- The flat roofed, modern, and stark appearance is not in keeping with the pitched roofed properties of Lincoln Avenue
- The proposed house needs to be in keeping with the semi-rural nature of this part of Wimbledon
- The greenery should be maintained or replaced in such a way that the current levels of seclusion are kept
- Loss of privacy to adjoining properties if vegetation along the side and rear boundaries is lost
- This application in addition to another application by the same applicant and applications submitted by the owner of 3 Lincoln Avenue would result in an overdevelopment of the area
- The scheme is an over-development of the site

Natural England – No objection. Advise that it is not likely to have a significant effect on the interest features for which Wimbledon Common has been classified as an SSSI and SAC and that the SSSI does not represent a constraint in determining this application.

Natural England Standing Advice to be applied to this application. Standing Advice is a material consideration in its determination in the same way as any individual response received from Natural England following consultation. The authority should consider securing measures

to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Tree Officer – No comments.

Transport Officer - No comments on this application however comments on the previous approval (12/P1709) were:

‘Somerset Road has double yellow lines along both sides of the road but is not in CPZ however Lincoln Ave is therefore any new access will be subject to a change in the Traffic Management order. There are no transport objections subject to a condition in respect of details of the new vehicular access being submitted to the Council for approval and an informative in respect of construction of accesses impacting upon a controlled parking zone being added to any approval.’

## 6. **POLICY CONTEXT**

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

CS 8 (Housing Choice), CS 9 (Housing Provision), CS 6 (Wimbledon Sub - Area), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), and CS 20 (Parking, Servicing, and Delivery)

The relevant policies within the Adopted Sites and Policies Plan (October 2003) are:

DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM H3 (Support for Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM T2 (transport Impacts of Development), and DM T3 (Car Parking and Servicing Standards)

New Residential Development – SPG  
Design – SPG  
Planning Obligations – SPD

The relevant policies in the London Plan (2011) are:

3.3 (Increasing Housing Supply);  
3.4 (Optimising Housing Potential);  
3.5 (Quality and Design of Housing Developments)  
3.11 (Affordable Housing Targets)

5.7 (Renewable Energy)  
8.2 (Planning Obligations).

Natural England Standing Advice on Protected Species

National Planning Policy Framework (2012)

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the erection of a new dwelling within the rear curtilage of 7 Somerset Road, the design and appearance of the proposed dwelling, and its effect upon neighbour amenity and the Lincoln Avenue street scene.

### 7.2 Principle of Development

7.3 An earlier similar proposal for a new detached dwelling on the tennis court land was approved at Planning Applications Committee in June 2010 (ref. 09/P2458) which only recently expired. As for this application, the approved dwelling was of a flat roofed modern design. The approved plans are attached as an appendix to this report. The general principle of development for a two storey flat roofed house with basement has therefore been previously considered to be acceptable.

7.4 The existing property has a very generous rear garden. The property is not in a Conservation Area, nor is it statutorily or Locally Listed. Government guidance encourages the more intensive use of land for residential purposes. As such, there is still no objection in principle to the redevelopment of the site for residential purposes subject to its impact on the street scene, adjoining properties, and the existing house.

7.5 Since the approval granted in June 2010, permission has been granted for the demolition of the existing houses at 7 and 9 Somerset Road and the erection of two detached replacement dwellings (ref. 13/P2401). They were considered and approved in the context of both the existing situation and the approved house on the tennis court. The permission for the replacement houses is still extant and capable of implementation.

7.6 This current scheme needs to be assessed in the context of the previous approval (09/P2458), the current site situation of 7 and 9 Somerset Road, and the recent approval for replacement dwellings at 7 and 9 Somerset Road.

### 7.7 Design

- 7.8 The scheme has been amended since its original submission at the request of Officers so that it is now the same height as the previously approved dwelling (5.8m).
- 7.9 The proposed dwelling would front onto Lincoln Avenue, which is a residential road comprising detached, pitched roofed properties of similar design. Some have been extended two storeys to the side and/or the rear.
- 7.10 In common with the previously approved scheme (09/P2458), the proposed dwelling is of a simple, modern design, with a flat roof. Materials are proposed to be render, with aluminium windows and lead roof whereas the previous proposal was for multi-toned grey brick. The footprint is very similar to the approved footprint however the overall design has been simplified, with a vertical rather than a horizontal emphasis to the fenestration. The front and rear building lines have still been designed so as to respect the front building line along Lincoln Avenue, and the rear building line of no.3.
- 7.11 The proposed dwelling also retains a satisfactory height relationship between its flat roof and the massing of 7 Somerset Road and 3 Lincoln Avenue. The dwelling would be lower in height than 3 Lincoln Avenue and lower in height than no.7. The property is set at least 1.5m from each side boundary and 24m from the rear of 7 Somerset Road, and as such is considered would retain the characteristic spacing along the roads.
- 7.12 There is a range of spacing between dwellings within the street in this instance, the dwelling would also be separated from no.3 by no.3's double garage. To the opposite boundary, it would abut the rear garden of 7 Somerset Road. This will retain the feeling of openness between dwellings.
- 7.13 The recently approved replacement dwellings at 7 and 9 Somerset Road are larger in footprint than the existing dwellings however not significantly so and are sited in broadly the same locations. This proposed scheme has an acceptable relationship with both the existing dwellings and the approved dwellings, if they were to be built.
- 7.14 In light of the above, the proposed development is considered to be acceptable in terms of its design, siting, form, and would not comprise an overdevelopment of the site, and satisfies the aims of policies BE.16 (Urban Design), and BE.22 (Design of New Development).

7.15 Landscaping/Trees

7.16 Representations received have voiced concerns regarding the potential impact of the development on the semi-rural nature of area. The site as it currently exists comprises a rear tennis court and part of the rear garden of 7 Somerset Road, which has been unused and has become overgrown since the site became vacant over a year ago.

7.17 The proposed development would result in less than half of the plot being built on and with the remainder to the front, sides, and rear being soft landscaped. Concerns have been raised regarding a loss of privacy if the existing side and rear vegetation is lost however it is intended that a scheme of landscaping be installed which enhances the appearance of the site, complements the proposed dwelling, and retains the existing level of amenity and privacy. It is recommended that a condition be added to any approval requiring that prior to development commencing a scheme of landscaping be submitted to and approved by the Local Planning Authority.

7.18 There are no protected trees on site however there is a tree of amenity value located within the curtilage of 3 Lincoln Avenue, in close proximity to the site and it is recommended a condition be added to any approval requiring that prior to development a scheme of tree protection be submitted to and approved by the Local Planning Authority.

7.19 Impact on Residential Amenity

7.20 The provisions of policy BE.15 and the relevant Supplementary Planning Guidance's (SPGs) require there would not be a detrimental impact on the residential amenities of the occupiers of the adjoining properties as a result of a proposed development.

7.21 It is considered that there would not be a detrimental impact on the outlook or daylight/sunlight of the occupiers of the properties nearest to the site because the height of the unit would be similar to that of no.3 and the dwelling would not fill the entire plot and appear excessively large or overbearing. The properties opposite the site would be 24.5 - 25m away and the closest property to the rear of the site, along Bathgate Road, would be at least 75m away. The dwelling would be 25m from the rear of 7 Somerset Road and the depth of the dwelling (approximately 13m) is not excessive. The front and rear building lines follow those of 3 Lincoln Avenue and so it is not considered that there would result a detrimental impact on the amenities of the occupiers of that property.



- 7.22 There are flat roofed areas proposed and a front and rear terrace shown and this can be restricted for maintenance purposed only by a condition an any approval if considered necessary. Only one first floor side windows is proposed and this would serve a bathroom and be obscure glazed. As such there would not be a loss of privacy to the occupiers of the adjoining properties from the proposed side window or flat roofed areas.
- 7.23 Conditions are proposed prohibiting the insertion of any new windows/doors without planning permission and removing permitted development rights in order to protect residential amenity.
- 7.24 In light of the above, the proposals would not result in any loss of amenity to occupiers of neighbouring properties and the proposal accords with policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise).
- 7.25 Standard of Accommodation
- 7.26 Table 3.3 of the London Plan (2011) advises a minimum of 107m<sup>2</sup> gross in internal floor area for new dwellings. The GIA of the proposed dwelling would be in keeping with this guidance.
- 7.27 The proposed internal layout is considered acceptable and each habitable room is considered would have a satisfactory light and circulation area.
- 7.28 The rear garden amenity space meets the 50m<sup>2</sup> minimum size required by policy DM D2 and the Council's guidelines.
- 7.29 Basements
- 7.30 There has been a marked increase in the number of applications within the Borough including extensive basements and as a consequence, given the concerns that arise in relation to stability and impact on groundwater and surface water conditions, a new policy has recently been adopted within Merton's Sites and Policies Plan July 2014, which requires a construction method statement to be submitted as well as details of impact on surface water and ground water. In this instance, given that the application was submitted almost a year ago and a long time prior to the adoption of this policy, in combination with the flat nature of the site and the distances from adjoining properties, it is considered that a condition requiring these details prior to commencement of development is acceptable.
- 7.31 Parking and Traffic Issues

- 7.32 The proposed parking provision is for 2 spaces (one single garage and one space in front of the garage, and this is considered acceptable.
- 7.33 The proposed access arrangements are also considered to be acceptable in principle, subject to exact details being submitted to the Council for approval prior to development commencing.
- 7.34 Ecology/Protected Species
- 7.35 A full survey has been undertaken of both 7 and 9 Somerset Road and mitigation measures are proposed in relation to protected species . This report has been assessed by the Council's Ecology Officer and they have raised no objections to the scheme however advise that Natural England's standing advice should be followed when preparing any final scheme for mitigation.
- 7.36 **MAYORAL COMMUNITY INFRASTRUCTURE LEVY**
- 7.37 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

## **8 MERTON'S COMMUNITY INFRASTRUCTURE LEVY**

- 8.1 Merton's Community Infrastructure Levy was implemented on 1<sup>st</sup> April 2014. This enables the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which developer contributions towards providing the necessary infrastructure should be collected.

## **9. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

- 9.3 The new dwelling would be required to be built to Lifetime Homes standards and would be required to achieve Code 4 of the Code for Sustainable Homes.

10 **S106 LEGAL AGREEMENT**

- 10.1 Core Strategy policy CS 8 requires that all sites capable of providing between 1-9 units (net) will be required to make provision for affordable housing as an off-site financial contribution. In this instance there will be a net gain of 1 new unit on the site and so a financial contribution will be required (£238, 226)

- 10.2 An approved badger mitigation strategy and its installation and retention will be required.

11. **CONCLUSION**

- 11.1 The proposal makes efficient use of this generous garden area and will not be to the detriment of the residential amenities of the occupiers of the surrounding properties, the existing house, local parking, or pedestrian safety.

Accordingly, it is recommended that planning permission be granted.

**RECOMMENDATION**

**GRANT PERMISSION**

Subject to the completion of a Section 106 Obligation covering the following heads of terms:

1. Financial contribution towards affordable housing within the borough (£238, 226).
2. Installation of an approved Badger mitigation strategy prior to any works commencing

Notwithstanding any details contained within the submitted 'Badger Survey and Mitigation Strategy' report, no works shall commence, including demolition and site clearance, unless or until a fully detailed mitigation strategy in relation to works which may affect Badgers, their breeding sites, or resting places, has been submitted to and approved in writing by the Local Planning Authority, including details of a timetable relative to demolition and construction works, specification, and monitoring, and

confirmation that the relevant licence(s) for works have been obtained from Natural England. All works shall then proceed in accordance with the approved strategy, with any amendments first agreed in writing by the Local Planning Authority.

4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Plans
3. B1 External Facing Materials (to be approved)
4. B4 Details of Site/Surface Treatment
5. B5 Details of Walls/Fences
6. B6 Levels
7. C1 No Permitted Development (Extensions)
8. C2 No Additional Windows (in side elevations of new building)
9. C7 Refuse & Recycling (Implementation)
10. C8 No Use of Flat Roof
11. D9 No external Lighting
12. D.11 Hours of Construction
13. F1 Landscaping/Planting Scheme (including additional tree planting to enhance the site and retain the wooded character of the surroundings)
14. F2 Landscaping (Implementation)
15. F5P Tree Protection
16. F9 Hardstanding
17. H1 New Vehicle Access – Details to be submitted
18. H4 Provision of vehicle parking

- 19. H10P Construction vehicles
  - 20. J.1 Lifetime homes
  - 21. L2 Code for Sustainable Homes – Pre-Commencement (New build residential)
  - 22. L3 Code for Sustainable Homes – Pre-Occupation (New Build Residential)
- 2.3 Non – Standard Condition: No development shall commence until a detailed construction method statement and drainage details indicating precisely how the approved dwelling will be built to have regard of local ground and water conditions, including surface run-off, has been submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The approved development shall then be carried out as per the details of the Construction Method statement.

Reason: To safeguard the adjoining properties and to comply with policies CS 16 of the Adopted Merton Core Planning Strategy and DM D2 of the Adopted Merton Sites and Policies Plan.

Informatives:

INF12 Works affecting the public highway

THE APPLICANT IS MADE AWARE THAT THEY MUST CONTACT NATURAL ENGLAND TO OBTAIN THE RELEVANT LICENCE(S) PRIOR TO ANY WORKS COMMENCING ON SITE.

Note 1 to Applicant

This page is intentionally left blank