

PLANNING APPLICATIONS COMMITTEE
12 November 2015

Item No:

UPRN

APPLICATION NO.

DATE VALID

15/P0071

29/01/2015

Address/Site 20 Cottenham Park Road, West Wimbledon SW20 0RZ

(Ward) Raynes Park

Proposal: Demolition of existing detached dwelling house and erection of a detached 5 bedroom dwelling house with basement and accommodation in the roofspace, associated parking and landscaping

Drawing Nos SNA/788/P003B, 004A, 005, 006, 007, 008A, 009B, 0010, 0011A, Design and Access Statement, Code for Sustainable Homes Pre-Assessment Report and Basement Construction Methodology, Basement Impact Assessment/Assessment of Flood Risk and Ground Investigation Report and Ground Stability Report by Soils Ltd

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes
- 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 –
- 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.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a detached two storey, five bedroom single family dwelling house located on the north side of Cottenham Park Road. Cottenham Park Road is a well-established residential road comprising a mixture of mainly detached and some semi-detached and terraced residential properties, of varying sizes and designs. The properties on the north side of the road are set at a higher level than the road and the properties opposite. There are residential properties at the rear of the site that are at a higher level than those in Cottenham Park road. The application site is not within a conservation area.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the demolition of the existing detached house and the erection of a new detached dwelling house with a lower ground/basement, ground floor, first floor and roof space, together with associated car parking and landscaping. The proposed house would be set back from the Cottenham Park Road frontage by between 10 and 16 metres respectively. The proposed house would be 16.2 metres in width and 11.2 metres in length. The proposed house would be set off the boundary with number 22 Home Park road by between 1 and 3 metres and would be set off the boundary with 18 Cottenham Park Road by between 1.1 and 1.8 metres. The proposed house would have an eaves height of 6 metres and a ridge height of 9.2 metres.
- 3.2 Internally, at lower ground/basement level a double garage, plant room, games room, swimming pool and utility rooms would be provided. The swimming pool would have natural light provided by a light well to the front elevation of the proposed house. Ground floor level comprises a reception hall, living/family rooms and kitchen, There are 3 bedrooms at first floor level and a further two bedrooms within the second floor roof space. Light to the bedrooms within the roof space would be provided by two dormer windows to the front roof elevation and a single dormer to the rear together with four roof lights.
- 3.3 A traditional design approach has been adopted with facing brickwork, sash windows and a hipped roof. There would be a new driveway, parking area and landscaped front curtilage. A raised terrace is also proposed above the lower ground garage.

4. **PLANNING HISTORY**

- 4.1 In November 2011 planning permission was refused by the Planning Applications Committee for the construction of two storey front, side and rear extensions, extension to existing roof including raising the ridge height, installation of two front, and three rear dormers, installation of side roof lights, rebuilding and extension of existing front single garage to create a double garage, reconfiguration of front curtilage with associated landscaping, including extension of existing vehicular access, construction of new vehicular access and installation of new boundary treatment (LBM Ref.11/P1461). Planning permission was refused on the grounds that:-

‘The proposed extensions, due to their excessive bulk and massing would fail to be sympathetic to the form, scale, bulk and proportions of the original building and its wider setting, contrary to policy BE.23 of the Adopted UDP (October 2003).’

The applicant appealed against the Council’s refusal of planning permission and the subsequent appeal was allowed on 31 February 2012 (Appeal Ref.APP/T5720/D/11/2166626) on the following grounds: *‘The proposed remodelling, alterations and extensions to the house and changes to the front garden and parking/garaging arrangements are acceptable in design and residential amenity terms. In terms of previously saved policy BE.23 they are sympathetic to the form, scale and bulk of the original house and proportionate in size and would not result in an overdevelopment of the plot. The extension and alterations, including the changes in facing materials, would respect its setting, maintain adequate separation with neighbouring houses and would be in keeping with the varied character of the street. I am therefore allowing the appeal and granting planning permission subject to conditions’.*

- 4.2 In June 2013 planning permission was granted for a variation of condition 2 (approved plans) attached to planning approval 11/P1461 comprising an amendment to the design of windows on the ground floor to include bi-folding doors, and replacement of door in side elevation with a window (LBM Ref.13/P1402).
- 4.3 In November 2013 planning permission was refused at Planning Applications Committee for the variation of condition 2 (approved plans) attached to LBM 11/P1461. The changes involved alterations to first floor windows, front dormer windows and front gable and roof above (LBM Ref.13/P2245). Planning permission was refused on the grounds that ‘The proposed works would be detrimental to the privacy of adjoining residential occupiers and would be visually intrusive, contrary to policy BE.15 (ii) and (iii) of the Adopted London Borough of Merton UDP (2003)’.
- 4.4 Various applications have been submitted in relation to the above site but then subsequently withdrawn over the last few years prior to a decision being taken – 10/P1472, 12/P2469, 12/P2470 and 13/P0461, all for demolition of the existing house and its replacement with either one or two houses. The

applications set out at paras 4.1-4.3 represent the only applications on which a decision has been taken.

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response
- . The grounds of objection are set out below:-
 - The current proposal has major differences to the application allowed on Appeal (LBM Ref.11/P1461) (Appeal Ref.APP/T/5720/D/11/2166626). The proposal is now a new build rather than extensions, and the scale of the development is out of keeping with neighbouring development. A basement is also now proposed.
 - The proposal would involve excavation on a steep hillside where it is known to contain underground water which is almost certain to destabilise the ground on both the property itself and adjacent properties.
 - The current application is similar to application LBM Ref.14/P2506 that was withdrawn following objections from neighbours.
 - The application states that the current proposal is no different from the application approved on appeal, apart from the provision of a basement. However, this is now 'new build' rather than extensions to an existing building.
 - The building line (set by the basement) would be forward of the existing building line.
 - _No consideration has been given to the impact of the proposal upon daylight and sunlight to neighbouring properties.
 - Basement construction would affect neighbouring properties as the site slopes steeply down towards Cottenham Park Road and there could be a risk of subsidence.
 - The property is close to an underground water course and the basement construction would divert water with potential for flooding of neighbouring properties.
 - There is a covenant on the land that restricts the site to a single dwelling.
 - The overall roof height should be no higher than the existing ridge height.
 - The proposed house would result in overlooking of neighbouring houses and gardens.
 - The front terrace area will result in loss of privacy.

5.2 Future Merton

The Future Merton team has been consulted on flooding/soil stability issues. Future Merton note that the summary and conclusion of the Basement Construction Method statement states the site is at low risk of flooding from all sources. This is true however, in accordance with DM F1, DM F2 and London Plan policies 5.12- 5.13, all development should consider SuDS (sustainable urban drainage system) as part of the development. Suitable conditions are therefore proposed requiring details of a surface water drainage scheme based on SuDs and the London Plan drainage hierarchy and a scheme to address potential impact on groundwater flows.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS 8 (Housing Choice), 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 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) and DM T3 (Car Parking and Servicing Standards), DM F1 and F2 (flood risk management and SuDS).

6.3 The London Plan (February 2015)

The relevant policies within the London Plan are 3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.11 (Affordable Housing), 4.3 (Mixed Use Development and Offices), 5.7 (Renewable Energy), 7.4 (Local Character), 7.6 (Architecture).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the demolition of the existing building and its replacement, the design of the replacement house including provision of basement level accommodation, together with neighbour amenity, parking and sustainability issues.

7.2 Principle of Development

Planning application LBM Ref.11/P1461 proposed extensions and alterations to 20 Cottenham Park Road which included formation of a new level parking area and driveway and extension of the existing single garage to form a double garage set into the slope of the ground. The planning application was refused by the Planning Applications Committee at the meeting on 13 October 2011 on the grounds that:-

'The proposed extensions, due to their excessive bulk and massing would fail to be sympathetic to the form, scale and proportions of the original building and its wider setting, contrary to policy BE.23 of the Adopted UDP (October 2003).'

The applicant subsequently appealed against the Council's refusal of planning permission and the Planning Inspector allowed the Appeal on 31 January 2012 (Appeal Ref.APP/T5720/D/11/2166626). In her decision letter, The Inspector concluded that:-

'The proposed remodelling, alterations and extensions to the house and changes to the front garden and parking/garaging arrangements are acceptable in design and residential amenity terms. In terms of previously

saved policy BE.23 they are sympathetic to the form, scale and bulk of the original house and proportionate in size and would not result in an overdevelopment of the plot. The extension and alterations, including the changes in facing materials, would respect its setting, maintain adequate separation with neighbouring houses and would be in keeping with the varied character of the street. I am therefore allowing the appeal and granting planning permission subject to conditions’.

7.3 The current proposal seeks demolition of the existing house and construction of a new house to the same design, massing and ground floor footprint and massing as that allowed on appeal for extensive alterations and extensions. The key difference is that the approved lower ground floor double garage would be replaced by a double garage in the same position but with the lower ground/basement accommodation extended under the footprint sitting under the main house. The external impact of the massing and design of the above ground elements have therefore already been considered to be acceptable by the appeal inspector. The main planning considerations relate to the acceptability of the extended lower ground floor/basement accommodation. The existing dwelling house is not within a conservation area, not locally listed and not statutorily listed. Therefore, there is no in principle objection to the demolition of the existing building subject to a satisfactory replacement building.

7.4 Design Issues

A traditional design approach has been adopted for the proposed new dwelling house and the position of the proposed house within the plot and its relationship with neighbouring properties is considered to be acceptable. The eaves height of the proposed house would be the same height as the existing house, whilst the ridge height is the same as that of the scheme approved on appeal.

7.5 Basement Construction

The current proposal involves the provision of accommodation at basement level. A number of objections have been received relating to the provision of basement level accommodation on this sloping site and concerns raised about soil stability. The applicant has however provided a Ground Investigation Report and Basement Construction Method Statement and a further analysis of the soil conditions has been undertaken by Soils Ltd. The reports advise that the basement can be safely constructed on this particular site. The Future Merton team has also been consulted on both the basement construction method statement and soil stability reports and the Future Merton team has confirmed that the proposal is acceptable subject to conditions relating to the basement construction and implementation of a sustainable urban drainage system. The proposed works would also be subject to Building Regulations approval and the developer would also have to serve notice on owners of adjacent properties under the provisions of the Party Wall Act which ensure that construction works are carried out in a safe manner. The proposal is therefore considered to be acceptable in term of policy DM D2.

7.6 Neighbour Amenities

The proposed house would be located on a steeply sloping plot and the rear garden boundary with 'Holmhurst' 9 Copse Hill and 14 Cottenham Park Road are at a higher level. The separation distance between the rear elevation of the proposed house and the rear boundary would be 10.8 metres. This is acceptable for the two storey (when viewed from the garden) rear elevation of the proposed house. However, the single rear dormer window would be only 11 metres from the rear garden boundary and would face onto windows within the rear elevation of 14 Cottenham Park Road with a separation distance of 20.8 metres. However, it is proposed to glaze the rear dormer window with obscure glass in order to protect neighbour amenity. There are also a number of windows within each flank (side) elevation of the proposed house. However, these windows are either to bathrooms or are ancillary windows that would be obscure glazed. It is therefore considered that the siting of the proposed house and its relationship to existing neighbouring residential properties is acceptable in terms of policy DM D2 (Design Considerations in all Developments). The proposal has the same relationship to its neighbours in terms of massing, siting of rear elevations, windows and dormers as the previously allowed appeal proposal to extend the existing house, which the appeal Inspector considered to be acceptable in terms of outlook, privacy and visual impact.

7.8 Trees

It is proposed to remove two small trees and other bushes shrubs within the front curtilage, and this is considered to be acceptable. The trees to be removed are not protected by tree preservation orders and replacement tree planting can be included as part of a landscaping scheme. A planning condition requiring the submission of a detailed landscaping scheme would form part of a planning approval.

7.9 Parking

Two parking spaces would be provided within the double garage and there would be space on the driveway for further vehicles. The existing vehicular access is to be retained in a widened form. The parking provision and access arrangements are considered to be acceptable in terms of policy CS20.

7.10 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.

7.11 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.

- 7.12 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.
- 7.13 Developer Contributions
The proposed development would 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 A previous proposal for extensive extensions and alterations to the existing dwelling house was allowed on appeal. The Planning Inspector considered the proposal to be acceptable in terms of design, scale, proportions and impact on neighbours. The proposal to demolish and rebuild the house with the same external appearance above ground as the extended house allowed on appeal would similarly be acceptable in terms of appearance. The addition of the extended lower ground/basement area is the key difference and suitable reports have been submitted in relation to construction and slope stability. Subject to suitable conditions in respect of construction and drainage, the proposal is considered to be acceptable.

RECOMMENDATION

GRANT PLANNING PERMISSION

and 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.3 (Obscure Glazing-Fixed Shut-Side windows at first floor level and rear dormer window)
8. C.7 (Refuse and Recycling-Implementation)
9. C.8 (No Use of Flat Roof as Balcony/Terrace)
10. D.9 (External Lighting)
11. D.11 (Construction Times)
12. H.1 (Landscaping Scheme)
13. The hard standing hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason for condition: To prevent water run off onto adjacent land and to comply with policy DM D2 of the Merton Sites and Policies Plan (July 2014).

14. H.9 (Construction Vehicles)
15. J.1 (Lifetime Homes)
16. Prior to commencement of the development hereby permitted full details of the design and method of construction of the basement shall be submitted to and been approved in writing by the Local planning Authority and the basement constructed in accordance with the approved details.

Reason for condition: In the interests of neighbour amenity and to comply with policy DM D2 (Design Considerations in all Developments) of Merton's Site and Policies Plan (July 2014).

17. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

Reason for condition: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011,

policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

18. No development approved by this permission shall be commenced until a scheme to reduce the potential impact of groundwater ingress both to and from the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the risks both during and post construction. A survey of the thresholds of apertures of neighbouring properties shall be undertaken and inform any onsite mitigation required, such as passive drainage measures, to reduce the risk of a significant rise in groundwater levels elsewhere.

Reason for condition: To ensure the risk of groundwater ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policies, DM D2 and DM F2 of Merton's Sites and Polices Plan 2014.

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. Informative
Evidence requirements in respect of condition 19 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.
21. INF.1 Party Wall Act
21. INF.7 Hardstanding's