

PLANNING APPLICATIONS COMMITTEE 21 SEPTEMBER 2017

APPLICATION NO. DATE VALID

17/P1764

11/05/2017

Address/Site Flat 1, 57 Merton Hall Road, Wimbledon SW19 3PR

Ward Dundonald

Proposal: Demolition of existing conservatory and erection of a single storey rear extension, erection of a replacement conservatory and art basement beneath new extension and part beneath the existing lounge and kitchen

Drawing Nos P2.3 Rev D, P2.4 Rev D, Tree Protection Plan 14563/TCP and Tree Survey Schedule, Preliminary Demolition and Construction statement and Basement Impact Assessment

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-Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted - 4
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

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 semi-detached dwelling house situated on the north east side of Merton Hall Road. The property is occupied as three flats. The application site is within the Merton (Merton Hall Road) Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 Demolition of existing conservatory and erection of a single storey rear extension, erection of a replacement conservatory and art basement beneath new extension and part beneath the existing lounge and kitchen. The proposed basement would have a floor area of 58m². Above part of the basement a replacement conservatory/kitchen extension would be constructed. The extension would project 3 metres beyond the existing conservatory at 59 Merton Hall Road. A light well would be provided alongside the side elevation of the proposed extension.

4. **PLANNING HISTORY**

- 4.1 In July 1971 planning permission was granted for the retention of timber fencing (Ref.MER26/71).
- 4.2 In July 1971 planning permission was granted for the erection of a single storey rear extension in connection with the conversion of the property into 3 self-contained flats (Ref.MER599/72).
- 4.3 In August 1994 planning permission was granted for the erection of a conservatory (LBM Ref.94/P0565).
- 4.4 In April 2015 a planning application (LBM Ref.15/P1457) was submitted for the construction of a basement beneath part of the house and beneath a replacement conservatory. However, before the Council could issue a decision the applicant submitted an appeal against non-determination of the planning application (Appeal Ref.APP/T5720/W/15/3132280). The Planning Inspector dismissed the appeal on 6 January 2016. However, the Planning Inspector concluded that the proposed basement would have a limited impact on the above ground character of the conservation area and the Inspector was satisfied that matters arising in relation to structural integrity, residential amenity and flooding can be controlled by other legislation or the imposition of conditions. However, in the absence of any assessment of the possible effect of the proposal on the trees to the rear of the site, the Inspector considered that the proposal could result in harm to the character and appearance of the area, including the setting of the Merton hall Road conservation area.

5. **CONSULTATION**

5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 5 letters of objection have been received. The grounds of objection are set out below:-

- The occupiers of flats 2 and 3 at 57 Merton Hall Road state that the proposed basement would affect the stability of the building.
- The collapse or partial collapse of the building would impact upon the appearance of the conservation area.
- No evidence has been provided that a structural engineer with expertise in engineering and geology has examined the proposal.
- The property is in a flood risk area.
- The previous appeal was dismissed and the reason was impact upon trees at the rear of the site.
- The amend proposal still fails to address tree issues.
- the amended tree protection plan seems to focus on temporary tree protection and little attention has been given to the trees in Dundonald Park.
- The Construction Method statement provides no information on ground conditions.
- The neighbouring buildings have shallow foundations.
- The proposal would have an adverse impact upon heritage assets and trees.
- Groundwater in the area is high and there has been flash flooding in the area.
- If planning permission were granted conditions should be imposed to protect neighbour amenity and trees.

5.2 Tree Officer

No objection: The Tree Officer has been consulted and states that the applicant has not provided an arbouricultural assessment. Instead they have provided a tree protection plan and tree survey. The plan provides sufficient information to show that the proposed scheme shall require the removal of one Plum tree which has been given a 'C1' category under BS5837. The tree survey informs that the tree was previously approved for removal under LBM Tree Works application ref.15/T0683.

6. **POLICY CONTEXT**

6.1 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are CS13 (Open Space, Nature Conservation, Leisure and Culture) and CS14 (Design).

6.2 The relevant policies within the Adopted Sites and Policies plan (July 2014) are DM O2 (Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Buildings) and DM D4 (Managing Heritage Assets).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern design/conservation, basement construction, neighbour amenity and tree issues.

7.2 Design and Conservation issues

In the recent appeal against the non-determination of application LBM Ref.15/P1457 the Planning Inspector noted that the proposed basement, once constructed would have a limited impact on the above ground character of the conservation area. The design of the proposed replacement conservatory is considered to be acceptable and the proposal would preserve the character and appearance of the Merton (Merton Hall Road) Conservation Area. The proposal is therefore considered to be acceptable in terms of policies CS14 and DM D4.

7.3 Basement Construction

A number of objections have been received concerning the construction of the basement particularly relating to the method of basement construction and the potential impact of the basement upon water table/increased risk of flooding. The proposed basement would be constructed partly beneath the rear of the existing ground floor flat and conservatory and would extend into the rear garden. In the recent appeal against the non-determination of application LBM Ref.15/P1457 the Planning Inspector was satisfied that matters arising in relation to structural integrity and flooding are covered by other legislation (e.g. Building Regulations). Given that the concerns of the residents was fully considered during the planning appeal process and that the Planning Inspector raised no objections to the proposed basement, the proposal is considered to be acceptable in terms of policy DM D2.

7.4 Neighbour Amenity

The proposed replacement rear extension and conservatory would extend 3 metres beyond the existing extension to 59 Merton Hall Road. The position of the extension and the 3 metre projection is considered to be acceptable and the proposed extension would not affect neighbour amenity. The concerns of the objectors regarding the basement are noted. However, as stated above the residents views were considered during the previous planning appeal and the Planning inspector considered that the proposal was acceptable in principle, acceptable. However, planning conditions restricting site working hours and basement construction and construction management would be appropriate in this instance in the interest of neighbour amenity. The proposal is therefore considered to be acceptable in terms of policy DMD2.

7.4 Trees

The Council's tree officer has confirmed that the proposal can proceed without causing undue harm to the existing retained trees subject to tree protection conditions being imposed on any grant of planning permission. The proposal is therefore acceptable in terms of policy DM O2.

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

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

10. **CONCLUSION**

The proposed basement would not be visible from the public highway and would not therefore affect the character and appearance of the Merton (Merton Hall Road) Conservation Area. Neighbour amenity concerns can also be addressed by appropriate planning conditions. 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. B.1 (External Materials to be Approved)
3. D.11 (Hours of Construction)
4. F.5 (Tree Protection)
5. F.8 (Site Supervision-Trees)
6. A detailed Basement Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of the works hereby approved.

Reason for condition: In the interest of neighbour amenity and to ensure that the basement is constructed in a safe manner in accordance with policy DM D2 of the adopted Merton Sites and Polices Plan (2014).

7. HP.9 (Construction Vehicles)
8. INF1 (Part Wall Act)

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