

**PLANNING APPLICATIONS COMMITTEE
19 JUNE 2019**

APPLICATION NO.

DATE VALID

18/P4442

28/11/2018

Address/Site 14 Highbury Road, Wimbledon, SW19 7PR

Ward **Village**

Proposal: Removal of existing garage extension, erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows, associated internal alterations and construction of a basement beneath part of rear garden.

Drawing Nos EX01, P01 D, P02 E, P03 A, P04 B, P05 A, P06B, Design and Access Statement, Flood Risk Assessment, BS 5873:2012 Tree Survey, Arbouricultural Impact Assessment, Tree Constraints Plan, Arbouricultural Method Statement and Tree Protection Plan (14 Highbury TPP.mpd) and Basement Construction Method Statement

Contact Officer: Richard Allen (020 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 – 11
- External consultants: None
- Density: n/a
- Number of jobs created: N/a
- Archaeology Priority Zone: Yes

1. **INTRODUCTION**

- 1.1 The application has been reported to planning committee at the request of Councillor Andrew Howard and due to the number of objections received.
- 1.2 Planning permission for the erection of a single storey rear extension, alterations to first floor balcony terrace and balustrade, erection of rear dormer windows and construction of basement was refused by the Planning Applications Committee on 4 April 2018. The applicant appealed against the Council's refusal of planning permission and the subsequent Appeal was dismissed on 15 November 2018. The current application has been submitted in order to address the Planning Inspectors concerns and is reported to the previous reasons for refusal and Inspector's report.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a large two storey detached dwelling house (with accommodation within the roof space) situated on the south side of Highbury Road in Wimbledon Village. The existing dwelling is designed in the Voysey style and dates from 1910 and is a Locally Listed Building. The application property is within the Merton (Wimbledon North) Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a single storey extension, alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows together with associated internal alterations and construction of basement beneath part of rear garden.
- 3.2 The proposed single storey rear extension would be 1.8 metres in length and 6 metres in width. The rear extension would have an eaves height of 3.2 metres and would have a hipped roof with an overall height of 4.2 metres.
- 3.3 It is also proposed to remove the existing large rear dormer window and replace the dormer with two smaller dormer windows. Each dormer would be 1.8 metres in width and 1.4 metres in height and would be set 1.8 metres above eaves height.
- 3.4 The existing first floor rear terrace/balcony area would be refurbished and extended in front of the south west corner of the rear elevation and a new balustrade installed. The balustrade would be of traditional design to complement the design of the original dwelling house. The first floor rear elevation would be extended by 1.8 metres in width with formation of rear doors opening onto a terrace.

- 3.5 It is also proposed to provide a basement level swimming pool and associated facilities and a cinema room beneath part of the rear garden. The proposed basement would be 30 metres in length and be between 15 and 10 metres in width. The basement would have an internal depth of 4.1 metres (to accommodate the swimming pool). The proposed basement would have a total area of 340 m² which represents 39.6% of the garden area. Above the basement 1 metre of soil would be reinstated to form a new garden.
- 3.6 The proposal also includes the demolition of the front garage and replacement with a new window and formation of habitable space.

4. **PLANNING HISTORY**

- 4.1 In January 1970 planning permission was granted for the erection of an external staircase from ground to second floor level (Ref.MER1049/69).
- 4.2 In December 1971 planning permission was granted for the erection of a garage extension (Ref.MER995/71).
- 4.3 In November 2017 a pre-application meeting was held to discuss a proposed single storey rear extension, a two storey 'infill' extension, enlargement of side dormer window to second floor, balcony to first floor rear roof, removal of modern single storey extension to front of house and provision of a basement under part of the rear garden (LBM Ref.17/P4071).
- 4.4 In July 2018 planning permission was refused by the Planning Applications Committee for the erection of a single storey rear extension; alterations to existing first floor balcony and balustrade; replacement of existing rear dormer window with two dormer windows, associated internal alterations and construction of basement beneath part of the rear garden (LBM Ref.18/P1649). Planning permission was refused on the grounds that: -

The proposed basement and single storey rear extension, by reason of their excessive bulk, mass and depth would result in an overdevelopment of the site, being disproportionate to the size of the site and other properties in the local area, and thereby resulting in a visually harmful impact on the Wimbledon North Conservation Area and local surroundings. The proposal is therefore in conflict with Policies DM D2, DM D3 and DM D4 of the sites and Policies Plan (Local Plan) 2014, Policy CS14 of the Core Strategy 2011 and Policies 7.4 and 7.8 of the London Plan (2016)'.

- 4.5 The applicant appealed the Council's refusal of planning permission (Appeal Ref. APP/T5720/D/18/3209230) and the Planning Inspector Dismissed the Appeal on 15 November 2018. The Inspector concluded that the bulk and rearward projection of the ground floor extension

would adversely impact upon the living conditions of existing and future occupiers of 16 Highbury Road by reason of visual intrusion.

- 4.6 The Planning Inspector's report and decision notice can be found in full attached to the committee report (Annex 1.0).

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 17 letters of objection have been received. The grounds of objection are set out below: -

-The previous application was refused and upheld on appeal, partly because of the impact upon neighbours. Whilst the decision focused on the rear extension to which small changes have been made, it is important to be clear that it is the vast scale of the basement containing a pool as large as a public swimming pool that has always been a cause of local concern.

-The proposed works will result in massive and lengthy disruption and it is impossible to be confident that such a massive excavation will not lead to issues.

-The proposed excavation would impact on trees in adjoin gardens.

-The appeal decision letter (paragraph 9) incorrectly states that the concerns of neighbours/Wimbledon Society/BERA had been addressed by reducing the size of the basement. This is not the case.

-The air conditioning units and plant associated with the proposed basement could cause noise and nuisance.

-Although there are other basements in the area none are as large as that proposed at 14 Highbury Road.

-The application is basically the same as that previously refused and dismissed on Appeal.

-The basement should be restricted in size to the area of the upper lawn at 14 Highbury Road.

-The scale of the proposal is out of character with the conservation area.

-The size of the basement at 362m² is the size of a good 4/5 bedroom house.

-The Basement Construction Method Statement at Appendix B shows that the working area over dig around the site would be 1 metre so the total area would be 400m². The excavation would be 6 metres deep, therefore the total volume of material to be removed would be 2,400 cubic metres.

--The Planning Applications Committee should support the Residents Association's universal opposition to the huge basement and pool.

-The Planning Inspector's statement in paragraph 9 of the Appeal Decision is misleading.

5.2 Belvedere Estates Residents Association

Members and neighbours on Highbury Road and St. Mary's Road have contacted the BERA in relation to the current application following the recent Appeal decision. The BERA was surprised to note from the Appeal decision that 'the size of the basement has now been reduced to address the concerns of local residents, the Wimbledon Society and BERA'. This is absolutely not the case. The reduction in size of the basement just prior to the Planning Applications Committee meeting at which the previous application (LBM Ref.18/P1649) was refused was very minimal. A large basement is still proposed. The BERA are well aware of the benefits of sympathetically upgrading existing properties however, given the size of the proposed basement BERA strongly object to the proposal on behalf of members and neighbours on the following grounds: -

- The proposal would result in significant over development of the site, especially the garden contrary to policy DM D2 (iv).
- The proposed basement excavation of most of the garden appears to exceed 50% of the garden.
- No measurements are shown on the drawings.
- The proposal fails to comply with policy DM 02 (Nature Conservation; Trees, Hedges and Landscape features) as the root protection area of trees in surrounding gardens will be affected. The removal of a significant Cypress hedge is detrimental to wildlife and currently provides screening from neighbours.
- The application does not include an Ecological Appraisal, contrary to policy CS13.
- The proposal fails to enhance the Wimbledon North Conservation Area.
- The Flood Risk Assessment indicates that the basement top slab is just 750mm below ground level.
- The site investigation dates back to January 2018 and doesn't take into consideration changes which will certainly have occurred during the extremely dry summer which was followed by a wet Autumn.
- The Flood Risk assessment notes that water was encountered a 5 metres below ground level and seepages at 2 – 2.2 metres below ground level and ground water at 1.29 – 2.02 below ground level with the result that the basement structure would be surrounded by some water. Several pumps will be required to ensure that this water is constantly pumped away (to where?).
- Surface water run-off is covered in the Assessment, but no mention of how to manage the underground streams which will be redirected and channeled at greater speed to the houses on St. Mary's Road and to those either side at 10 and 16 Highbury Road.
- The application site is classified as vulnerable as it is located within Flood Zone 1.

5.3 Wimbledon Society

Policy DM D2 b) iv) stipulates that any basement construction should result in the unaffected garden being a usable single area. In this case

the basement comes very close to the north-eastern boundary leaving a thin strip of unaffected ground about 1.5 metres wide and 38 metres long. This is not a usable single area. The policy also requires that 1 metre of permeable soil depth should be provided above any part of a basement. The application is unclear as to whether the basement is to be covered with soil or not. The proposed basement construction would also significantly affect water flows and increase the risk of flooding.

5.4 Amended Plans and Basement Construction Method Statement

Further to the submission of the application, the applicant submitted a revised basement plan with floor space figure annotated on the plan, a further plan showing a reduction in floor area of the basement and an amended Basement Construction Method Statement and additional drainage details. Re-consultation letters were sent out on 29 January, 26 February and 23 May respectively. Details of the response to the re-consultations are set out below: -

5.5 In response to the 29 January 2019 and 26 February re-consultations on the revised basement floor space figures and reduction in basement area a further 8 letters of objection were received from occupiers of neighbouring properties, The Wimbledon Society and the Belvedere Estates Residents Association. The grounds of objection are set out below: -

-The owner of 1 Highbury road reiterates their previous objections to the proposal.

-The owner of 25 St Mary's Road states that the reduction in basement area is marginal and does not address concerns previously raised.

-The owner of 8 Highbury Road objects to the scale of the proposed basement and reiterates their previous concerns.

-The owner of 18 Highbury road states that the basement excavation is the size of a municipal swimming pool. This element of the plans is little altered from the previous proposal.

-The excavation of a 6 metre depth will cause extreme inconvenience to neighbouring houses in terms of earth moving and heavy plant and risk soil stability and flood risk.

-The role of the local planning authority is to balance the rights of the applicant to enhance their property with the rights of others to enjoy theirs. The reason that there is such universal opposition to the proposal is the unreasonable scale. A completion size swimming pool is so far removed from what can be considered necessary for a domestic dwelling.

-The owner of 21 St Mary's Road refers to their previous objection letter and in summary an identical basement is proposed to that previously refused by the Planning Applications Committee.

-The owners of 10 Highbury Road reiterate their previous objections.

-The Wimbledon Society state that the basement has an area of 340m² which only marginally improves the unaffected garden area.

- The basement is of such a shallow depth that it would not provide room for 1 metres of topsoil.
- The piled secant wall would act as a dam and will significantly divert water flows to the detriment of other properties.
- The Belvedere Estate Residents Association state reiterate points raised in their previous letter but also state that the impact upon 16 Highbury Road is almost unquantifiable in both the short and long term, not to mention the impact upon 10 Highbury Road.
- The excavation of such a large basement and the loss of a beautiful garden cannot enhance the Wimbledon North Conservation area

5.6 In response to the re-consultation of 23 May a further 6 letters of objection have been received from occupiers of neighbouring properties and the Belvedere Estates Residents Association and the New Belvedere Estates Residents Association. The grounds of objection are set out below:-

- The owner of 21 St Mary's Road states that the proposal has considerable potential to cause environmental damage, is not compliant with the local planning framework and likely to damage adjacent properties during construction and raise drainage issues.
- There has been a third update on the application and there is a document titled 'Drainage General Arrangement' and drawings showing typical methods of drainage. These are interesting but do not appear relevant to the application as it is not clear which of the typical methods would be used and whether they will be fit for the very demanding job. There is also a new drawing showing 'Surface Water Drainage General Arrangement'. The drawing shows some surface water drains circling the house itself. There are no drains shown within the garden, which houses the massive underground structure. This appears to prevent flooding of the applicant's house while leaving the neighbouring properties at risk.
- The owners of 16 Highbury Road state that their property would be less than 2 metres away from the proposed basement construction and the applicant and their advisors have continually tried to play down the impact of this huge basement providing superficial and unsubstantiated assessments of the consequences. The new section of the report on de-watering only now starts to reveal the true impact of the proposal.
- The new documents put it beyond any doubt that the proposal is going to damage surrounding properties and gardens and serious drainage and flooding problems.
- The owner of 25 St Mary's Road states that the applicant's engineers have now tried three times to assemble a Basement Construction Method Statement. What can however, be concluded is the reports have become more and more alarming in terms of how to cope with the waste water during the construction phase. What will happen to long established underground water flows?
- The scale of the development is immense. Although less than 50% of the garden does not make it appropriate for a residential setting within the Wimbledon North Conservation Area.

-The Belvedere Estates Resident's Association have noted the extra drainage details submitted which actually make very worrying reading. In addition, it seems that the whole leisure complex in the garden requiring a double basement excavation may actually be more than 50% of the square footage of the garden. The application would therefore not pass the requirements for basement excavations under DM D2.

-The surrounding neighbours had kept the original 20 June PAC date available but unfortunately the date change to 19 June means that several of those whose properties adjoin no 14 Highbury Road are unable to attend. BERA has already written at length about the reasons for the PAC to uphold their decision to reject this application. Nothing in these latest minor amendments changes our original opinion. This application seeks to put a commercially sized leisure centre in the rear garden of a beautiful conservation area residential road and is simply totally unacceptable.

-The long and short term effects of such a ginormous double basement excavation (for the 25 metre pool) and the single storey excavation for the remaining 8/9 rooms of the leisure centre should not be underestimated and could have devastating results for centuries to come. The streams run under this house and garden to the houses on St. Mary's Road and on down to Lake Road to join the underground lake.

-The New BERA state that there are no objections to the extensions to the Edwardian house but the size of the basement excavation with associated risks is ridiculous.

5.7 Conservation Officer

The Conservation Officer has stated that there are a lot of positive features to the application. The removal of the garage doors to the front elevation and inserting a matching window will be an enhancement. New windows should replicate the originals. The removal of the unsightly rear dormer window and the installation of two smaller replacement dormer windows will also be an enhancement. The proposed single storey rear extension is sympathetic to the rear elevation. The proposed windows reflect the original proportions and scale of the original windows but are not show as leaded. Leaded windows are an important feature of the house as mentioned in the Local Listing description. Existing leaded windows should be refurbished and retained and any new windows should replicate them. The Conservation Officer recommends that a landscaping condition be imposed to ensure that the garden is re-instated once basement construction has been completed.

5.8 Tree Officer

The Arboricultural Report has provided an assessment of the trees on this property and those adjacent to it. It is proposed to remove 1 Magnolia tree and a Cypress hedge from the rear garden of the property. Account has been taken of the root protection areas of the remaining trees. An amended Tree Protection Plan has been received

which shows the piling zone in relation to the tree protection areas. No objections are raised following the receipt of the amended plan. There are no objections to the proposed development provided that trees are protected during the course of site works. The tree officer, has therefore recommended that tree protection conditions be imposed on any grant of planning permission.

5.9 Councils Structural Engineer

The Councils Structural Engineer has been consulted on the proposed basement and confirms that the submitted amended Construction Method Statement (Dated 16 May 2019) demonstrates that the basement can be constructed in a safe and effective manner without causing significant impact upon the public highway and neighbouring properties. However, planning the following condition should be imposed on any grant of planning permission regarding the basement construction.

No development shall commence on site until the documents listed below have been submitted to and been approved in writing by the Local Planning Authority: -

a) Detailed Construction Method statement produced by respective Contractor/s responsible for the installation of the bored piled retaining wall, excavation and construction of the piling rig. This shall be reviewed and agreed by the Structural Engineer in designing the proposed works.

b) Drawings showing the temporary works (propping up sequence), section of the retaining wall, and construction of the proposed basement.

c) as stated in the CMS, should it be required the Contractor is to undertake a geotechnical movement and building fabric strain assessment for adjoining property/properties in accordance with CIRIA C760 to ensure the resultant damage is limited to category 1.

d) We would also recommend installing target monitoring stations on top of the retaining wall, the two adjacent properties (12 and 16 Highbury Road) and the highway to record any movements.

5.10 Council's Flood Risk Manager

The Council's Flood Risk Manager has been consulted and states that the Council policy DM D2 (iv) refers to the size and limits of proposed basements (50% of the garden area and the plans show that the basement is 39.6% of the total garden area is proposed) and the requirements of Merton's SPD on Basements and Subterranean Development should be met. There is a slight concern that due to the significant size of the basement compared to the red line boundary, there is very little 'natural' ground left in which surface water may infiltrate as it would do with a green space, which is also a requirement

of DM D2. However, some mitigation is proposed via the proposed drainage system although there is a lack of overall detail provided to demonstrate how runoff will be reduced via SuDS. The Flood Risk manager would therefore seek significant improvements to offsite runoff rates and would advise that green field rates are achieved. Furthermore, the Construction Method statement should address how dewatering will take place in detail. No waste water or construction material shall be discharged or emptied into the highway drainage system. The Flood Risk Manager is of the view that additional information should be sought regarding the proposed drainage system, compliance with London plan policy 5.13, the design and construction SPD and Merton's Policies DM F2 and basement SPD.

The applicant was advised of the Councils Flood Risk Managers requirements and submitted additional information which has now been reviewed by the Flood Risk Manager. The British Geological Survey records indicate the site is to be likely to be underlain by Black Park Gravels over the London Clay Formation. This geology has been confirmed by an intrusive site investigation undertaken at this site by

Structa LLP, a copy of borehole logs from report 5129-GE001 dated

March 2018 are included in Appendix A. These confirm the Black Park Gravels starting at between 0.4m to 0.8m below ground level and the London Clays starting at depths between 2.7m – 3.2m bgl. These were unproven to a depth in excess of 11m bgl. The site investigation

encountered water at a depth of 5.0m - 5.6m bgl, which is above the

level of the proposed formation level. In addition, shallow groundwater seepages were noted at depths of 2.0m and 2.2m bgl. During the subsequent monitoring programme, groundwater was recorded at depths between 1.29m and 2.02m bgl. It is therefore considered that groundwater is likely to be encountered in excavations forming part of the proposed development and therefore dewatering methods will be required.

The proposed methodology that has been considered for dewatering during construction is to treat the wastewater generated from dewatering of the construction works on site using a gravity settlement tank which removes suspended solids and fine particles from construction wastewater and then discharge the treated water as trade effluent into the foul sewer drainage system, subject to approval and consent from Thames Water.

In terms of post construction impacts, the Structa report states that any potential damming effect to ground water flows would be in our opinion negligible as ground water will flow around the basement within the garden, likely in relation to the fall of levels on site. Ground water levels monitored are in our opinion sufficiently low that any changes that occur should have no adverse effects on the neighbouring properties and likely to be negligible compared to seasonal fluctuations.

Notwithstanding this, we would strongly recommend that the final scheme secures physical mitigation through passive drainage to reduce the risk of potential rise in groundwater levels around the basement box structure and you secure this by way of an appropriately worded planning condition. In terms of the proposed drainage scheme shown on drawing 5129-1001 P1, this appears acceptable in accordance with the London plan 5.13 and Merton's policy DM F2 and D2. Offsite surface water flows will be attenuated to greenfield rates of no more than 2l/s.

If you are minded to recommend approval, please include the following conditions:

Condition: No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 2l/s), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

Condition: Prior to the commencement of development, the applicant shall submit a detailed construction method statement (CMS) produced by the respective contractor/s responsible for building the approved works, to the approval of the Local Planning Authority. The construction method statement shall also detail how drainage and groundwater, will be managed and mitigated during and post construction (permanent phase) such as through passive drainage measures around the basement structure.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

Informative:

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

5.11 Historic England

No comments have been received, however, comments under the previous application were as follows: The planning application lies in an area of archaeological interest. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding. The archaeological interest should be conserved by appropriate conditions and Informatives.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)
CS14 (Design).

6.2 Sites and Policies Plan (July 2014)
DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

6.3 The London Plan (March 2016)
The relevant policies within the London Plan are 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the previous appeal decision, proposed Design/Impact on Conservation Area and Locally Listed Building, Basement Construction, Neighbour Amenity, Trees and Parking Issues.

7.2 Appeal Decision for 18/P1649

Following the refusal of planning application LBM Ref.18/P1649 by the Planning Applications Committee on 28 June 2018 (decision notice dated 3 July 2018) the applicant Appealed against the Council's refusal of planning permission (Appeal Ref. APP/T5720/D/18/3209230). The Planning Inspector dismissed the Appeal on 15 November 2018. However, the only reference the Planning Inspector made to the basement was in paragraph 9 of the decision letter in which the Inspector states 'Furthermore, the size of the basement has now been reduced to address the concerns of neighbours, The Wimbledon Society and The Belvedere Estates Residents Association.

The Inspector's considered the main issues to be: -

a) The combined effect of the proposals upon the character and appearance of the host building and that of the surrounding area.

b) The impact of the ground floor extension upon living conditions of existing and future occupiers of 16 Highbury Road.

7.3 In respect of the first issue (a) The Inspector noted the enhancement to the front elevation by the removal of the garage extension to the original gable end, together with work to replace the single rear dormer with two smaller dormers. The Inspector concluded that the combined effect of the proposals would not be harmful to the host building or that of the surrounding area.

7.4 In respect of the second issue (b) the Inspector noted that the proposed single storey extension would project rearwards by some 6 metres and extend above window head level of the rear-facing ground floor window. The new structure incorporates a hipped roof that slopes away from the boundary with number 16 and would replace a brick and slate outbuilding. The existing outbuilding is set at a lower level and does not project noticeably above the boundary fence, such that it is hardly noticeable as viewed from number 16. Conversely, the single storey extension now proposed would be highly visible from the raised patio area of number 16 in particular, but also from its rear-facing kitchen and dining room windows. Although set some 1.6 metres from the boundary with number 16, the blank wall of the extension would appear as a dominant and intrusive feature as viewed from this neighbouring property. The Planning Inspector therefore found that the bulk and rearward projection of the ground floor extension would adversely impact the living conditions of existing and future occupiers of 16 Highbury Road by reason of unacceptable visual intrusion, contrary to Policy DM D2 vi of the Sites and Policies Plan. The Appeal was dismissed on this ground.

7.5 Design/Conservation Area and Impact on locally Listed Building Issues Policy DM D4 (Managing Heritage Assets) of the Adopted Merton Sites and Policies Plan (2014) is the principle policy in respect of developments affecting Locally Listed buildings and Conservation

Areas. The Policy states that development affecting a heritage asset or its setting will be required to be in accordance with the following criteria:

- i. Principles set out in the National Planning Framework (2012) and detailed guidance set out in the accompanying Historic Environment Planning Practice Code, the London Plan, and further Historic England guidance:
- ii. Merton's published Conservation Area character appraisals and management plans and guidance statements set out in the borough Character studies.

This part of the Merton (Wimbledon North) Conservation Area is characterized by large mainly detached houses of various architectural styles set within large plots. The application property is a large detached house constructed in the Arts and Crafts style and is a locally listed building. Large dwellings on large garden plots make up a large part of the character of the surrounding Conservation Area. The proposed alterations and extensions have been designed to complement the design of the arts and crafts style dwelling house. The basement element of the proposal involves significant excavation and although the character of the garden would change during the construction phase, the resultant finish would be a laid to lawn surface.

- 7.6 The Council's Conservation Officer has raised no objection to the proposed extensions and external alterations. The proposed single storey rear extension has a small depth of 1.8 metres and is designed appropriately for the host dwelling. The proposed basement level swimming pool would be located beneath part of the existing rear garden and the basement would not affect the fabric of the existing dwelling house. The Planning Inspector raised no objection to the visual design/impact of the previous schemes extensions, alterations and the basement. The proposed extensions and alterations are considered to be acceptable in design terms and the proposals would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area and would not harm the historic fabric of the locally listed building, and complies with policies CS14 (Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

7.7 Basement Construction

The current proposal involves the construction of a basement beneath part of the rear garden. Policy DM D2 (Design Considerations in all Developments) outlines that basements under gardens should not be more than 50% of the garden area. The proposed basement would take up 39.6% of the rear garden, and thereby comply with the policy. The proposed basement is the same size as the one considered under the previous scheme at appeal. The applicant has submitted a

basement construction method statement and a flood risk assessment. The basement construction method statement and flood risk assessment both conclude that the basement can be constructed in a safe manner and that the provision of accommodation at basement level would not increase flood risk. During the assessment of the application officers received an amended Basement Construction Method Statement in response to comments from the Councils Flood Risk Manager. This has been reviewed by the Flood Risk Manager and who has raised no objection to the proposal. The Council's Structural Engineer and Flood Risk Manager have reviewed the application and raises no objection. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.8 Neighbour Amenity

The concerns of the objectors are noted. However, although the flank wall of the proposed single storey side extension would be visible from the raised rear terrace of number 16 Highbury Road, the flank wall of the extension would be set away from the boundary by 1.6 metres and no windows are proposed within the side elevation of the extension. The rear extension would also have a hipped roof sloping away from the boundary of number 16 Highbury Road. This element of the proposal has been reduced significantly in comparison to the previously refused scheme. Officers are satisfied the proposal has overcome the previous concerns. It is therefore considered that this element of the proposal would not cause material harm to the amenities of number 16 Highbury Road. The existing terrace/balcony would be refurbished and a new balustrade installed designed to match the character of the Arts and Crafts style house. A condition requiring the installation of privacy screen to the end of the balcony extension adjacent to the boundary with numbers 12 and 16 Highbury Road would however be appropriate. Therefore, there are no objections to the provision of a new balustrade.

7.9 The proposed basement would be constructed beneath part of the large rear garden. Although basement construction can cause disruption during the construction period, the basement construction would require Building Regulations approval and a planning condition can be imposed on any grant of planning permission to control the hours and days of construction. The proposed single storey and first floor extensions would not have an impact upon number 10 Highbury road due to the separation distance between the extension and the boundary with number 10. The proposals are therefore considered to be acceptable and would not cause harm to neighbour amenity. With the significant reduction in depth of the single storey rear extension in comparison with the previous scheme, officers are satisfied the current proposal has overcome the appeal decision. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.10 Trees

The Council's Tree officer has been consulted and noted that a Magnolia tree and a Cypress hedge would be removed as part of the proposal. The applicant has provided an Arbouricultural Assessment of the trees within the curtilage of the application site and adjacent to it and account has been taken of the root protection areas of the trees. The Council's Tree officer has no objections to the proposed development subject to tree protection conditions being imposed on any grant of planning permission.

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 proposed extensions and alterations are considered to be acceptable in design terms and the proposal would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area and would not cause harm to the Locally Listed Building. The proposal would not cause harm to neighbour amenity and tree protection conditions would protect the retained mature trees on and off the site. 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 –Door and Windows)
7. C.10 (Balcony Screening – Details to be Submitted for both ends of the balcony/Terrace).

8. D.11 (Hours of Construction)
9. The details and measures for the protection of the existing retained trees as specified in the approved document 'BS 5837:2012 Tree Survey, Arbouricultural Impact Assessment, Arbouricultural Method Statement and Tree Protection Plan' (16/01/2019) dated March 2018 shall be fully complied with. The methods for the protection of the existing retained trees shall fully accord with all measures specified in the report. The details and measures as approved shall be retained and maintained until the completion of site works.

Reason for condition: To protect and safeguard the existing and retained trees in accordance with the following Development Plan Policies for Merton: policy 7.21 of the London plan (2015), policy CS13 of Merton's Core Planning Strategy (2011) and policies DM D2 and DM O2 of the Merton Sites and Policies Plan (2014).

10. F1 (Landscaping)
11. F8 (Site Supervision-Trees)
12. Prior to commencement of development a Basement Construction Method Statement and Hydrology Report shall be produced by the respective contractor/s responsible for the installation of the bored piled retaining wall, excavation and construction of basement retaining walls. The CMS shall also detail the access and position of the piling rig. This shall be reviewed and agreed by the Structural Engineer designing the proposed works. The details shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

13. The Construction Method Statement (as agreed under condition 12) shall include full details of the temporary works (propping up sequence and epropping up sequence), section of the retaining wall, and construction sequence of the proposed basement; a Geotechnical movement and building fabric strain assessment for adjoining property/properties in accordance with CIRIA C760 to ensure the resultant damage is limited to category 1; and that target monitoring stations are installed on top of the retaining wall, the two adjacent properties (10 and 16 Highbury Road) and the highway to record any movement.

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

14. Prior to commencement of the development hereby approved full details of any plant/equipment to be installed within the basement shall be submitted to and be approved in writing by the Local Planning Authority and the equipment shall be installed in accordance with the agreed details.

Reason for condition: To protect the amenities of occupiers of neighbouring residential properties and to comply with policy DM D2 of the Adopted Merton sites and Polices Plan (July 2014).

15. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed restricted rate of no more than 2l/s in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason for condition: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

16. No development approved by this permission shall be commenced until a final 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. Should dewatering be required during construction, the detailed Construction Method Statement will need to address the measures to minimise silt dispersal and where waters will be discharged to.

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.

17. No demolition shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organization to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason for condition: In the interest of preserving any archaeological interests that could be found at the site, in accordance with policy DM D4 of the Adopted Merton Sites and Policies Plan (2014).

18. Informative

The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from discharge under schedule 6 of the Town and Country Planning (Development Management procedure) (England) Order 2015.

19. Informative

Watching Brief: - A Watching brief involves the engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

Due to the location of the site within an archaeological priority area and the scale of the basement construction, it is recommended that an archaeological watching brief take place on the ground works on the site. This includes, but is not limited to, the bulk dig of the new basement, foundation trenches, new services, and any landscaping.

20. Informative

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is

proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

21. INF1 (Party Wall Act)

[Click here](#) for full plans and documents related to this application.

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