

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

Tobin Byers

David Dean

Ross Garrod

Daniel Holden

Abigail Jones

Philip Jones

Peter Southgate

Geraldine Stanford

Substitute Members:

Janice Howard

Najeeb Latif

Ian Munn BSc, MRTPI(Rtd)

Imran Uddin

A meeting of the Planning Applications Committee will be held on:

Date: 12 November 2015

Time: 7.15 pm

**Venue: Council chamber - Merton Civic Centre, London Road, Morden
SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357

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Planning Applications Committee

12 November 2015

- | | | |
|---|---|---------|
| 1 | Apologies for absence | |
| 2 | Declarations of of pecuniary Interest | |
| 3 | Minutes of the previous meeting | 1 - 6 |
| | Officer Recommendation:
That the Minutes of the meeting held on 15 October 2015
be agreed as a correct record. | |
| 4 | Town Planning Applications - Covering Report | 7 - 10 |
| | Officer Recommendation:
The recommendations for each individual application are
detailed in the relevant section of the reports. (NB. The
recommendations are also summarised on the index
page at the front of this agenda). | |
| 5 | 20 Cottenham Park Road, West Wimbledon, SW20 0RZ
(Ref. 15/P0071) (Raynes Park Ward) | 11 - 34 |
| | Officer Recommendation:
Grant Permission subject to conditions. | |
| 6 | 58 Daybrook Road, Merton Park, SW19 3DH (Ref.
15/P3231) (Merton Park Ward) | 35 - 46 |
| | Officer Recommendation:
Grant Permission subject to conditions. | |
| 7 | Flats 1 & 2, 137 Seaforth Avenue, New Malden, KT3
6JW (Ref. 15/P2222) (West Barnes Ward) | 47 - 56 |
| | Officer Recommendation:
Grant Permission subject to conditions. | |
| 8 | Planning Appeal Decisions | 57 - 62 |
| | Officer Recommendation:
That Members note the contents of the report. | |
| 9 | Planning Enforcement - Summary of Current Cases | 63 - 70 |
| | Officer Recommendation:
That Members note the contents of the report. | |

Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

NOTES

- 1) **Order of items:** Please note that items may well be not considered in the order in which they are shown on the agenda since the items for which there are many observers or speakers are likely to be prioritised and their consideration brought forward.
- 2) **Speakers:** Councillors and members of the public may request to speak at the Committee. Requests should be made by telephone to the Development Control Admin. Section on 020-8545-3445/3448 (or e-mail: planning@merton.gov.uk) no later than 12 Noon on the last (working) day preceding the meeting. For further details see the following procedure note.
- 3) **Procedure at Meetings:** Attached after this page is a brief note of the procedure at Planning Application Committee meetings in relation to
 - a. requests to speak at meetings; and
 - b. the submission of additional written evidence at meetings. Please note that the distribution of documentation (including photographs/drawings etc) by the public during the course of the meeting will not be permitted.
- 4) **Copies of agenda:** The agenda for this meeting can be seen on the Council's web-site (which can be accessed at all Merton Libraries). A printed hard copy of the agenda will also be available for inspection at the meeting.

Procedure at meetings of the Planning Applications Committee

- 1 Public speaking at the Planning Applications Committee
- 2 Submission of additional written evidence at meetings

1 Public speaking at the Planning Applications Committee

- 1.1 The Council permits persons who wish to make representations on planning applications to speak at the Committee and present their views. The number of speakers for each item will be at the discretion of the Committee Chair, but subject to time constraints there will normally be a maximum of 3 objectors (or third party) speakers, each being allowed to speak for a maximum of 3 minutes.
- 1.2 Following the issue of the agenda, even if a person has previously indicated their wish to address the Committee, they should contact either
 - the Planning Officer dealing with the application (or e-mail: planning@merton.gov.uk) or
 - the Development Control Admin. Section on 020-8545-3445/3448 (9am – 5pm); or
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
- 1.3 Requests to speak must be received by 12 noon on the day before the meeting, and should include the person's name, address, and daytime contact phone number (or e-mail address) and if appropriate, the organisation they represent; and also clearly indicate the application, on which it is wished to make representations.
- 1.4 More speakers may be permitted in the case of exceptional circumstances/major applications, but representatives of political parties will not be permitted to speak. (See also note 1.10 below on Ward Councillors/Other Merton Councillors.)
- 1.5 If a person is aware of other people who wish to speak and make the same points, then that person may wish to appoint a representative to present their collective views or arrange that different speakers raise different issues. Permission to speak is at the absolute discretion of the Chair, who may limit the number of speakers in order to take account the size of the agenda and to progress the business of the Committee.
- 1.6 Applicants (& agents/technical consultants): Applicants or their representatives may be allowed to speak for the same amount of time as the sum of all objectors for each application. (For example, if objectors are allowed to speak for three minutes each, then if there was only one objector, the applicant may be allowed to speak for a maximum of 3 minutes; but if there were 2 objectors, the applicant may be allowed to speak for a maximum of 6 minutes and so on.)
- 1.7 Unless applicants or their representatives notify the Council to the contrary prior to the Committee meeting, it will be assumed that they will be attending the meeting and if there are objectors speaking against their application, will take the opportunity to address the Committee in response to the objections.

- 1.8 When there are no objectors wishing to speak, but the application is recommended for refusal, then the Applicants or their representatives will also be allowed to speak up to a maximum of 3 minutes.
- 1.9 Applicants will not be allowed to speak if their application is recommended for approval and there are no objectors speaking. An exception will be made if an applicant (or their representative) wishes to object to the proposed conditions; and in this case they will be allowed to speak only in relation to the relevant conditions causing concern.
- 1.10 Speaking time for Ward Councillors/Other Merton Councillors: Councillors, who are not on the Committee, may speak for up to a maximum of 3 minutes on an application, subject to the Chair's consent, but may take no part in the subsequent debate or vote. Such Councillors, however, subject to the Chair's consent, may ask questions of fact of officers.
- 1.11 Such Councillors, who are not on the Committee, should submit their request to speak by 12 noon on the day before the meeting (so that their name can be added to the list of speaker requests provided to the Chair). Such requests may be made to the Development Control Section direct (see 1.2 above for contact details) or via the Councillor's Group office.
- 1.12 Points of clarification from applicants/objectors: If needed, the Chair is also able to ask applicants/objectors for points of clarification during the discussion of an application.

2 Submission of additional written evidence at meetings

- 2.1 The distribution of documentation (including photographs/drawings etc) during the course of the Committee meeting will not be permitted.
- 2.2 Additional evidence that objectors/applicants want to provide Committee Members (i.e. Councillors) to support their presentation (when speaking) must be submitted to Merton Council's Development Control Section before 12 Noon on the day before the relevant Committee meeting.
- 2.3 If an applicant or objector wishes to circulate additional information in hard copy form to Committee Members, they are required to provide 16 hard copies to the Planning Officer dealing with the application before 12 Noon on the day before the meeting.
- 2.4 Any queries on the above should be directed to:
 - planning@merton.gov.uk or;
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
 - Contact details for Committee Members and all other Councillors can be found on the Council's web-site: <http://www.merton.gov.uk>

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

PLANNING APPLICATIONS COMMITTEE

15 OCTOBER 2015

(19.15 - 20.55)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor John Bowcott, Councillor Tobin Byers,
Councillor Ross Garrod, Councillor Daniel Holden,
Councillor Philip Jones, Councillor Peter Southgate,
Councillor Geraldine Stanford, Councillor Najeeb Latif
(Substitute for Councillor David Dean) and
Councillor Imran Uddin (Substitute for Councillor Abigail Jones)

ALSO PRESENT: Councillors Stephen Crowe and Abdul Latif

Chris Chowns (Principal Transport Planner), Michael Udall
(Democratic Services) and Sue Wright (North Team Leader -
Development Control)

1 FILMING (Agenda Item)

The Chair confirmed that, as stated on the agenda, the meeting would be filmed and broadcast via the Council's web-site.

2 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors David Dean and Abigail Jones.

3 DECLARATIONS OF OF PECUNIARY INTEREST (Agenda Item 2)

None.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 17 September 2015 be agreed as a correct record.

5 TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published agenda and the modifications sheet tabled at committee form part of the Minutes.

(a) Modifications Sheet - A list of modifications for items 7 & 8, and additional letters/representations and drawings received since agenda publication, were tabled at the meeting.

(b) Oral Representations – The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 5, 7 & 8 (objectors only). In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that the applicants/agents would be given the same amount of time to speak as objectors for each item.

The Council also received oral representations at the meeting from the following Councillor (who was not a member of the Committee for this meeting) in respect of the item indicated below -

Item 5 – Councillor Stephen Crowe

(c) Order of the agenda – Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following - 7, 5, 6, & then 8.

RESOLVED: That the following decisions are made:

6 1 ARTERBERRY ROAD, RAYNES PARK, SW20 8AD (REF. 15/P2989)
(RAYNES PARK WARD) (Agenda Item 5)

1. Proposal: Demolition of existing detached dwelling house and erection of four two storey semi-detached 4 bedroom houses with accommodation at basement level and rooms within the roof space and associated parking and landscaping.

2.1. Extra Condition – No Permitted Development (Extensions) – Officers suggested that future permitted development rights for extensions to the proposed new houses should be restricted by either amending proposed Condition (6) (C.2 – No Permitted Development – Doors/Windows) or by imposing an appropriate extra condition.

2.2. Extra Condition – Use of Front Gardens – It was noted that two of the new houses would have off-street parking in the front garden and two would not. A member expressed concern that two new houses without off-street parking might later change their front gardens to hardstanding and use them for off-street parking. Officers suggested that an extra condition be imposed preventing the front gardens from being changed in this way.

2.1 As indicated below, the Committee subsequently agreed to these extra conditions (or to the amending of an existing condition) and that officers be delegated authority to agree the detailed wording.

Decision: Item 5 - ref. 15/P2989 (1 Arterberry Road, Raynes Park, SW20)

(A) GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report, subject to the following additional conditions (or amended condition)

(i) Extra Condition - No Permitted Development (Extensions) – Future permitted development rights for extensions to the proposed new houses be restricted by either amending proposed Condition (6) (C.2 – No Permitted Development – Doors/Windows) or by imposing an appropriate extra condition, subject to (B) below.

(ii) Extra Condition – Use of Front Gardens – An extra condition be imposed preventing the front gardens of the two new houses without off-street parking (out of the four new houses proposed) being paved over or used for off-street parking, subject to (B) below.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above extra conditions (or to the amending of an existing condition).

- 7 6 MURRAY ROAD, WEST WIMBLEDON, SW19 4PB (REF. 15/P2351)
(HILLSIDE WARD) (Agenda Item 6)

Proposal: Demolition of existing house and erection of a six bedroom detached house with basement accommodation.

Decision: GRANT PERMISSION subject to the conditions set out in the officer case report.

- 8 LAND AT REAR OF 7 SOMERSET ROAD, WIMBLEDON, SW19 5JU (REF. 12/P1707) (VILLAGE WARD) (Agenda Item 7)

1. Proposal - Erection of a new detached 2 storey dwelling on land fronting Lincoln Avenue and comprising an existing rear tennis court within the rear curtilage of 7 Somerset Road.

2. Withdrawn Application at 7 & 9 Somerset Road - Officers drew attention to the recent withdrawal of application 12/P2102 for the redevelopment of 7 & 9 Somerset Road by the erection of 3 houses as detailed on the tabled Modifications Sheet.

3. Condition (3) – B.1 (Approval of Facing Materials) – Officers confirmed that the wording of this condition would include a requirement that 1:20 details of certain features such as window reveals be provided.

Decision: Item 7 - ref. 12/P1707 (Land at rear of 7 Somerset Road, Wimbledon, SW19 5JU)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

- 9 TREE PRESERVATION ORDER (NO.676) AT 95 MERTON HALL ROAD, WIMBLEDON CHASE, SW19 3PX (DUNDONALD WARD) (Agenda Item 8)

1. Tree – Lime tree in rear garden.

2. Modifications Sheet – Officers drew attention to the additional information relating to this item included on the tabled Modifications Sheet.

3. Oral Representations – The Committee received oral representations at the meeting from the owners of the property objecting to the retention of the tree, which was the subject of the Order.

4. Tree Preservation Order - Officers explained that confirmation of the Order, without modification, meant that the tree would be retained unchanged, but also drew attention to the advice of the Council's Tree Officer contained in the officer report, including the possibility of a new tree works application if appropriate.

5. Approval Motion - Following discussion it was moved and seconded that the Order be confirmed. The motion was carried by 7 votes to 2 (Councillors Daniel Holden and Linda Kirby dissenting).

Decision: That the Merton (No.676) Tree Preservation Order 2015 be confirmed, without modification.

10 PLANNING APPEAL DECISIONS (Agenda Item 9)

RECEIVED

11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 10)

(a) 1 Edge Hill, Wimbledon, SW19 (para.3.4(a) – Councillor Daniel Holden pointed out that at the last meeting he had raised concerns about 1 Edge Hill, Wimbledon, SW19, and that paragraph 3.4(a) (page 94) should refer to that site, not 1 Edgehill, Mitcham as shown.

(b) 24 Greenwood Close, SM4 (para. 3.1) – Officers undertook to ask the Enforcement Team to advise Councillor Tobin Byers of the time scale for the enforcement appeal for this site.

(c) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para. 2.09) – Officers undertook to ask the Enforcement Team to advise Councillor Ross Garrod what be the next procedural step would be if the owner didn't submit an application for planning and listed building consent by 27 October 2015 as required.

(d) 18 Morton Road, Morden, SM4 (para. 2.06) – Councillor Philip Jones advised that this property (which was already the subject of an enforcement appeal regarding an outbuilding) was being advertised as a bed and breakfast establishment (on "Air B – 'n B"). Officers undertook to investigate.

RECEIVED

12 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 11)

See above Minutes on

- (a) Item 4 (Town Planning Applications – Covering Report); and
- (b) Item 8 (TPO (No.676) at 95 Merton Hall Road, SW19 3PX.

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Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 12th November 2015

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF PLANNING APPLICATIONS COMMITTEE

Contact officer: For each individual application, see the relevant section of the report.

Recommendations:

A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.

1.1. These planning application reports detail site and surroundings, planning history, describe the planning proposal, cover relevant planning policies, outline third party representations and then assess the relevant material planning considerations.

2. DETAILS

2.1 This report considers various applications for Planning Permission and may also include applications for Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.

2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.3 In Merton the Development Plan comprises: The London Plan (March 2015) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework (“NPPF”) which came into effect in March 2012 and the National Planning Policy Guidance, published in March 2014 are also of particular relevance in the determination of planning applications.
- 2.4 Members’ attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 2.5 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 All letters, petitions etc. making representations on the planning applications which are included in this report will be available, on request, for Members at the meeting.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council’s Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking, provided that it would not contain any heads of terms or contributions that are not a standard requirement of the Local Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Local Plan; and applications for advertisement consent.

3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on sustainability and environmental impact assessment requirements.
- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF

states that “the purpose of the planning system is to contribute to the achievement of sustainable development” and that “there are three dimensions to sustainable development: economic, social and environmental”.

- 3.3 The NPPF states that “pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life”, and that “at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking”.
- 3.4 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) Regulations 2011 (As amended). Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

4 ALTERNATIVE OPTIONS

- 4.1. None for the purposes of this report, which is of a general nature outlining considerations relevant to the reports for specific land development proposals.

5 CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1 Not required for the purposes of this report.

6 TIMETABLE

- 6.1. As set out in the body of the report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report unless indicated in the report for a particular application.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. As set out in the body of the report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. These applications have been considered in the light of the Human Rights Act (“The Act”) and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life) which came into force on 2 October 2000.
- 8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and

to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

- 8.3. Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. As set out in the body of the report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. As set out in the body of the report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 11.1 None for the purposes of this report.

12. BACKGROUND PAPERS

- Background papers – Local Government (Access to Information) Act 1985
- Planning application files for the individual applications.
- London Plan (2015)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)

- Appropriate Government Circulars and Guidance Notes and in particular the NPPF and NPPG.
- Town Planning Legislation.
- The Mayor of London’s Supplementary Planning Guidance.
- Merton's Supplementary Planning Guidance.
- Merton's Standard Planning Conditions and Reasons.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended).

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.

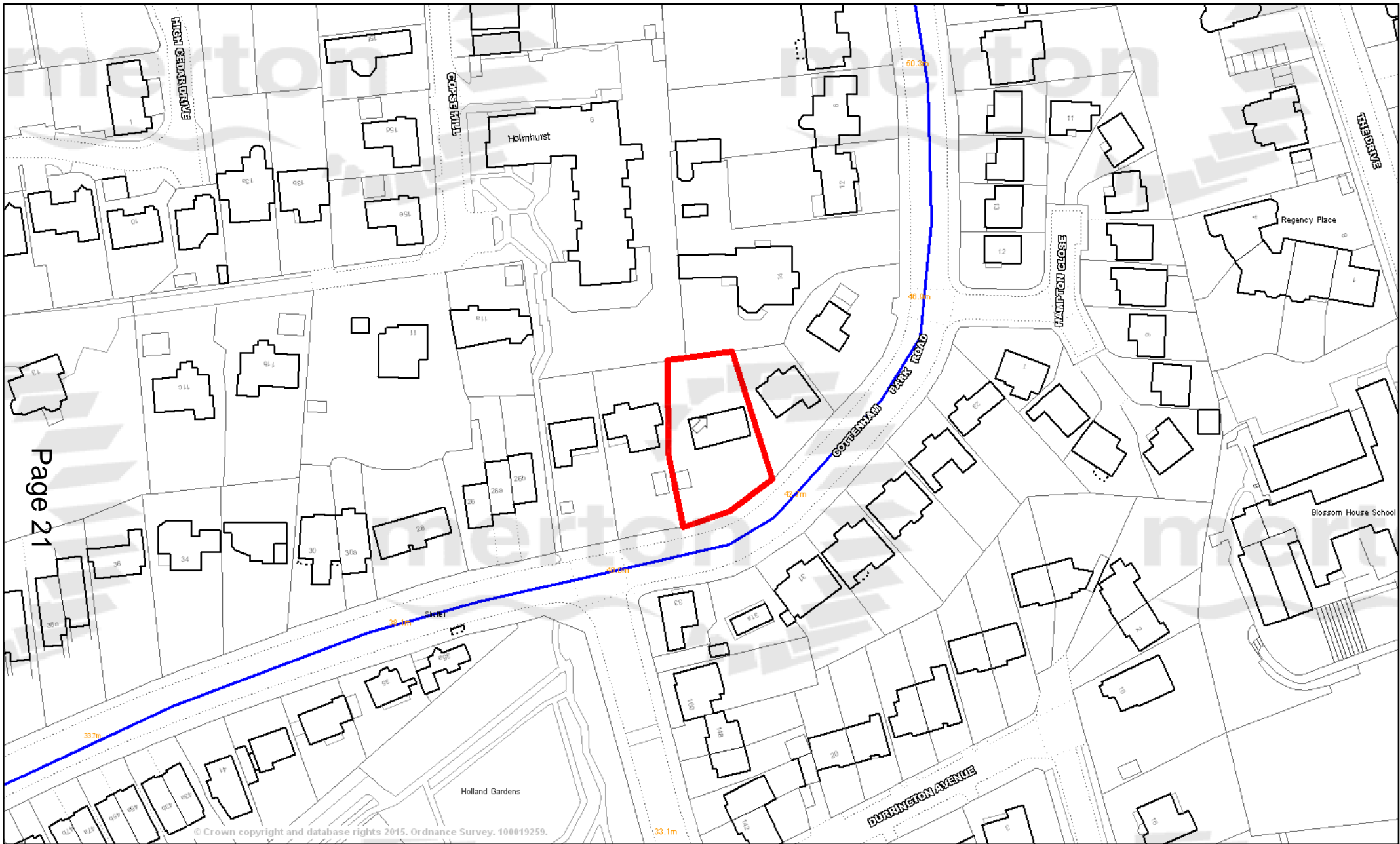
Reason for condition: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011,

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



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20 Cottenham Park Rd

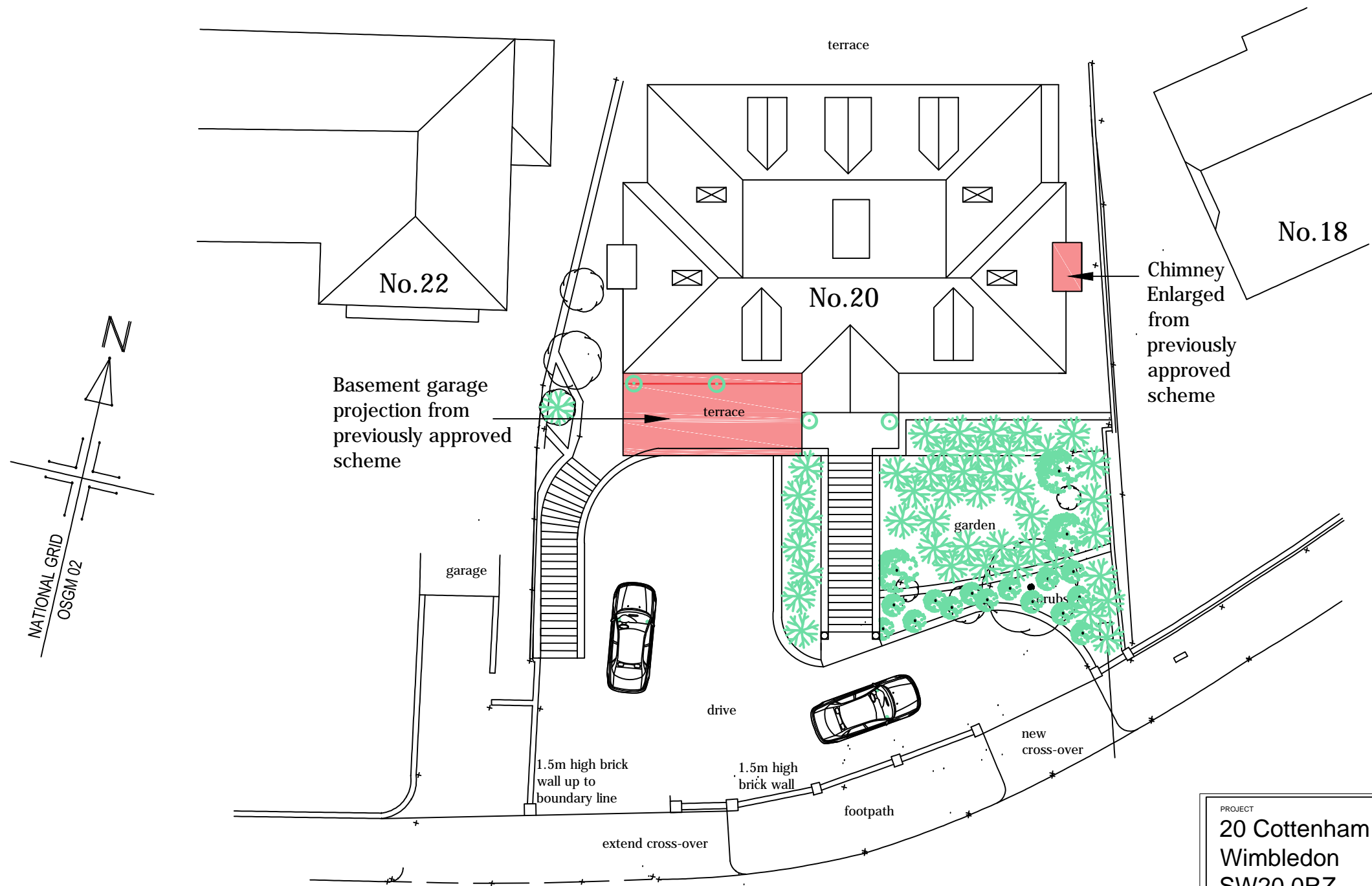
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


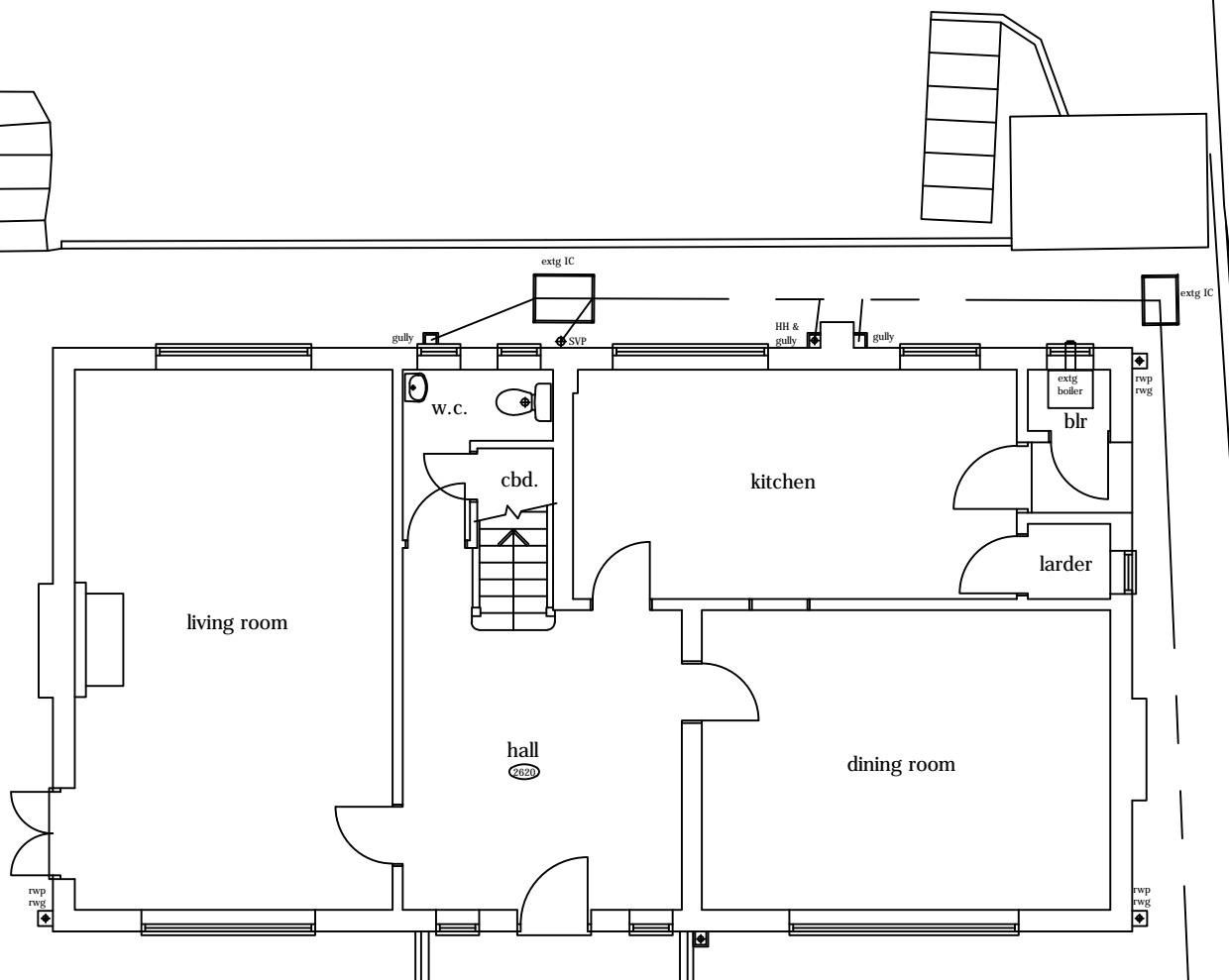
Date 28/7/2015

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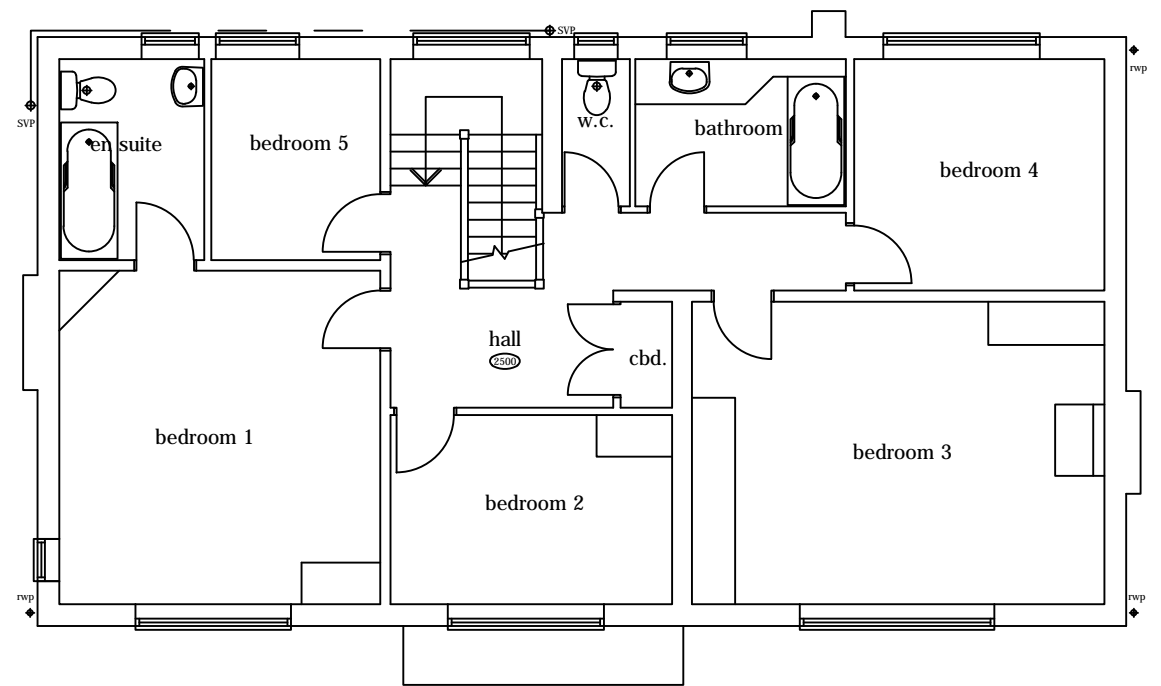


BLOCK PLAN


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DRG NO SNA / 788/ P / 009 A			
 s n a		stephen nutkins & associates	
		17 Portman Close Bexley Kent DA5 2AQ T: 07971198958 E: mail-sna@tiscali.co.uk	

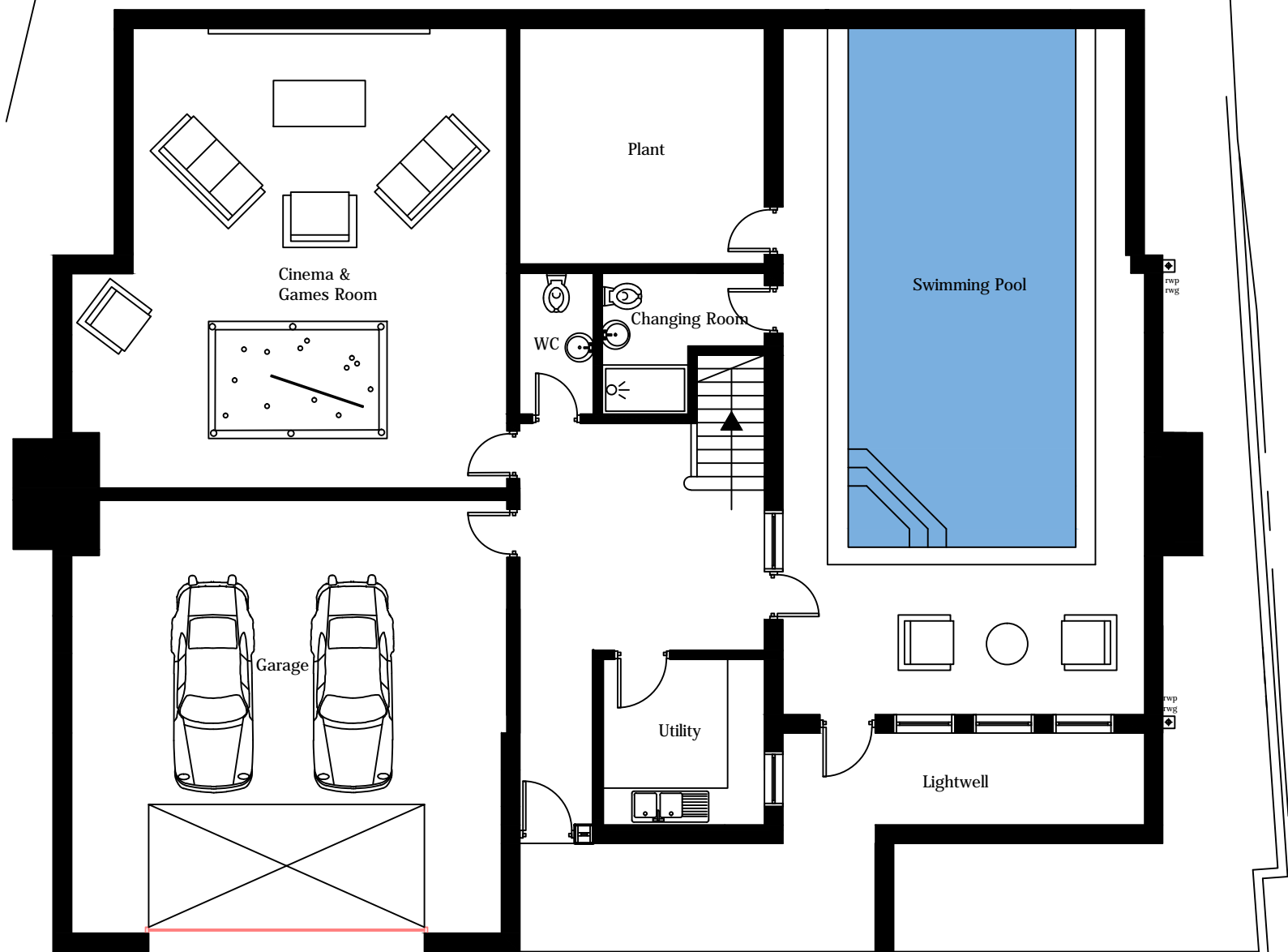


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


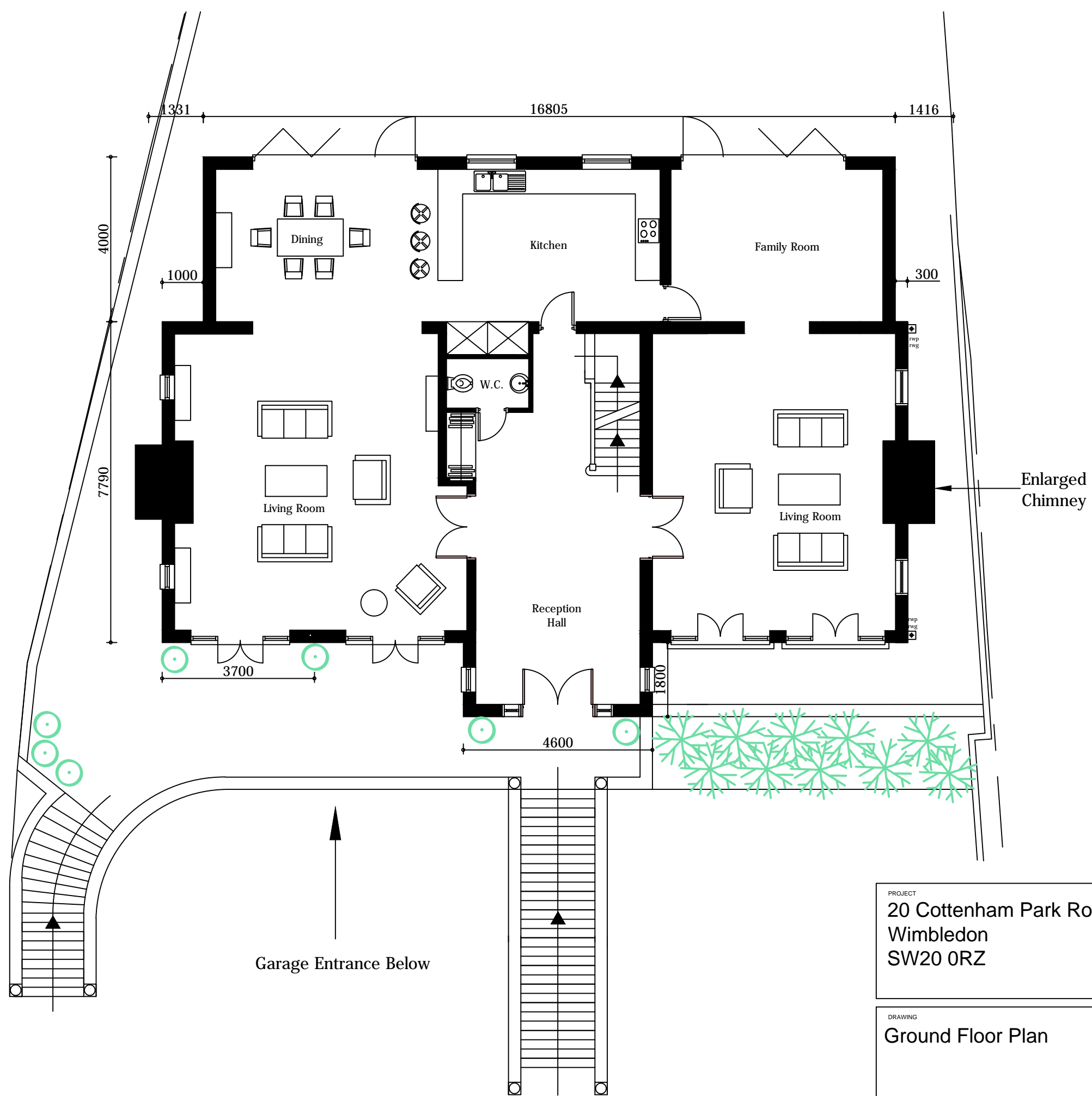
FIRST FLOOR PLAN AS EXISTING

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DRG NO SNA / 788/ P / 001			
 s n a		stephen nutkins & associates	
		17 Portman Close Bexley Kent DA5 2AQ T: 07971198958 E: mail-sna@tiscali.co.uk	



BASEMENT
PLAN

<small>PROJECT</small> 20 Cottenham Park Road Wimbledon SW20 0RZ		<small>REVISIONS</small>	
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<small>DRG NO</small> SNA / 788/ P / 003 B			
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
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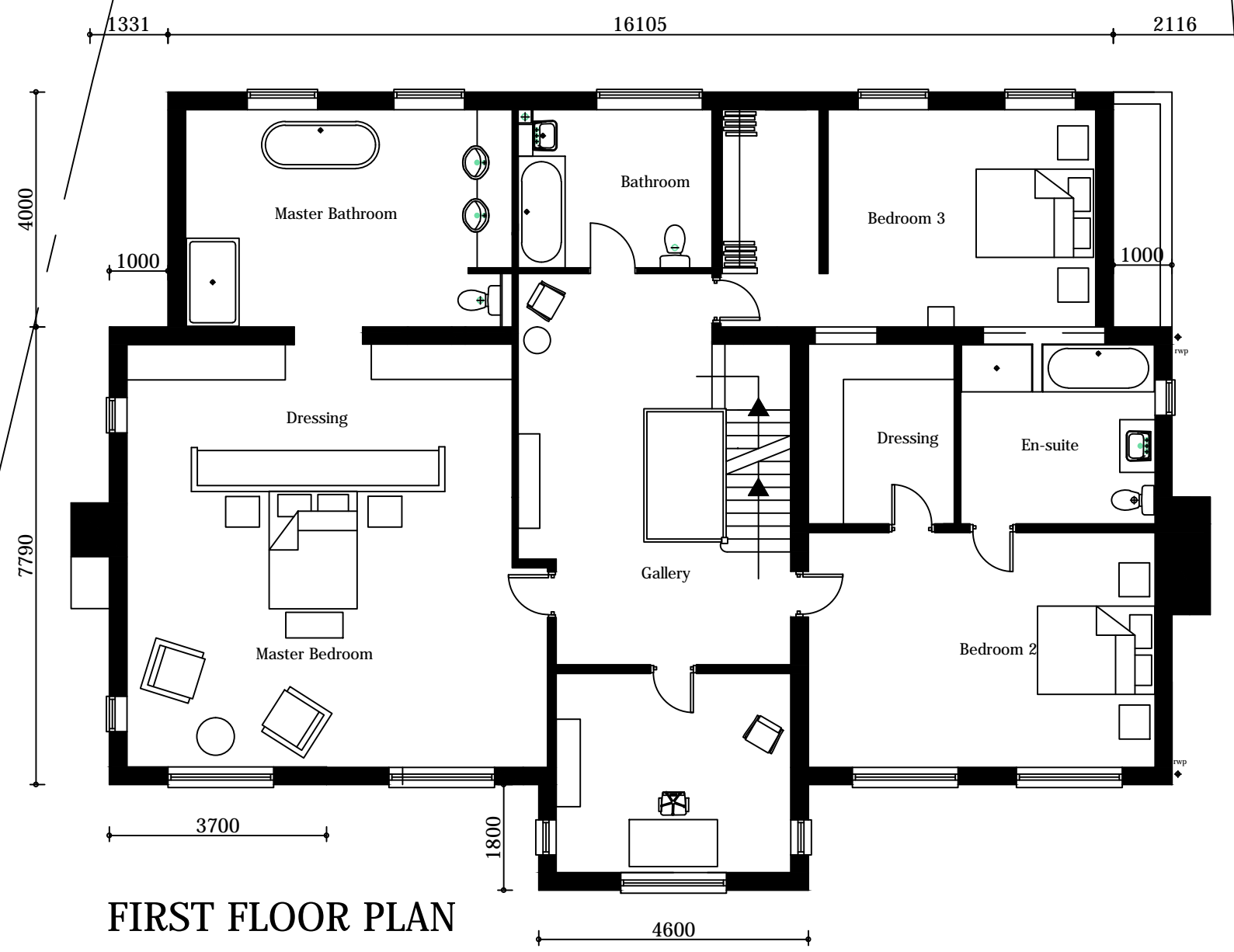
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**20 Cottenham Park Road
 Wimbledon
 SW20 0RZ**

REVISIONS	
SCALE	DATE
1 : 100 @ A3	March 2011


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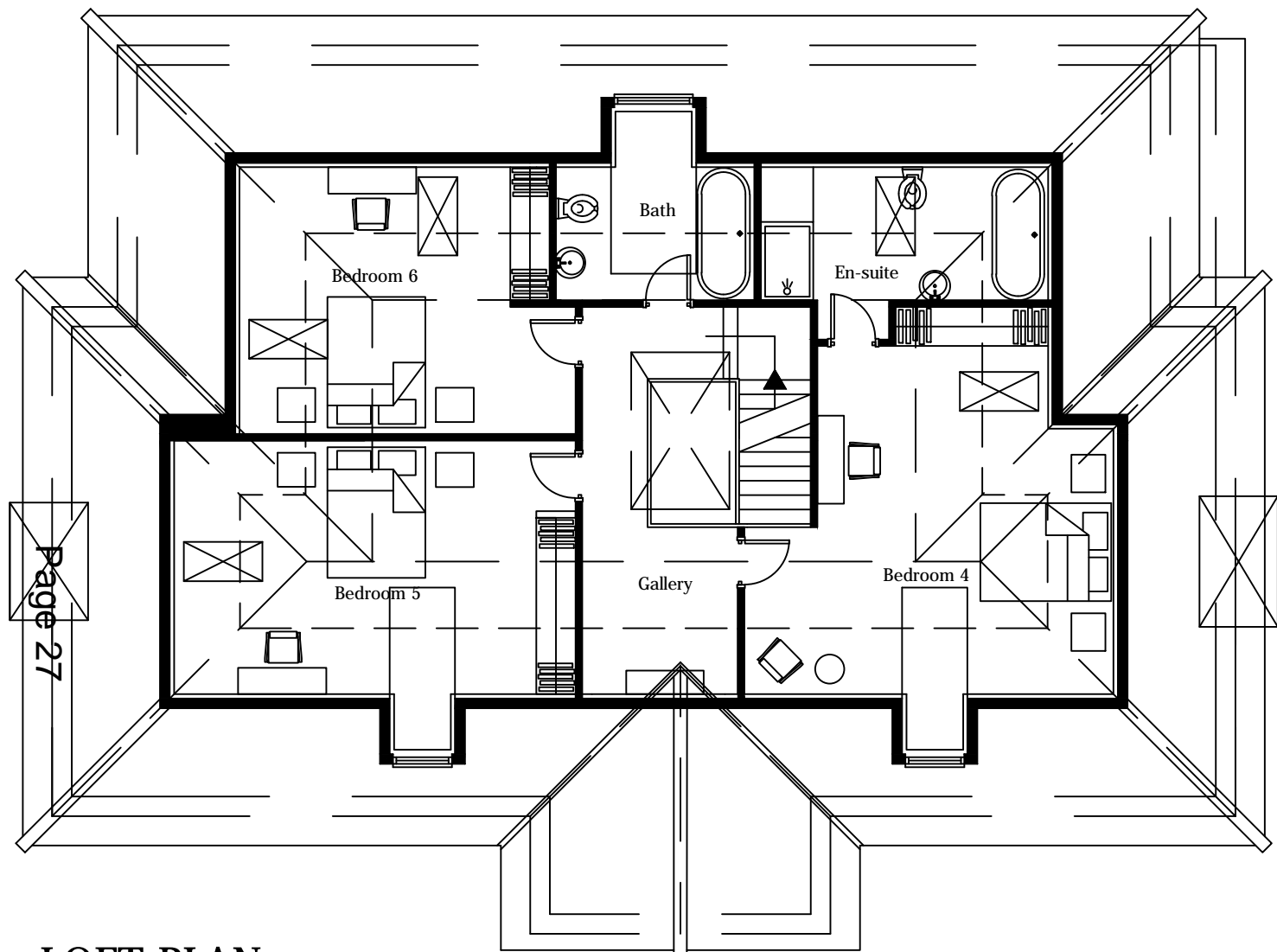
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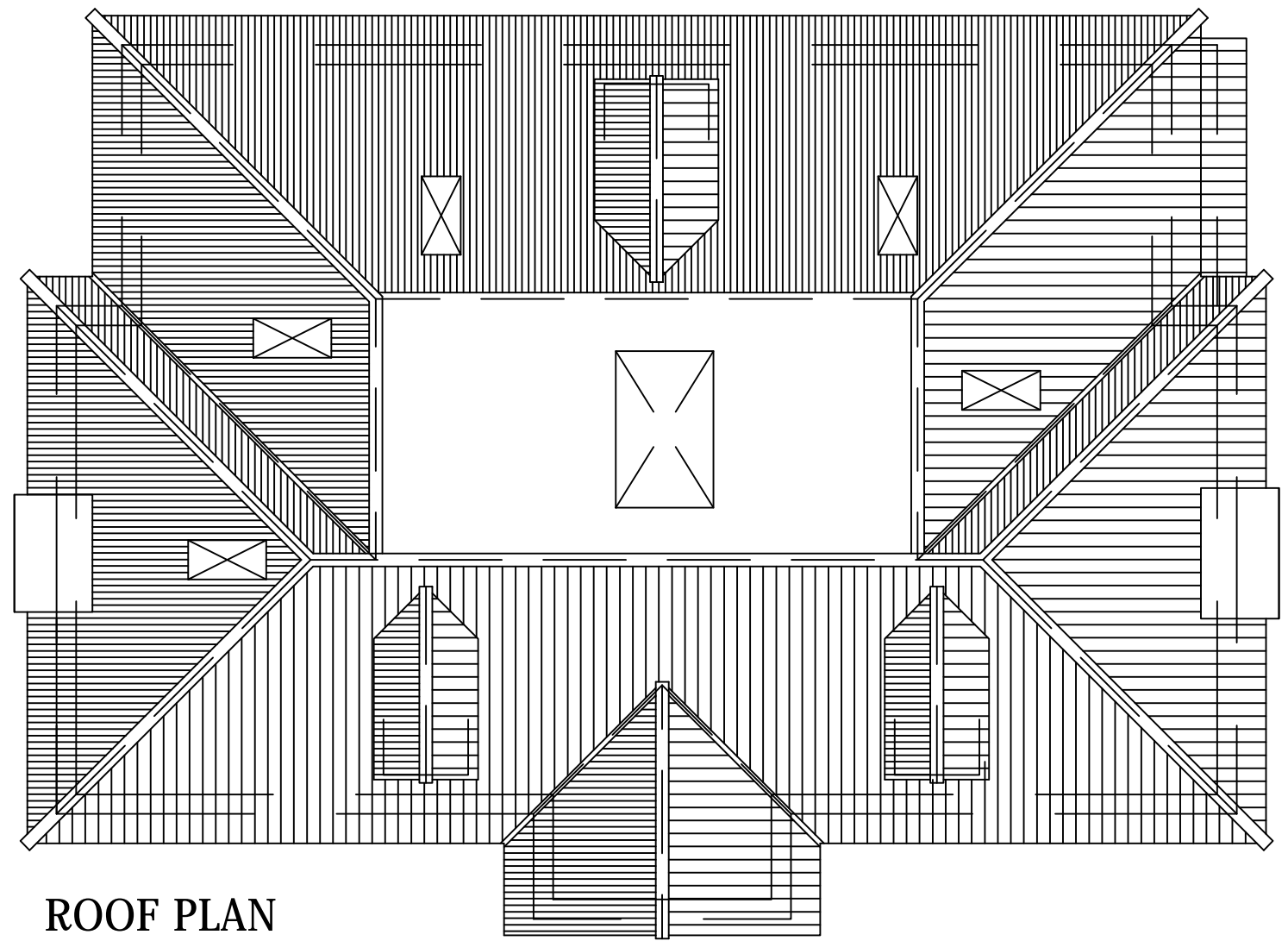
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


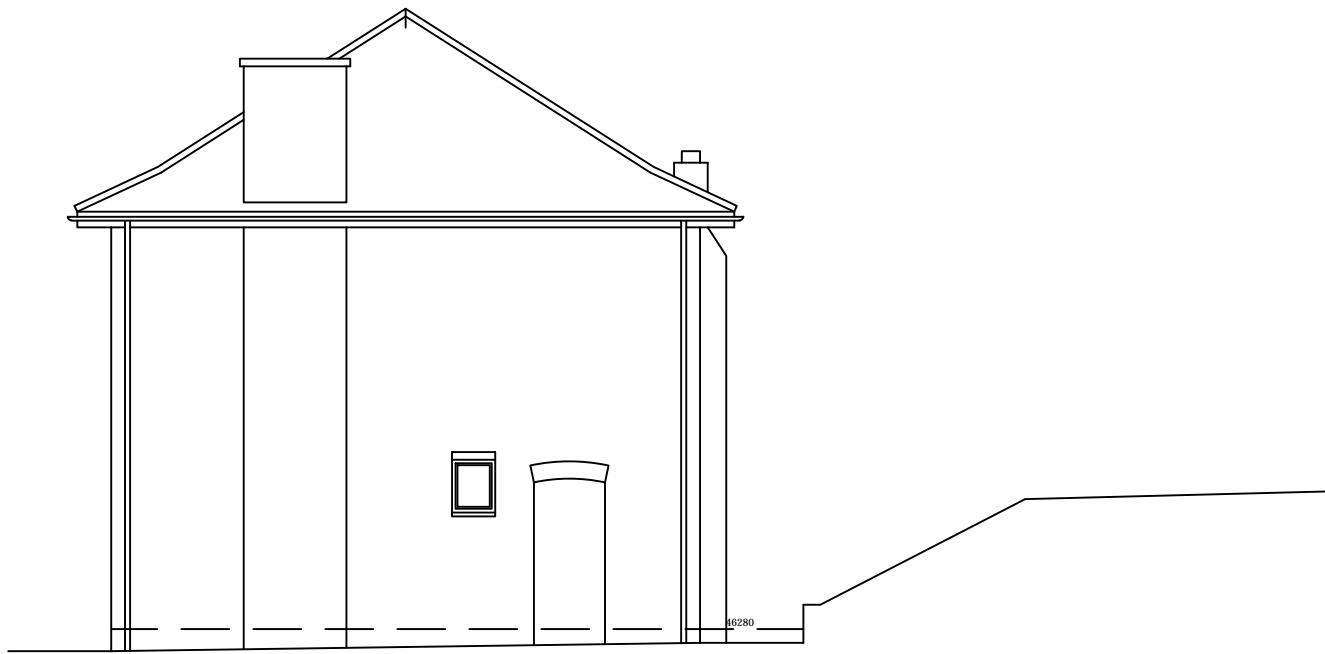
LOFT PLAN

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ROOF PLAN

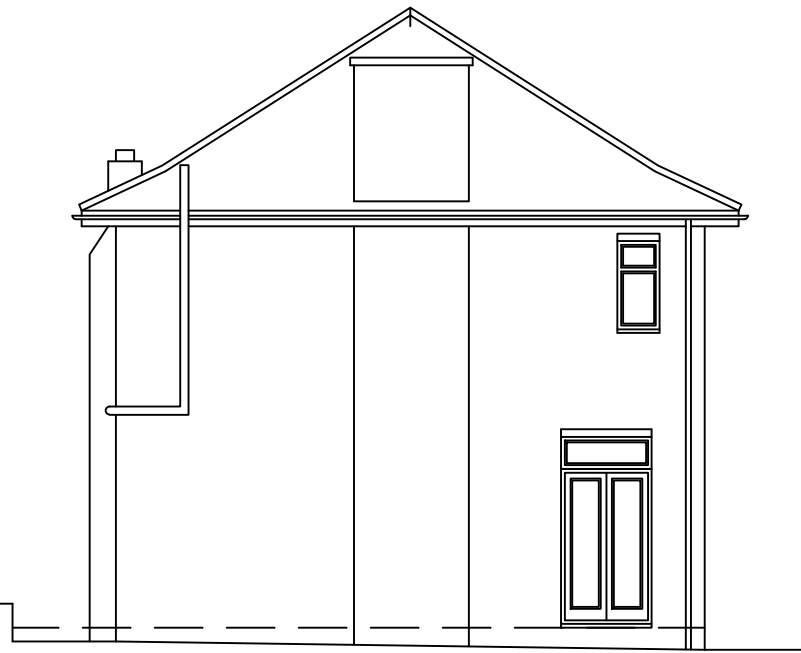
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SIDE ELEVATION
AS EXISTING



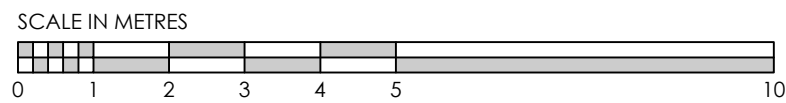
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


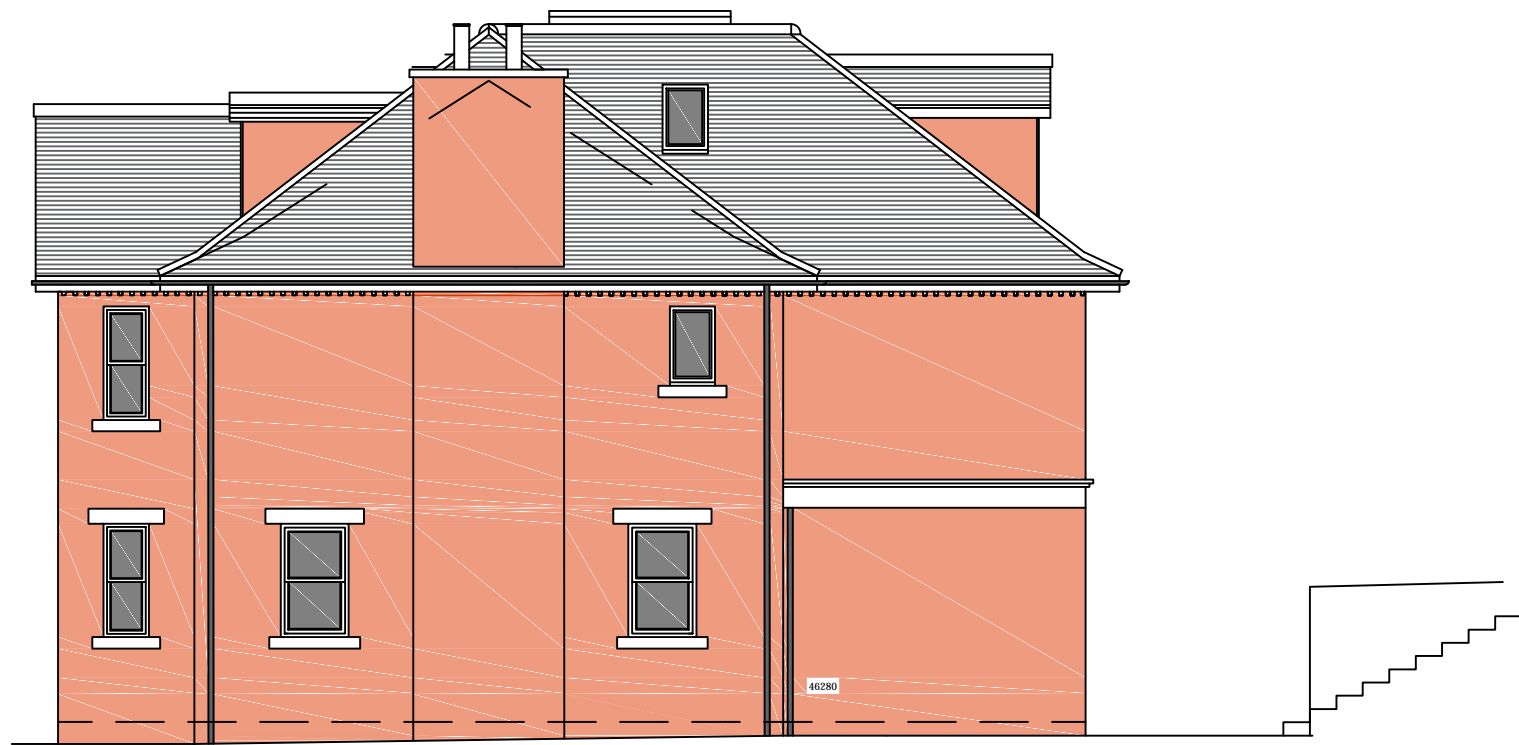
SIDE ELEVATION
AS EXISTING



REAR ELEVATION
AS EXISTING



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DRG NO SNA / 788/ P / 002			
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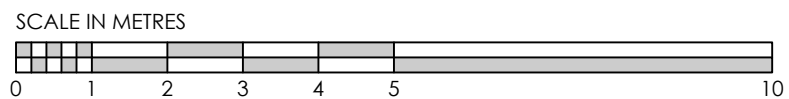
SIDE ELEVATION



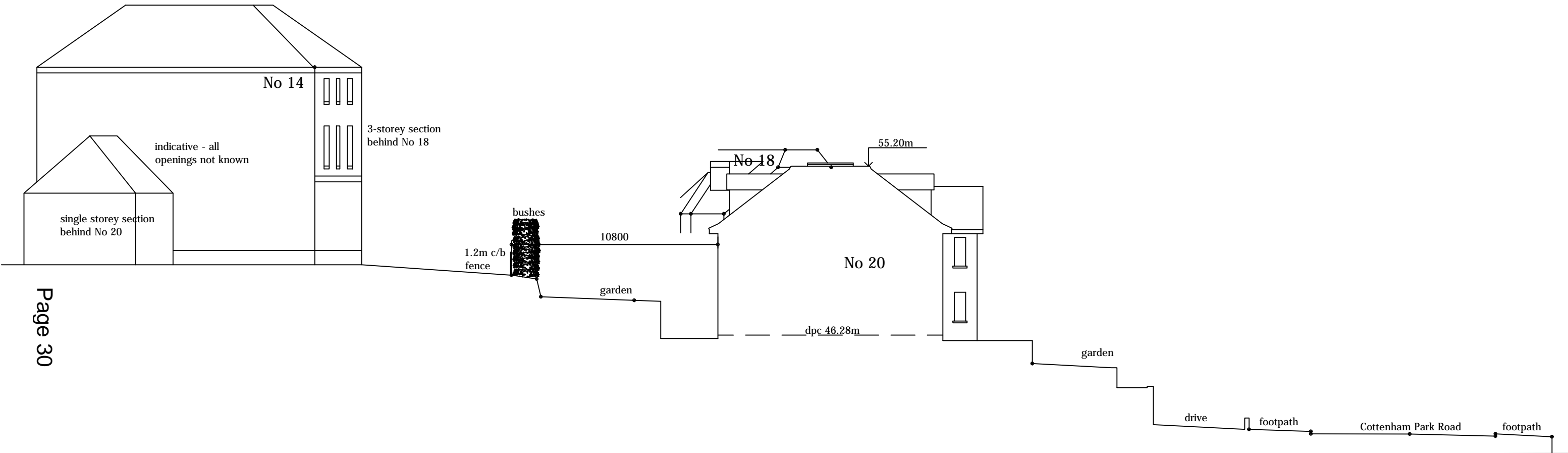
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
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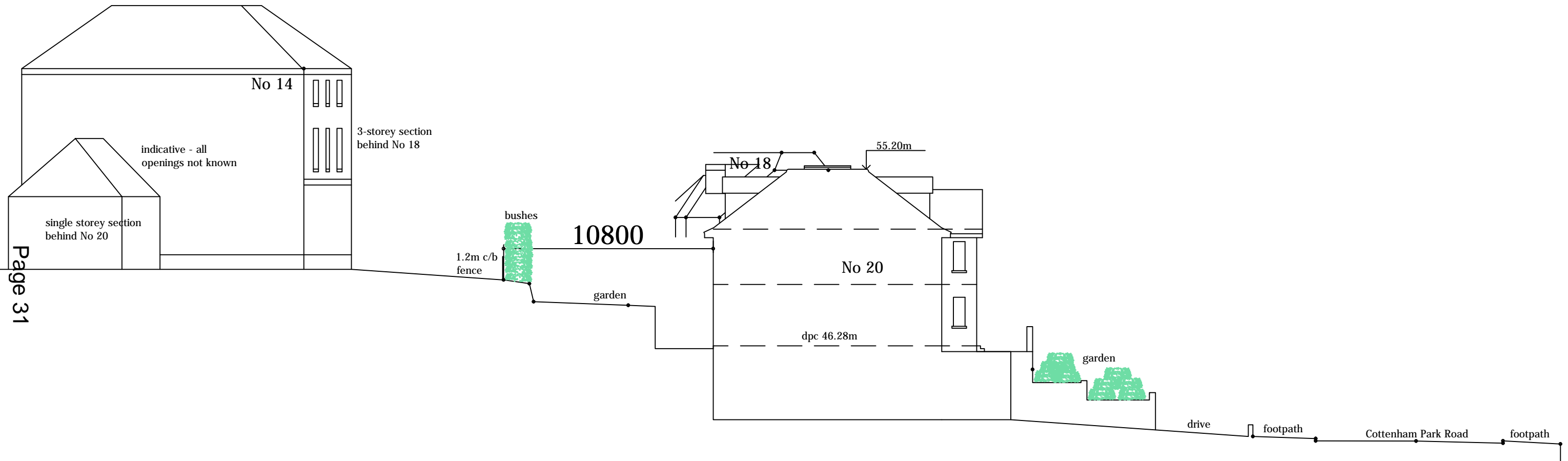


<p>PROJECT</p> <p>20 Cottenham Park Road Wimbledon SW20 0RZ</p>	<p>REVISIONS</p>	
<p>DRAWING</p> <p>Proposed Elevations</p>	<p>SCALE</p> <p>1 : 100 @ A3</p>	<p>DATE</p> <p>March 2011</p>
<p>DRG NO</p> <p>SNA / 788/ P / 007</p>		
<p>s n a</p>	<p>stephen nutkins & associates</p>	<p>17 Portman Close Bexley Kent DA5 2AQ</p> <p>T: 07971198958 E: mail-sna@tiscali.co.uk</p>




LONGITUDINAL SITE SECTION
AS APPROVED

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DRAWING Approved Longitudinal Section		SCALE 1 : 200 @ A3	DATE March 2011
DRG NO SNA / 788/ P / 0010			
 s n a		stephen nutkins & associates	
		17 Portman Close Bexley Kent DA5 2AQ T: 07971198958 E: mail-sna@tiscali.co.uk	



LONGITUDINAL SITE SECTION
AS PROPOSED

PROJECT 20 Cottenham Park Road Wimbledon SW20 0RZ		REVISIONS	
DRAWING Proposed Longitudinal Section		SCALE 1 : 200 @ A3	DATE March 2011
DRG NO SNA / 788/ P / 0011			
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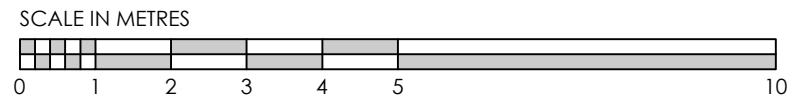



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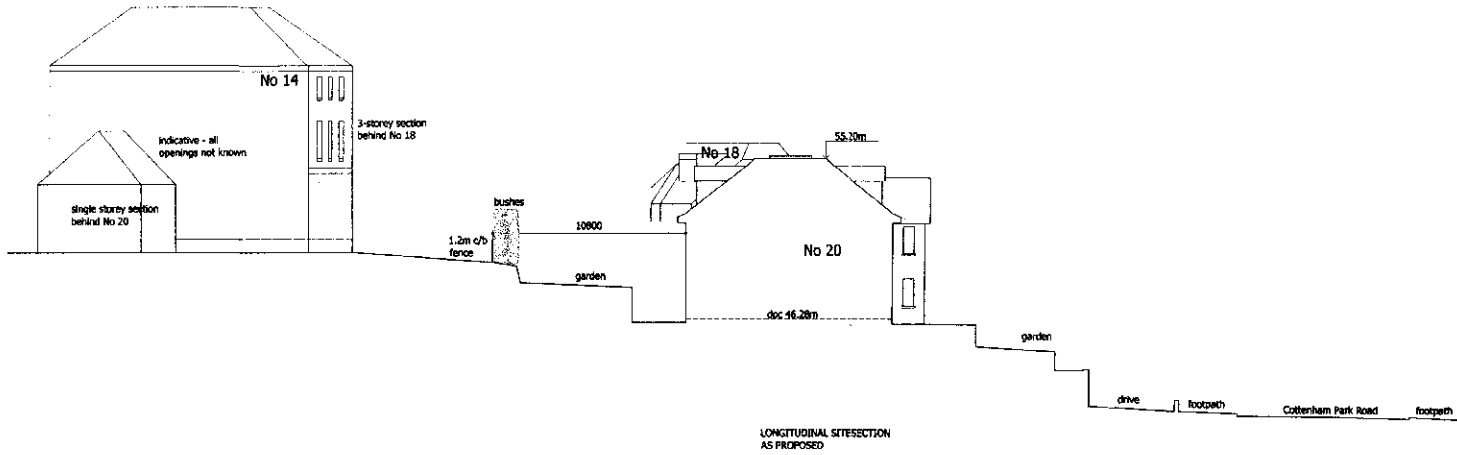
No.18

Page 32

Proposed Street Scene

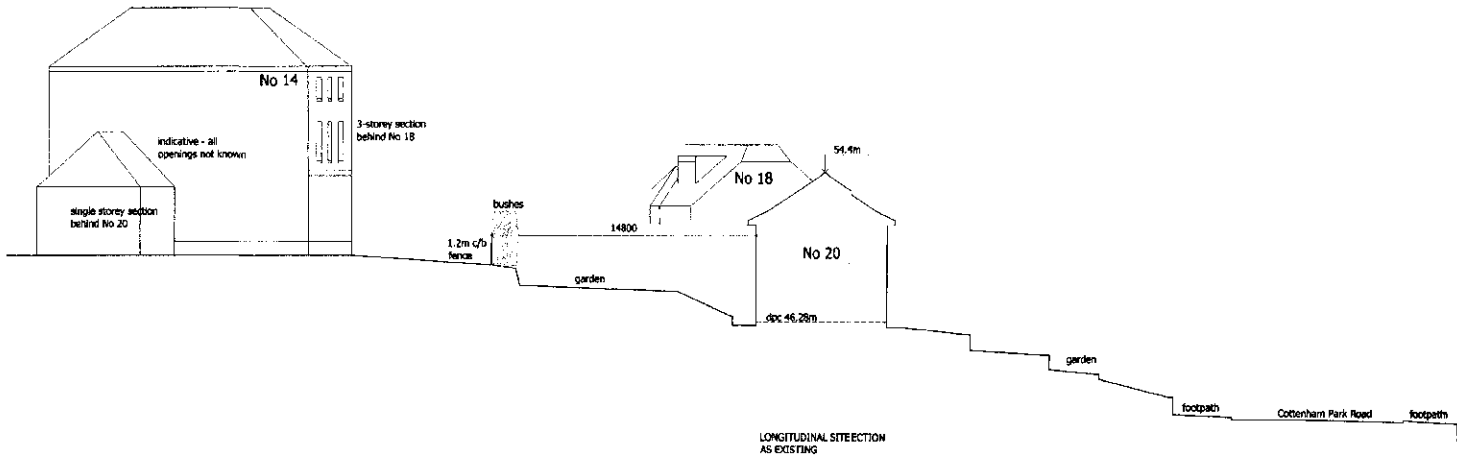


PROJECT 20 Cottenham Park Road Wimbledon SW20 0RZ		REVISIONS	
DRAWING Proposed Street Scene		SCALE 1 : 100 @ A3	DATE March 2011
DRG NO SNA / 788/ P / 008 A			
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		17 Portman Close Bexley Kent DA5 2AQ T: 07971198958 E: mail-sna@tiscali.co.uk	



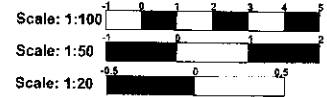
No 31A

London Borough of Merton
- 1 AUG 2011
Planning Development Control



No 31A

11/P146/
ADDITIONAL PLAN



PROJECT 20 Cottenham Park Road Wimbledon SW20 0RZ	REVISIONS
DRAWING Existing and proposed longitudinal site section	SCALE 1:200 @ A2
	DATE July 2011
	REF NO SNA / 788 / P / 007
s n a	stephen nutkins & associates
	<small>17 Parkham Road Barnet Herts EN4 8AD Tel: 0208 451 1000 E: snasna@bt.com</small>

Longitudinal Site Section

PLANNING APPLICATIONS COMMITTEE

12 November 2015

Item No:

UPRN	APPLICATION NO.	DATE VALID
	15/P3231	19/08/2015
Address/Site:	58 Daybrook Road Merton Park SW19 3DH	
(Ward)	Merton Park	
Proposal	The proposal is for the erection of an outbuilding in the rear garden to be used for separate living accommodation	
Drawing No's	1205/5, 6 & 7A, site location plan	
Contact Officer	Joyce Ffrench (020 8545 3045)	

RECOMMENDATION

GRANT PLANNING PERMISSION subject to conditions

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 2
- Press notice - No
- Site notice - Yes
- External consultations - No
- Density - N/A
- Number of jobs created N/A

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee at the request of Councillor Sargeant

2 SITE AND SURROUNDINGS

- 2.1 The application site is currently an unaltered semi-detached property
- 2.2 The site is not within a conservation area
- 2.2.1 A certificate of lawfulness has been recently issued to allow a rear extensions and extensions to the roof.

3. CURRENT PROPOSAL

- 3.1 The proposal would involve the construction of an outbuilding to a maximum height of 3.6m. in the rear garden [REDACTED]

- 3.2 [REDACTED]

4. PLANNING HISTORY

- 4.1 15/P1970 - erection of a flat roof single storey detached outbuilding for use as living accommodation incorporating solar panels with an overall height of 3.9m – refused – currently under appeal

Reasons for refusal:-

- 1) The proposed unit by reason of its layout and design, incorporating a kitchen/living/dining area, bedroom and bathroom, thereby providing facilities that would enable self-contained living, would provide a cramped and unsatisfactory standard accommodation for occupation by one person, failing to meet the objectives of policy 3.5 of the London Plan (2011) and contrary to policy DM.D2 of the Council's Sites and Policies Plan (July 2014) and policy CS.14 of the Merton LDF Core Planning Strategy (2011).

2) The proposed unit by reason of its size, height, siting and design would be unduly prominent and visually intrusive, and out of character with the surrounding pattern of the development, and would be detrimental to the visual amenities of neighbouring occupiers. The proposals would therefore be contrary to policies DM D2 and DM D3 of the Sites and Policies Plan (2014) and policy CS 14 of the Merton LDF Core Planning Strategy (2011)

4.2 15/P1967 - application for a lawful development certificate in respect of the proposed erection of a single storey rear extension and a hip to gable and rear roof extension with the installation of 4 x rooflights to front roof slope - issued

5. CONSULTATION

5.1 The application was advertised by means of neighbour notification letters and a site notice.

5.2 Three letters of objection have been received raising the following concerns:-

- Visually intrusive
- Out of character with the area
- Sets a bad precedent
- Proposal is not described correctly

6. POLICY CONTEXT

6.1 The relevant policies in the Council's Adopted Sites and Policies Plan (July 2014) are:

DM D1 (Urban design)

DM D2 (Design considerations)

DM D3 (Alterations and Extensions to Buildings)

6.2 London Plan 2015

7.4 (Local character)

7.0 PLANNING CONSIDERATIONS

7.1 The main issues for consideration are any impact on neighbour amenity and on visual amenity.

7.2 Neighbour amenity

London Plan policy 7.6 and SPP policy DM D2 require that proposals will not have a negative impact on neighbour amenity in terms of loss of light,

privacy visual intrusion or noise and disturbance. [REDACTED]

[REDACTED] This will result in a certain amount of light emanating from the structure as the windows face the rear of the houses in the vicinity and, although no external lighting is proposed, [REDACTED]

lighting of some kind is likely to be necessary in the garden.

7.3.1 There have been objections to the scale and bulk of the proposals however it is considered that the outbuilding is placed in the most appropriate part of the garden in order to reduce any impact on neighbour amenity. The outbuilding will be 23.5m away from the rear of the properties and, as there are existing small trees and shrubs in the garden, it is considered that the outbuilding will not create an undue visual intrusion to neighbouring occupiers

7.4 From Kendor Gardens the development will not be immediately apparent as there are shrubs and trees that will shield it from public view.

7.5

[REDACTED]

7.6

[REDACTED]

7.7 Trees

There are trees which are not protected which are to be removed as a result of the development.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9 CONCLUSION



10 RECOMMENDATION

10.1 Grant planning permission subject to conditions

Conditions

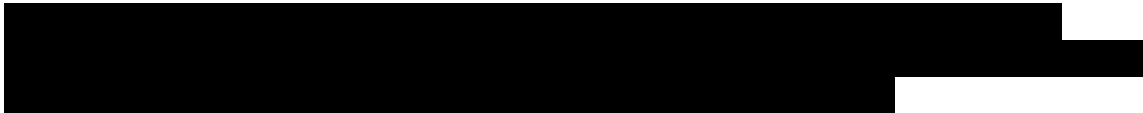
A1 Commencement of Development

A7 Construction in accordance with plans 1205/5, 6 & 7A, site location plan

B3 – Materials as specified

D9 – No external lighting

E4 – adapted



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58 Daybrook Road

Scale 1/1250

Date 29/10/2015

London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX



DEVELOPMENT CONTROL

MRC lot plans
17506424620

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All dimensions to be checked
on site prior to construction

Read in conjunction with
Drawings No's

1205/ 1-4

N° 60

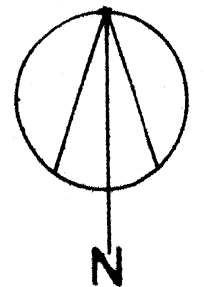
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N° 56

23500

PROPOSED
ANNEXE

EX GARAGE



KENDOR GDN'S
Page 27

PROPOSED SINGLE STOREY
ANNEXE

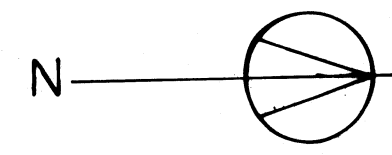
SITE LAYOUT PLAN (PROPOSED)

client
MR & MRS T HARRIS
58 DAYBROOK RD SW19 3DH

scale
1:100 @ A3
drawn
date may 2015

drawing no
1205/7A
rev

KENDOR GDNS



MRG loft plans
07908424620

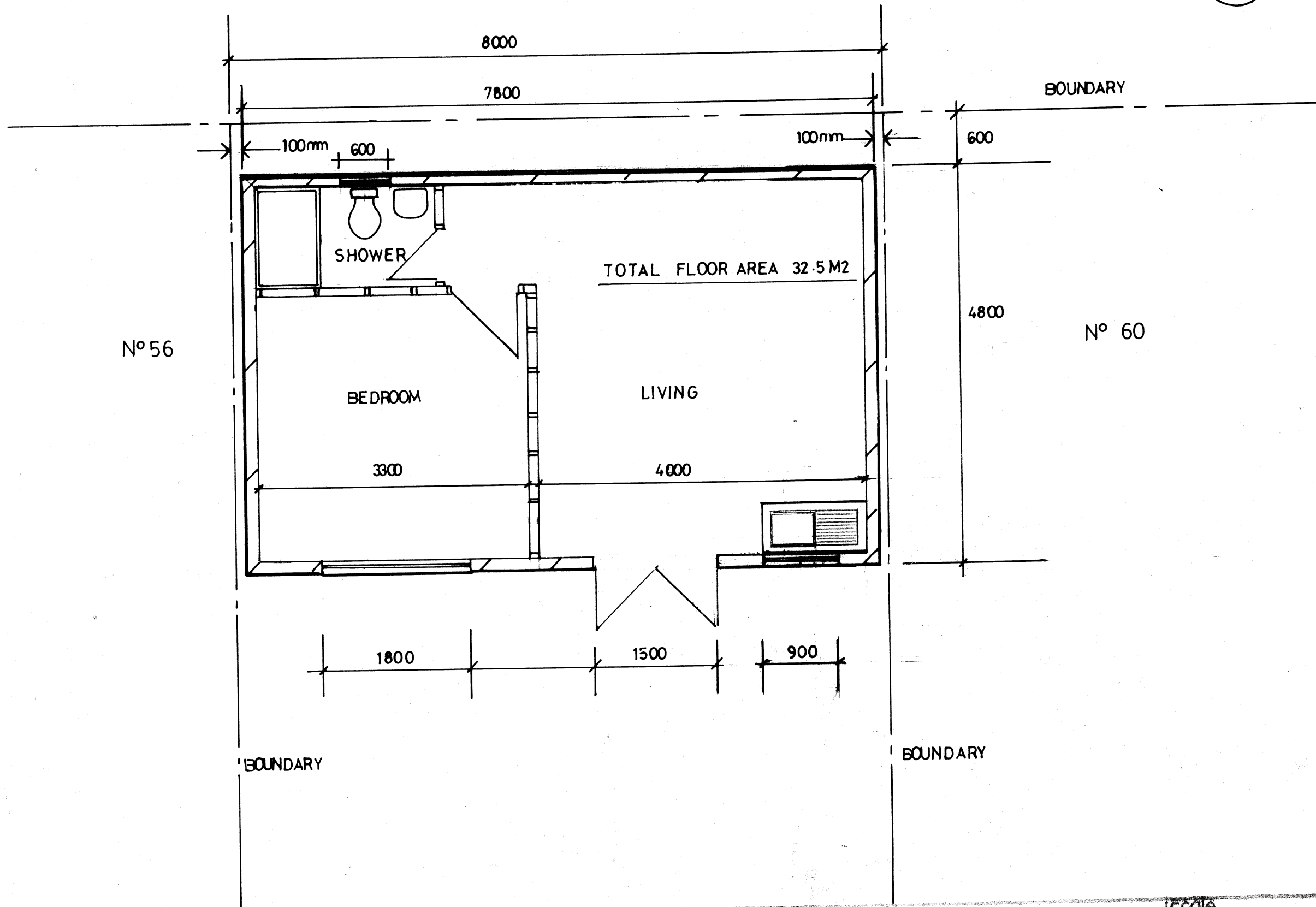
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On site prior to construction

Read in conjunction with
Drawings No's



Page 43

PROPOSED SINGLE STOREY

ANNEXE

client
MR & MRS T HARRIS
58 DAYBROOK RD SW19 3DH

scale
1:50 @ A3
drawn
date may 2015

drg no	rev
1205/5A	P

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APR 2015
 07206/124821

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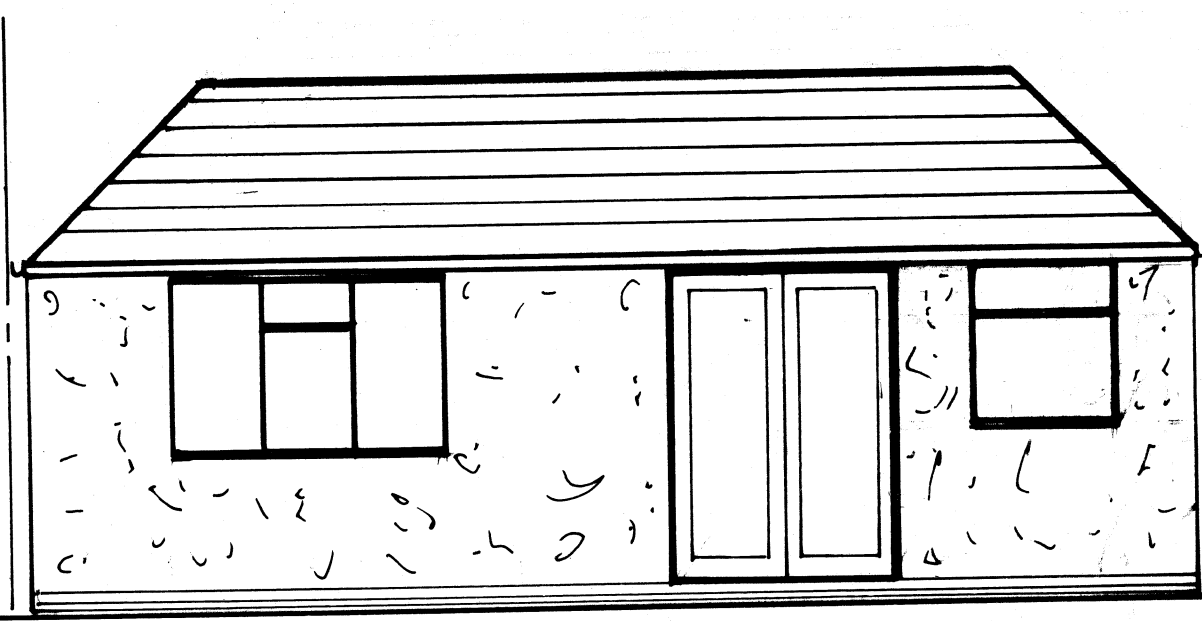
This drawing is for planning purposes only.

These drawings may be scaled for planning purposes.

All dimensions to be checked on site prior to construction.

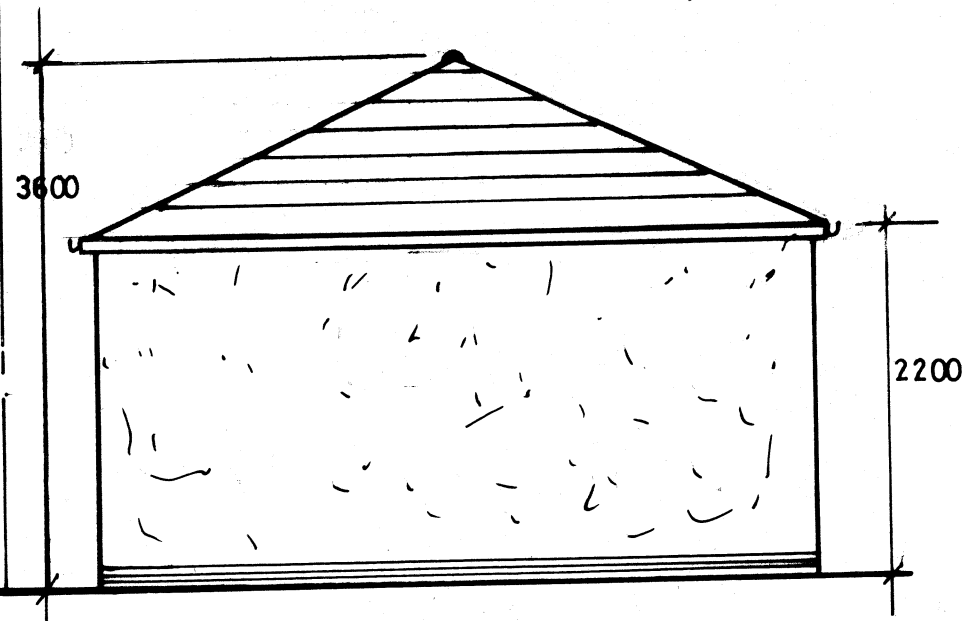
Read in conjunction with Drawings No.

BOUNDARY



FRONT ELEVATION (EAST)

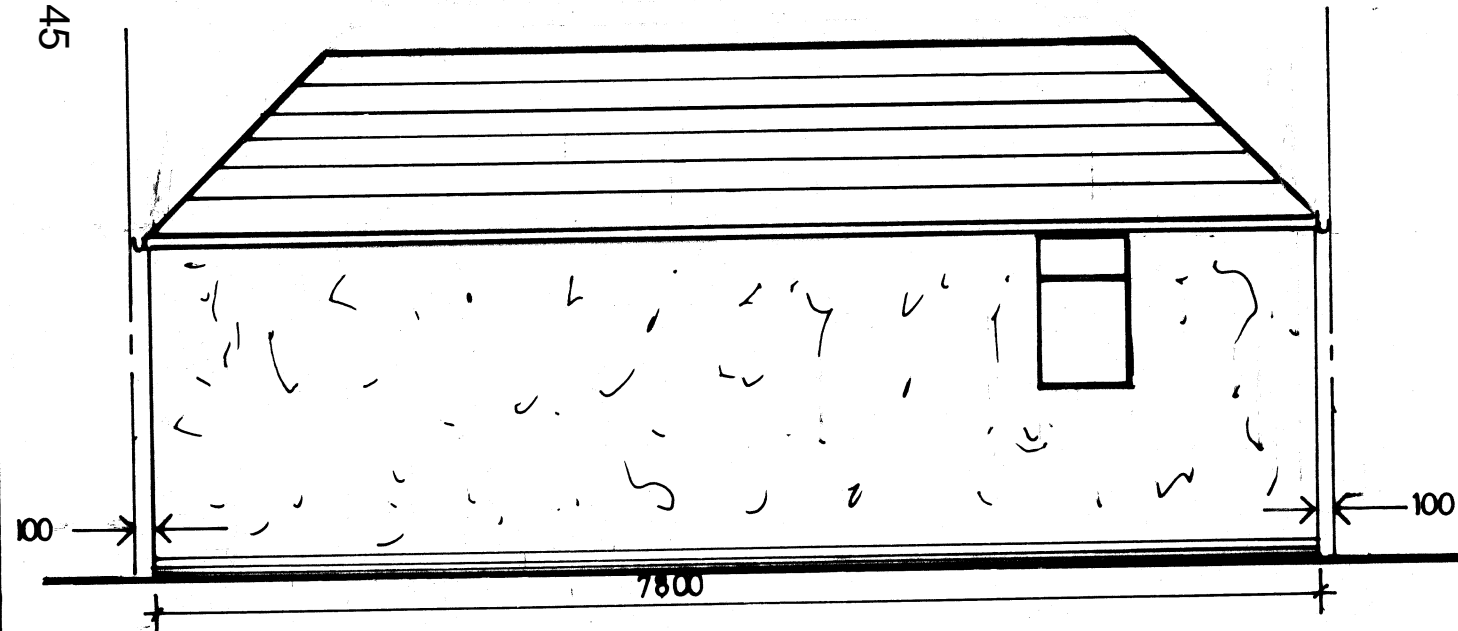
BOUNDARY



SIDE ELEVATION (SOUTH)

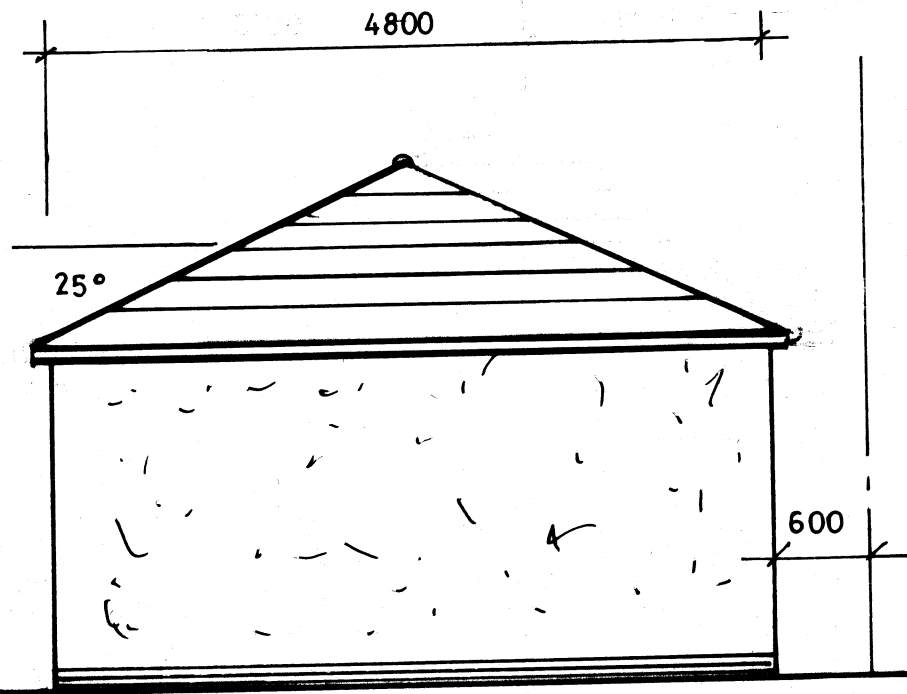
Page 45

BOUNDARY



REAR ELEVATION (WEST)

BOUNDARY



SIDE ELEVATION (NORTH)

PROPOSED SINGLE STOREY
ANNEXE

Client
 MR & MRS T HARRIS

58 DUNTHORPE RD SW19 3DH

Scale
 1:50 @ A3

drawn
 date may 2015

draw no
 1205/6A P

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PLANNING APPLICATIONS COMMITTEE
12 November 2015

UPRN	Item No: APPLICATION NO.	DATE VALID
	15/P2222	06/07/2015

Address/Site: Flats 1 & 2, 137 Seaforth Avenue New Malden KT3 6JW

Ward: West Barnes

Proposal: Erection of a hip to gable and rear roof extension; erection of a single storey rear extension.

Drawing No's: 001, 007, 008 Rev A, 009 & 010 Rev A

Contact Officer: Joyce Ffrench (020 8545 3045)

Recommendation: GRANT PLANNING PERMISSION subject to conditions

CHECKLIST INFORMATION.

- " S106: N/A
- " Is a screening opinion required: No
- " Is an Environmental Statement required: No
- " Has an Environmental Impact Assessment been submitted - No
- " Press notice - No
- " Site notice - Yes
- " Design Review Panel consulted - No
- " Number of neighbours consulted - 8
- " External consultations - No
- " Density - N/A
- " Additional employment - N/A.

1. INTRODUCTION

- 1.1 This application is presented to the Planning Committee as an objection has been received from the adjoining neighbour and the rear extension marginally fails the LBM light test.

2. SITE AND SURROUNDINGS

- 2.1 The application site is an end-of-terrace 1930's built residential property which has been divided in to 2 flats and extended with a flat roof side extension.

- 2.2 The ground floor flat currently consists of 2 bedrooms and the upper flat 1 bedroom
- 2.3 Due to its position at the end of Seaforth Avenue the plot is triangular with the majority of amenity space to the side.
- 2.4 At the time of the site visit (30 July 2015) the roof extension was under construction. Building control records indicate a commencement date of 18/06/2015; no completion date is currently recorded.
- 2.5 No. 135 has a modest part width rear extension
- 2.6 The property is not in a conservation area.

3. CURRENT PROPOSAL

- 3.1 The application seeks permission to erect a single storey extension to a depth of 3m and a hip to gable and rear roof extensions.
- 3.2 The extensions will provide larger accommodation to the ground floor 2-bed flat and an additional bedroom with an en-suite bathroom to the upper flat

4. PLANNING HISTORY

- 4.1 15/P3013 - erection of 3 bedroom house on ground and first floors with further accommodation at roof level with a rear dormer on land at 137 Seaforth Avenue – currently being assessed

15/P3012 - erection of a 3 bedroom detached house on ground and first floors with further accommodation at roof level with dormers in rear roof slope on land at 137 Seaforth Avenue – currently being assessed

07/P1554 - demolition of garage and erection of a single storey side extension – approved

MER753/83 - erection of single storey extension to rear of garage – approved

5. RELEVANT POLICIES.

National Planning Framework [March 2012]

- 5.1 The National Planning Framework was published on the 27 March 2012. This document is put forward as a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.

5.2 The document reiterates the plan led system stating that development which accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development. To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, local planning authorities need to approach development management decisions positively and look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

5.3 Merton Site and Policies Plan (2014).
DM D2: Design considerations in all developments.
DM D3: Alterations and extensions to existing buildings

5.4 Merton LDF Core Planning Strategy (2011).
CS 14: Design

5.5 Supplementary Planning Guidance – Residential Extensions, Alterations and Conversions

6. CONSULTATION

6.1 The application has been advertised with a site notice and neighbour letters. One letter of objection has been received from the adjoining neighbour raising the following concerns

- Works have commenced without planning consent
- Development is inconsistent with submitted plans
- Loss of privacy
- Not in keeping with extensions in the vicinity
- Loss of light
- Loss of enjoyment of garden

7. PLANNING CONSIDERATIONS

7.1 The main planning consideration is an impact on neighbour amenity

7.2 The proposed rear ground floor extension is to a depth of 3m. and a height of 2.5m. rising to 3.5m and would provide more space in the existing 2 bedroom flat.

7.3 It is close to the boundary of No. 135 and marginally fails the LBM light test.

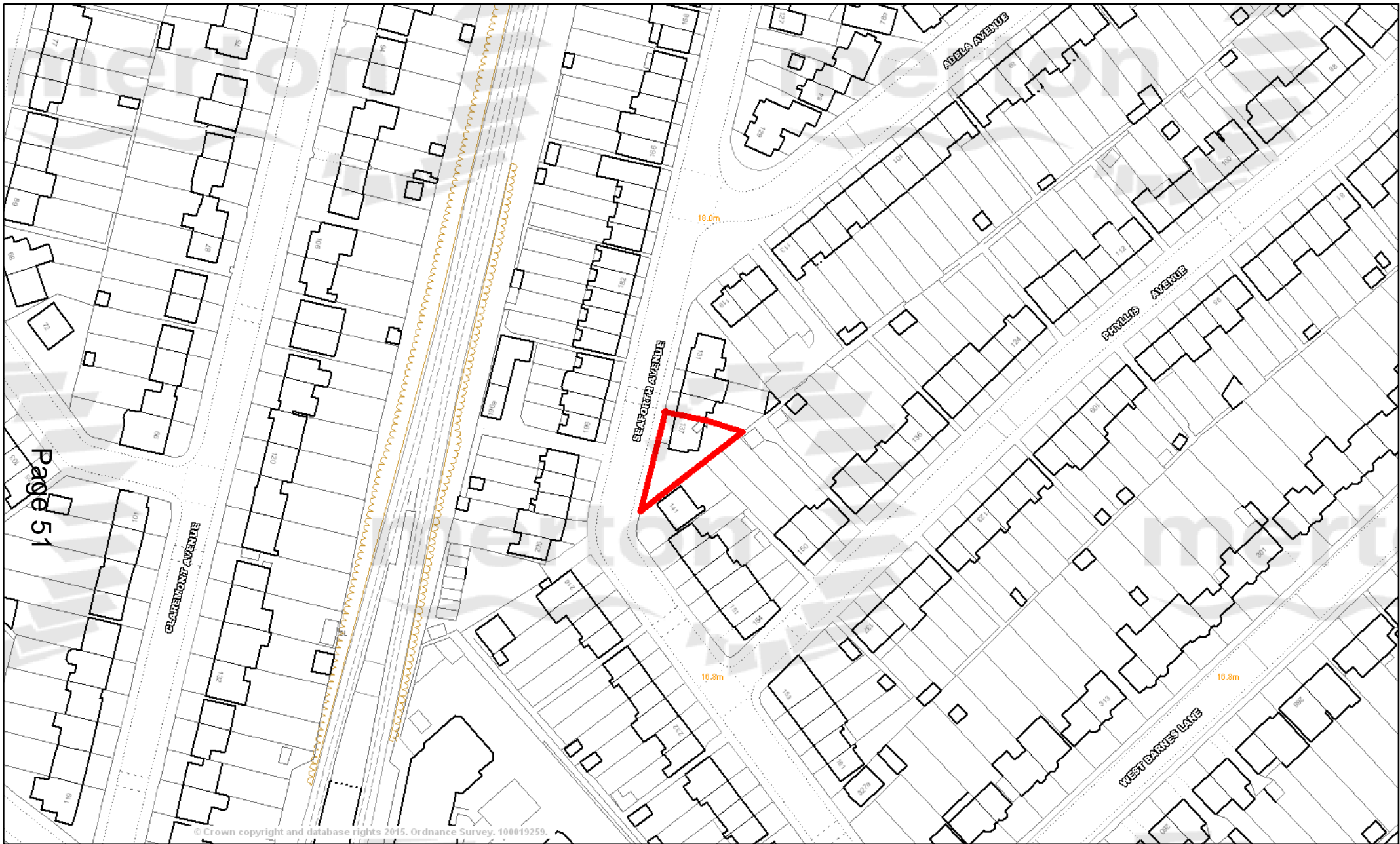
- 7.4 It is considered relevant that the rear extension would fall under permitted development had this property been a single family dwelling and not flats.
- 7.5 It is considered that although failing the light test, the extension would not have any significant impact on the living conditions of the occupier of No. 135 Seaforth Avenue as the extension is of reasonably modest dimensions and would be an acceptable addition to the ground floor flat subject to a condition to ensure materials match existing.
- 7.6 The roof extension, which was built in accordance with amended plans received 10/08/2015, is acceptable in terms of its appearance and design and would provide an additional room for the upper flat.
8. CONCLUSION
- 8.1 Due to the modest nature of the extensions and the marginal failure of the LBM light test, I would recommend that permission be granted subject to conditions

RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1 A.1 – Time limits
2. A.7 The development hereby permitted shall be retained in accordance with the approved plans_001, 007, 008 Rev A, 009 & 010 Rev A

Reason. For the avoidance of doubt and in the interests of proper planning.
- 3 B2 – matching materials



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137 Seaforth Avenue

Scale 1/1250

Date 29/10/2015

London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX



DEVELOPMENT CONTROL

Committee: Planning Applications

Date: 12th November 2015

:

Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

Application Number: **14/P2600**
Site: 111 Coombe Lane SW20 0QY
Development: Erection of 4 bedroom detached house with felling of seven trees
Recommendation: Refuse Permission (*Committee Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085317/14P2600_Appeal%20Decision%20Notice.pdf

Application Number: **14/P3935**
Site: 190 Merton High Street, South Wimbledon SW19 1AX
Development: Display of 2 x fascia signs
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 30th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000086000/1000086587/14P3935_Appeal%20Decision%20Notice.pdf

Application Number: **14/P4280**
Site: Flat 2, 62 Home Park Road SW19 7HN
Development: Creation of 2 x first floor juliette balconies to front elevation
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 29th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000086000/1000086913/14P4280_Appeal%20Decision%20Notice.pdf

Application Number: **14/P4401**
Site: 35 London Road, Morden, Surrey, SM4 5HT
Development: Erection of 3 storey building comprising 2 x 1 bed flats
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087031/14P4401_Appeal%20Decision%20Notice.pdf

Application Number: **15/P0117**
Site: 184 Effra Road, South Wimbledon, London, SW19 8QA
Development: Conversion of house into 2 x flats with single storey side extension and external staircase
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 2nd November 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087441/15P0117_Appeal%20Decision%20Notice.pdf

Application Number: **15/P0382**
Site: 64, Graham Road, Wimbledon SW19 3SS
Development: Erection of rear roof extension and single storey rear extension
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 16th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087696/15P0382_Appeal%20Decision%20Notice.pdf

Application Number: **15/P1061**
Site: 9 Western Road, Mitcham, Merton CR4 3ED
Development: Display of 4 x 48 sheet hoarding advertisements
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 30th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088351/15P1061_Appeal%20Decision%20Notice.pdf

Application Number: **15/P1063**
Site: 216 Rowan Road, Streatham, London SW16 5HX
Development: Display of 2 x 48 sheet hoarding advertisements
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 30th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088352/15P1063_Appeal%20Decision%20Notice.pdf

Application Number: **15/P1538**
Site: 85 Gladstone Road, Wimbledon, London, SW19 1QR
Development: Erection of front and rear roof extensions
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088803/15P1538_Appeal%20Decision%20Notice.pdf

Application Number: **15/P1661**
Site: 52 Griffiths Road, Wimbledon, London, SW19 1ST
Development: Erection of rear roof extension and single storey rear extension
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088924/15P1661_Appeal%20Decision%20notice.pdf

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.

- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
1. That the decision is not within the powers of the Act; or
 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

- 1.1. None required for the purposes of this report.

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

- 4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

- 6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 7.1. See 6.1 above.

8 BACKGROUND PAPERS

- 8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

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Committee: Planning Applications Committee

Date: 12th November 2015

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact Officer Sam Amoako-Adofo: 0208 545 3111
sam.amoako-adofo@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	865 ¹ (838)	New Appeals:	3 (2)
New Complaints	62 (111)	Instructions to Legal	2
Cases Closed	35 (64)	Existing Appeals	9 (6)
No Breach:	15	<hr/>	
Breach Ceased:	20	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	58 (52)
Total	35 (64)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	1 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	4 (0)
New Enforcement Notice issued	4	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	5 (6)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (6th October to 2nd November 2015)*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

- 2.01 112 Edgehill Road Mitcham CR4** An enforcement notice was issued on 26th October 2015 against the erection of a 'canopy type' rear extension. The requirement is to demolish the structure within one month of the effective date unless an appeal is made before 5th December 2015 which is the effective date.
- 2.02 4 Sunnymead Avenue Mitcham CR4-** The Council served an enforcement notice against a front roof alteration and rear dormer on 26/10/15. The notice comes into effect on 5/12/15 unless an appeal is made prior to that date. The requirement is to demolish the unauthorised roof extension within one month.
- 2.03 10 Lammas Avenue Mitcham CR4-** The Council served an enforcement notice on 19th October 2015 against the erection of a rear roof extension to the property. The requirement is to demolish the extension and reinstate the roof slope using similar materials at the adjoining properties. The notice would come into effect on 30th November 2015 unless there is an appeal prior to that date. The compliance period is three months.

- 2.04 61 Commonsides West Mitcham CR4** An enforcement notice was issued on 12th October 2015 against a roof alteration at the property with a requirement to remove the unauthorised roof and replace with the original flat roof. The notice would come into effect on 20/11/15 unless there is an appeal prior to that. The compliance period is one month.

Recent Enforcement Actions

- 2.05 19 Laings Avenue Mitcham CR4** The Council issued an untidy land notice on 10th September 2015 to require the owner to trim and cut back overgrown bushes in the rear garden and the garden in an tidy condition. The notice came into effect on 1st October as there was no appeal and the owner has 28 days to comply with the requirements. The required works have been carried out in compliance with the notice and the file has been recommended for closure.
- 2.06 1 Dovedale Rise, Mitcham CR4** - The Council served an enforcement notice on 17th August 2015 against the erection of four outbuildings in the rear garden of the property with a requirement to demolish these structures within three months of the effective date. The notice came into effect on 25th September as there was no appeal prior to that date. The compliance period expires by 25th December 2015.
- 2.07 32 Consfield Avenue KT3.** The Council issued an enforcement notice on 24th June 2015 against the unauthorised erection of a single storey rear extension. The notice came into effect on 30th July 2015 as no appeal was registered before that date. The main requirement is to remove the structure within one month of the effective date. The owner has indicated a retrospective planning application would be submitted for a smaller extension but this has been delayed. An extension has been agreed for an application to be submitted as failure could result in prosecution for non-compliance.
- 2.08 43 Approach Road, Raynes Park SW20.** An enforcement notice was issued on 4th June 2015 against the installation of a roof terrace with a requirement to cease its use and remove all facilitating fixtures such as the balustrade. The compliance period is one month of the effective date of 15th July 2015 as there was no appeal.

The landlord has to comply by 15th August 2015 or could be prosecuted. The owner has made some progress by removing the balustrade but the decking is still in place.

- 2.09 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27th October 2014 for consideration.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include:

- 1) The roof and rainwater goods,
- 2) Masonry, chimney and render repairs
- 3) Woodwork, glazing and both internal and external repairs.

Officers inspected the property with a representative from English Heritage on 17th September and it appeared that works have been halted. A work scheduled showing expected completion times has been requested from the contractor/agent to support a current application for a time extension to complete the works.

The Car lot – the enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice came into effect on 20th August 2014 as there was no appeal prior to that date and the compliance period would expire by 20th October 2014 (2 calendar months).

Most of the cars have now been removed – the remaining cars are broken and need to be towed or carried on transporters.

3.0 New Enforcement Appeals

18 Morton Road, Morden SM4 The Council served an enforcement notice on 29th June 2015 against the erection of an outbuilding with a requirement to demolish the structure within two months of the effective date of the notice of 6/8/15. The Council has been notified of an appeal and a questionnaire and relevant policies have been sent to the Inspectorate.

3.1 Existing enforcement appeals

- **2 Cavendish Road, Colliers Wood SW19** - The Council issued an enforcement notice on 18th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice would have come into effect on 30th September 2015 but the Council has been notified of an appeal. The main requirement is to remove the first floor structure within one month of the effective date. The Council's questionnaire and policies sent to the Inspectorate.
- **61 The Quadrant SW20** - The Council issued an enforcement notice on 25th August 2015 against the unauthorised erection of a single storey rear extension. The notice would come into effect on 6th October 2015 unless there is an appeal prior to that date. The main requirement is to demolish the structure within three months of the effective date. The Council's questionnaire and policies sent to the Inspectorate.
- **14 Glenthorpe Road Morden SM4** An enforcement notice was issued against the erection of a raised timber decking with uprights and a polycarbonate lean-to with roofing. The requirements are to remove these structures within one month of the effective date. The owner has appealed and the council's statement was sent on 5/10/15.
- **36 Deal Road SW17** An enforcement notice was issued on 6th July 2015 against the conversion of the property from two into three self-contained flats involving the use of the roof space as a self-contained flat. The

notice would have come into effect on 10th August 2015 but an appeal has been registered.

The main requirement of the notice would be for the use of the building as three self-contained flats to cease within 6 months.

- **24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered.

The main requirement of the notice is for the unauthorised building to be demolished within three months

- **163 Central Road, Morden SM4**, An enforcement notice was issued on 9th April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would have come into effect on 19th May 2015 but an appeal was registered and is proceeding under written representations. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit within four months.

The Council's questionnaire and consultee letters have been sent.

- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. An appeal has been registered and is proceeding by written representation. If the appeal is dismissed and the notice is upheld, the requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use within three months.

Final statements and comments have been exchanged and now awaiting an inspector site visit date.

- **204 Tamworth Lane, Mitcham CR4**, - An enforcement notice was issued on 11th May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. An appeal has been registered and is proceeding under written representation. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.

The Council's statement has been sent to the Inspectorate and expecting a site visit.

3.2 Appeals determined –

Land and premises known as 336 Lynmouth Avenue, Morden SM4. An enforcement notice was issued on 1st September 2014 against the unauthorised change of use of the land to a mixed use comprising a dwellinghouse and hostel accommodation involving the use of an outbuilding to the rear of the land as student accommodation.

Decision.

The appeal was partly allowed on ground 'D' that the decking had been in place for more than four years and is therefore immune.

The inspector dismissed the appeal and upheld the enforcement notice with a variation arguing that the use of the outbuilding by exchange student was not simply an intensification of an incidental use but it was a commercial use that has resulted in a material change of use.

The notice was varied by the deletion of requirement no.2 relating to the removal of the wooden decking and banister.

Prosecution case.

None

3.4 Requested update from PAC

(b) **24 Greenwood Close, SM4 (para. 3.1)** – Officers undertook to ask the Enforcement Team to advise Councillor Tobin Byers of the time scale for the enforcement appeal for this site.

The original date of 11/11/15 for submitting appeal statements have been extended to 25/11/15.

(c) **Burn Bullock PH, 315 London Road, Mitcham, CR4 (para. 2.09)** – Officers undertook to ask the Enforcement Team to advise Councillor Ross Garrod what be the next step would be if the owner didn't submit an application for planning and listed building consent by 27 October 2015 as required.

Sufficient supporting information has been provided to enable an extension to be granted for the required works to continue to completion.

(d) **18 Morton Road, Morden, SM4 (para. 2.06)** – Councillor Philip Jones advised that this property (which was already the subject of an enforcement appeal for an outbuilding) was being advertised as a bed and breakfast establishment. Officers undertook to investigate.

This is being investigated.

4. Consultation undertaken or proposed

None required for the purposes of this report

- 5 Timetable**
N/A
- 6. Financial, resource and property implications**
N/A
- 7. Legal and statutory implications**
N/A
- 8. Human rights, equalities and community cohesion implications**
N/A
- 9. Crime and disorder implications**
N/A
- 10. Risk Management and Health and Safety implications.**
N/A
- 11. Appendices – the following documents are to be published with this report and form part of the report Background Papers**
N/A
- 12. Background Papers**

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