

1. **INTRODUCTION**

The application has been brought before the Planning Applications Committee for consideration as the case officer's recommendation to grant permission is subject to a legal agreement for an affordable housing contribution.

2. **SITE AND SURROUNDINGS**

2.1 The application site is located on the eastern side of Haydon's Road, Wimbledon, close to the junction with Dryden Road. The application site comprises the rear portion of the curtilage of a two-storey terraced building. The ground floor unit at the front has been recently converted from an office to a one-bed flat. The upper level is also in residential use. The application site comprises an open rear yard area and existing single storey storage buildings which can be accessed from an alleyway connecting with Dryden Road.

2.2 Other properties along this section of Haydon's Road comprise commercial uses at ground floor (with some converted to residential) and residential flats on the floor above. To the rear of the application, 1 Dryden Road is a two storey end of terrace residential property which is orientated at a right angle to the application site.

2.3 The application site is not located within a conservation area

3. **CURRENT PROPOSAL**

3.1 Erection of single storey 1 bed residential unit at the rear of 235 Haydons Road, involving demolition of existing single storey store and lean-to and construction of extensions connecting to existing rear room.

3.2 **London Plan Space Standards**

London Plan	Dwelling type (bedroom (b)/ persons-bedspaces (p))	GIA (sq m)
1 bedroom flat	1b2p	50
Proposal		
1 bedroom flat	1b2p	50.6

4. **PLANNING HISTORY**

4.1 MER883/75 - 1) Alterations including installation of new shop front in connection with the use of ground floor as a plant hire business and 2)

- Conversion of upper floors to provide two self-contained flats. Granted, 09/01/1976.
- 4.2 MER321/76 - Alterations including installation of a new shop front in connection with the use of the ground floor as a plant hire business and 2) Conversion of the upper floors to provide two self-contained flats involving the installation of two replacement windows at first floor level. Granted, 03/06/1976.
- 4.3 01/P1577 - Erection of a ground floor rear extension and conversion of part of office into a self contained studio flat. Refused, 26/09/2001.
- 4.4 03/P0008 - Erection of a single-storey rear extension to be used for storage purposes, involves demolition of existing garage and storage area. Granted, 10/02/2003.
- 4.5 09/P1175 - Change of use of ground floor from offices to a self contained 2 bed flat involving erection of a single-storey rear extension. Refused, 27/07/2009, for the following reasons:
- 'The proposal has failed to provide evidence demonstrating that the site is no longer viable as a Class B1 use and would undermine the Council's objectives of safeguarding employment land for jobs contrary to Policies E.1 and E.6 of the Adopted Merton Unitary Development Plan (October 2003).'
- 'The proposed replacement external staircase and perimeter treatment for the rear first floor terrace, by reason of size, location, and design, would result in an unacceptable loss of privacy to future occupiers of the ground floor flat and adjacent occupiers at No.237 Haydon's Road, contrary to policy BE.15 of the Adopted Merton Unitary Development Plan (October 2003).'
- 'The proposed kitchen by reason of its central location and design would receive an unsatisfactory level of daylight/sunlight to the detriment of future occupiers of the ground floor flat contrary to policy BE.15 of the Adopted Merton Unitary Development Plan (October 2003).'
- 4.6 10/P0207 - Change of use of ground floor from offices to a self - contained single person one - bedroom flat involving alterations to front elevation and removal of existing rear lean-to. Refused, 12/04/2010, for the following:
- 'The proposal has failed to provide sufficient evidence demonstrating that the site is no longer viable as a Class B1 use and would undermine the Council's objectives of safeguarding employment land for jobs contrary to

Policies E.1 and E.6 of the Adopted Merton Unitary Development Plan (October 2003).'

- 4.7 10/P2053 - Change of use from office (B1) to one bed flat dwelling (C3) - Grant - 23/09/2010
- 4.8 10/P2704 - Erection of single storey 1 bed dwellinghouse at rear of 235 haydons road, involving demolition of existing single storey workshop/store and utilisation of existing rear room - Refuse Permission on 18-11-2010 for the following reason:

'The proposed development would result in unacceptably sub-standard living conditions for future occupiers of the proposed unit by reason of poor outlook and inadequate levels of natural daylight and would therefore be contrary to Policy HS.1 and BE.15 of the Adopted Merton Unitary Development Plan (October 2003) and to the Council's Supplementary Planning Guidance for New Residential Development'.

- 4.9 12/P2313 - Erection of single storey 1 bed dwellinghouse at rear of 235 Haydons Road, involving demolition of existing single storey workshop/store and utilisation of existing rear room – Refused on 30/10/2012 for the following reasons :

1) 'The proposed development would result in unacceptably sub-standard living conditions for future occupiers of the proposed unit by reason of poor outlook and inadequate levels of natural daylight and would therefore be contrary to Policy HS.1 and BE.15 of the Adopted Merton Unitary Development Plan (October 2003) and to the Council's Supplementary Planning Guidance for New Residential Development'.

2) 'The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011)'.

An appeal was lodged against the refusal which was dismissed on 27 Aug 2013. A copy of the Inspector's decision notice is appended. The Inspector concurred with the local planning authority that the proposed residential unit would result in unacceptably sub-standard living conditions for future occupants in terms of outlook and amenity area provision. He considered that the small size of the courtyard would limit the amount of daylight reaching the main living room and bedroom areas, and that it was also too small to perform the various functions required of it, which include sitting out space, drying space, refuse and cycle storage as well as outlook and daylighting functions.

5. **CONSULTATION**

5.1 The application has been advertised by the display of a site notice and letters of notification to the occupiers of neighbouring properties.

5.1.1 In response to the consultation, one objection was received. The letter of objection raises the following points:

- Devalue property
- Loss of privacy to garden
- Request that no windows or entrance to flat overlook garden.

6. **POLICY CONTEXT**

6.1 The relevant policies within the Adopted Unitary Development Plan (October 2003) are:

HS.1: Housing Layout and Amenity
BE.15 New Buildings and Extensions - Daylight, Sunlight, Privacy, Visual Intrusion and Noise,
BE.16 Urban Design
BE.22 Design of New Development
F.2 Planning Obligations

6.2 The following Supplementary Planning Guidance notes are also relevant:

New Residential Development (September 1999)
Planning Obligations (July 2006)

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

CS8 - Housing Choice
CS9 - Housing provision
CS14 - Design
CS18 - Active Transport
CS19 - Public Transport
CS20 - Parking, Servicing and Delivery

6.4 The Relevant policies in the London Plan (July 2011) are:

3.3 (Increasing Housing Supply),
3.4 (Optimising Housing Potential),
3.5 (Quality and Design of Housing Developments),
3.8 (Housing Choice),
5.1 (Climate Change Mitigation),

5.3 (Sustainable Design and Construction).

7. **PLANNING CONSIDERATIONS**

7.1 The main issues to consider are the principle of the development, design and standard of accommodation provided, impact upon neighbouring amenity and traffic and parking considerations.

7.2 Principle of Development

The London Plan and both the Council's adopted LDF and UDP seek to increase housing provision where it can be shown that an acceptable standard of accommodation will be provided. The London Plan published in July 2011 sets Merton with a minimum ten year target of 3,200 dwellings within the borough between 2011 - 2021. The proposed redevelopment of the site would provide a new 1 bedroom flat, therefore the principle of development is considered acceptable by making a modest contribution towards meeting housing choice and housing targets, subject to the proposal being acceptable in relation to all other material planning considerations.

7.3 Comparison to Recently Dismissed appeal (LBM Ref 12/P2313) and Quality of Proposed Accommodation

7.3.1 The proposal is very similar to the recently refused application 12/P2313 which was also dismissed on appeal (copy of appeal decision attached.).

7.3.2 The Inspector concurred with the local planning authority's grounds for refusing planning application 12/P2313, which was a proposal for a 1-bed residential unit arranged around a central courtyard within the rear curtilage of 235 Haydon's Road. He agreed that the proposed residential unit would result in unacceptably sub-standard living conditions for future occupants in terms of outlook and amenity area provision. He considered that the small size of the courtyard would limit the amount of daylight reaching the main living room and bedroom areas, and that it was also too small to perform the various functions required of it, which include sitting out space, drying space, refuse and cycle storage as well as outlook and daylighting functions.

7.3.3 Specifically, he noted that

"The courtyard would be limited in size, measuring just in excess of 10 sq m, yet the scheme is heavily reliant on this feature to ensure that the accommodation provided would be satisfactorily habitable. As the proposed design and layout cannot allow for any windows in

the new building's flank walls and the proposed rear wall shows only some small high level windows the courtyard would be the unit's sole means of outlook for the living room and bedroom and yet, paradoxically, the outlook therefrom would be inward looking. I do not therefore consider that the degree of outlook achieved would meet that which could be expected for a reasonably sized one-bed flat.

The Council's Supplementary Planning Guidance (SPG) on New Residential Development requires that, as far as is practicable, the windows of habitable rooms should receive direct sunlight at some time of the day, with windows facing either east, south or west. In this case, the courtyard would receive both natural light and sunlight but, given its restricted size and enclosure, I envisage the degree of daylight filtering through to the main living and bedroom areas would be limited. This increases the reliance on the series of proposed rooflights above the flank corridor area, although only the living room and kitchen would benefit from these”.

- 7.3.4 He concluded that whilst a courtyard might provide a solution to the development of this sort of site, in this instance it would be too limited to provide suitable outlook and amenity space provision
- 7.3.5 In comparison to the recent dismissed appeal, the current proposal has sought to overcome the issues raised by the planning inspector by improving light levels with new windows and roof lights, providing a double aspect outlook from the combined living space, and increasing the size of the central courtyard. The detail of these changes and their impact are discussed below.
- 7.3.6 Courtyard
The courtyard has now been increased in width from 3.2 metres to 4.4 metres between the facing main living room and bedroom windows. This increases the overall size of the courtyard from 10 square metres to 13.9 square metres. The bin store has also been relocated within the courtyard towards the southern flank wall (away from bi-folding door openings) and new soft landscaping has been introduced to partly screen the store. Four full height windows have also been introduced to the link corridor courtyard.
- 7.3.7 Windows/Roof lights
Three additional rooflights have been added to the roof slopes above the combined living area. Given the constraints of the site, it is not possible to have flank windows in the southern elevation of the unit, therefore whilst roof lights are not considered to be ideal, nevertheless, with the other forms of openings, they assist in delivering light and a sense of space to

the combined living area. In addition, to address concerns relating to the inward looking perspective of the unit, a large 5 paned window has been introduced to the eastern elevation adjacent to the kitchen area, providing more light and a double aspect outlook from the combined living area onto the courtyard and shared front access from Dryden Road. The rooflights have also been re-arranged to provide additional light to the bedroom.

7.3.8 Acceptability of Quality of Accommodation

The proposed layout of the residential unit is still not ideal, with bin and bike storage located within a central courtyard which also serves as amenity space and drying area. However, it is considered that on balance, the Council's previous grounds for refusal and the subsequent appeal Inspector's reasons for dismissal have been adequately addressed by the use of additional windows, roof lights and an increased sized courtyard. Overall the combination of 13 roof lights, a double aspect combined living area and a 13.9m² central courtyard is considered to deliver a reasonable standard of residential accommodation for future occupiers, particularly for a unit of this small size, working within the confines of a constrained site.

7.3.9 The proposed flat would meet the London Plan minimum GIA requirement and the indicative layout of the house shows that each room is capable of accommodating furniture and fittings in a satisfactory manner.

7.4 Design

7.4.1 The proposed building is modest in height and whilst covering the majority of the rear plot, its modest height helps reduce the overall bulk of the building when viewed from neighbouring properties and from Dryden Road to the south of the application site. A number of other properties along this section of Haydon's Road have large rear additions that cover the whole plot coverage. This is partly due to their original use as commercial units at ground floor level. In this instance it is considered that the proposed building would not appear as an incongruous feature given the context of the application site. It is considered that the design of the proposed building would satisfactorily relate to the context of the application site and would respect both the Haydon's Road and Dryden Road street scene.

7.5 Access arrangements

7.5.1 Access to the proposed flat is via a small passageway at the rear of 233 and 235 Haydon's Road. The passageway is accessed directly from Dryden Road to the south of the application site. The rear access is within close proximity of Dryden Road, and would be well overlooked from Dryden Road itself to ensure a safe passage to the property for future

occupiers and is wide enough to accommodate ease of movement to and from the public highway.

7.6 Residential Amenity

7.6.1 235 Haydons Road (ground floor flat)

The ground floor flat at the front of 235 Haydon's Road has recently been converted to a residential use following the implementation of planning approval (LBM Ref 10/P2053). The proposed redevelopment of the rear part of 235 Haydon's Road includes the demolition of the existing rear outbuilding and single storey side extension. Both buildings lack any architectural merit and are within a poor state of repair.

7.6.2 The rear facing window within the recessed rear wall of this ground floor flat is currently directed towards the existing side extension. The level of outlook from this bedroom is therefore already limited by the condition, siting and size of the existing side extension. The proposed new flat accommodation would cover a large proportion of the rear plot, however the majority of the proposed building would not be clearly visible from the rear bedroom window due to the window's recessed location behind the original two storey rear wing. The outlook from this bedroom window is therefore limited to a rearward angle only. In this respect, the proposed building is considered to be an improvement on the existing situation, by removing the poorly maintained side extension, and by introduction a new building with sympathetic materials and one that has been designed to be lower height than the existing extension (when viewed from this bedroom). It is therefore considered that the outlook from the existing bedroom window would be slightly improved compared to the existing situation. Therefore there would be no undue loss of this neighbour's amenity.

7.6.3 233 Haydon's Road

No 233 Haydon's Road is currently vacant, however this is a non-residential use. Given the use of this neighbouring property, it considered that there would be no undue loss of amenity.

7.6.4 237 Haydon's Road

The whole of 237 Haydon's Road appears to be in a residential use, although there is no clear planning history. This neighbouring property has been extended with a ground floor rear extension and external rear stair case. In terms of the outlook from the ground floor, the rear window within the recessed rear elevation is already affected by the siting and size of the existing external staircase. It is therefore considered that the proposed

development at the application site would have a neutral impact upon this window.

- 7.6.6 As stated above, this neighbouring property has been extended with a single storey rear extension. The extension has two side facing windows and a side door. Outlook from the first window is directed onto the original two storey rear projecting wing of the application site and the existing side extension at the application site. The outlook and light provision from this side facing window is therefore already limited by the existing situation. The existing application site extension is in a poor condition and the proposed new building would be more attractive with sympathetic materials and lower in height on the boundary with this neighbour compared to the existing extension. It is therefore considered that the levels of outlook and light to this window would not be materially different compared to the existing situation.
- 7.6.7 The rear part of the single storey rear extension at this neighbouring property appears to be used as an office, therefore this would not be considered as a habitable room. In any event, the proposed building at the application site, whilst projecting the full depth of the rear garden, would have a flank wall height of only 2.2m. This would only be 0.2m higher than a wall could be constructed under permitted development between the two properties. Whilst it is noted that the height of the roof would increase to a ridge height of 2.9m, the ridge level would be set off the boundary with this neighbour by 1.8m. It is therefore considered that the proposed building, due to its modest height would have no undue impact upon this neighbour's amenity.

7.7 Parking and Traffic Issues

Given the nature of the development, which involves a one bedroom flat, it is unlikely that the development would generate significant levels of additional vehicle movements to and from the site to cause unacceptable harm to highway conditions or local traffic flows.

7.9 S106 agreements (Affordable Housing)

- 7.9.1 Planning policy CS8 (Housing Choice) of Merton's Core Planning Strategy states that the Council will expect 20% equivalent affordable housing provision as a financial contribution, subject to viability, where 1-9 additional residential units are being provided:
- 7.9.2 The Council's affordable housing targets are supported by Merton's Affordable Housing Viability Study (2010). The study explores the viability impacts from a range of policy options relating to seeking various levels of affordable housing obligations from new development. The requirement

for schemes below 10 units to also contribute to the provision of affordable housing in the borough reflects the fact that the majority of housing delivery in the borough both historically and proposed future provision in Merton is sourced from smaller sites and the need to maximise the opportunities this source can contribute to affordable housing provision.

- 7.9.3 The proposal seeks to create a new 1 bedroom flat in the Trinity ward of the Borough. An £11,985 affordable housing contribution is therefore required.

7.10 Local Financial Considerations

The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

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

- 8.1.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.

- 8.1.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission. The houses will be required to meet Code Level 4 of the Code for Sustainable Homes and Lifetime Homes standards

9. **CONCLUSION**

- 9.1.1 The proposed development will provide a new residential unit of satisfactory design, size and appearance, which has been designed to achieve an acceptable relationship with neighbouring properties. The standard of residential accommodation proposed is considered to meet the needs of future occupiers, with appropriate levels of amenity space and room sizes with reasonable levels of outlook and light. There would be no undue impact upon neighbouring amenity, trees, traffic or highway conditions given the design and small scale nature of the proposal. The proposal is in accordance with Adopted Unitary Development Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions and S106 agreements.

RECOMMENDATION

GRANT PLANNING PERMISSION

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

1. That the developer makes a financial contribution towards Affordable housing (£11, 985).
2. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. B3 External materials to be approved
3. B4 Details of Surface Treatment
4. B5 Details of Walls/Fences
5. C7 Refuse and Recycling (Implementation)
6. C8 No Use of Flat Roof
7. D11 Construction Times
8. D9 No External Lighting
9. Lifetime Homes
10. CSH Level 4 pre-commencement
11. CSH Level 4 pre-occupation
12. Obscure glazing (rooflights)



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

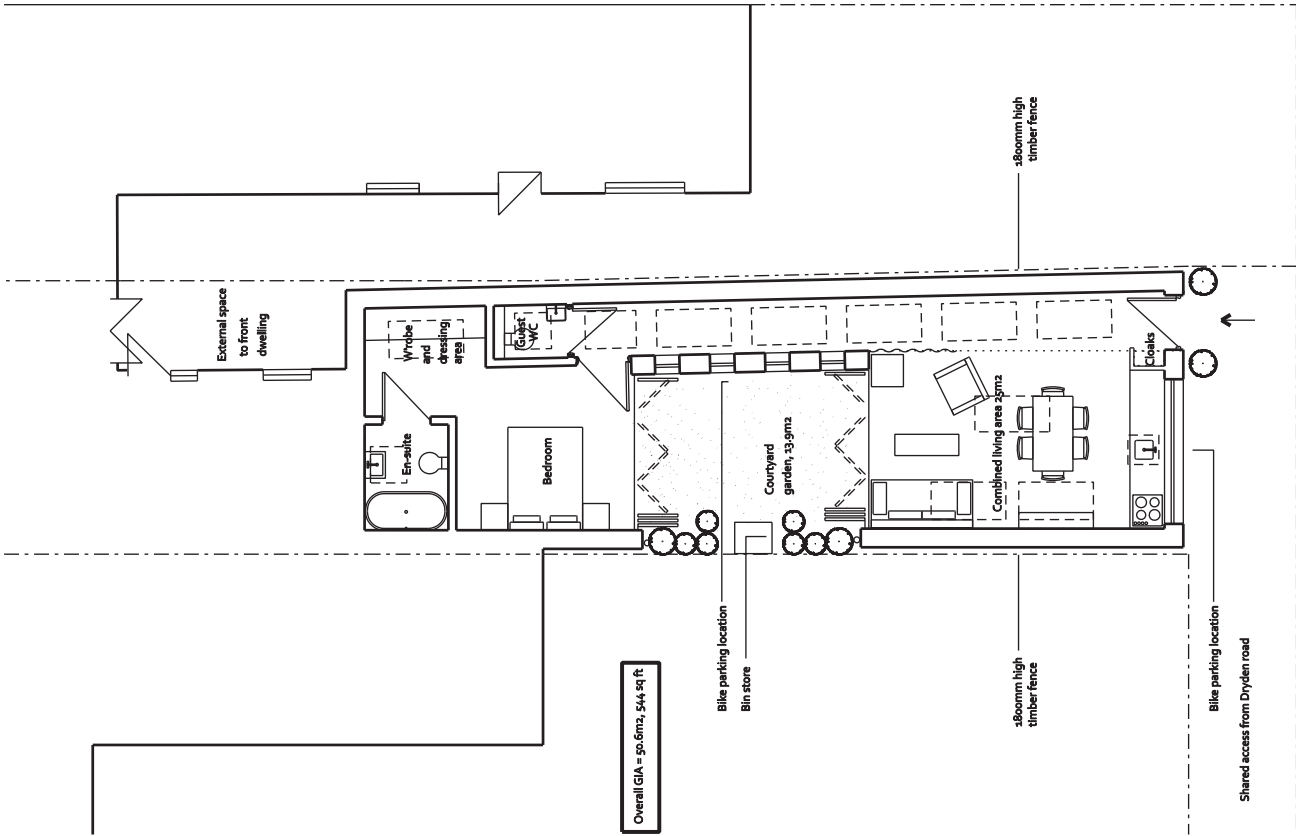
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Date 24/9/2013

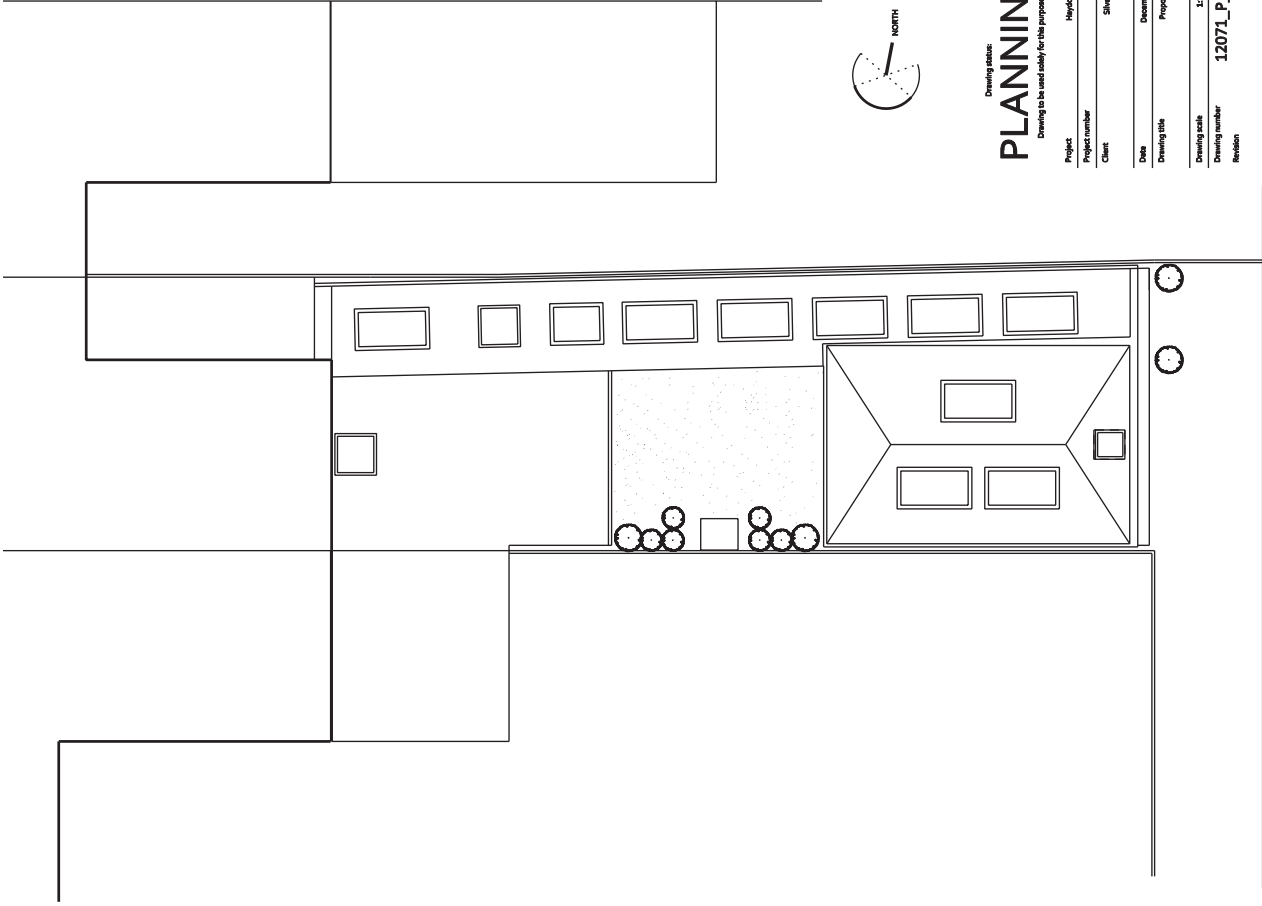
235 Haydens Road

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DEVELOPMENT CONTROL

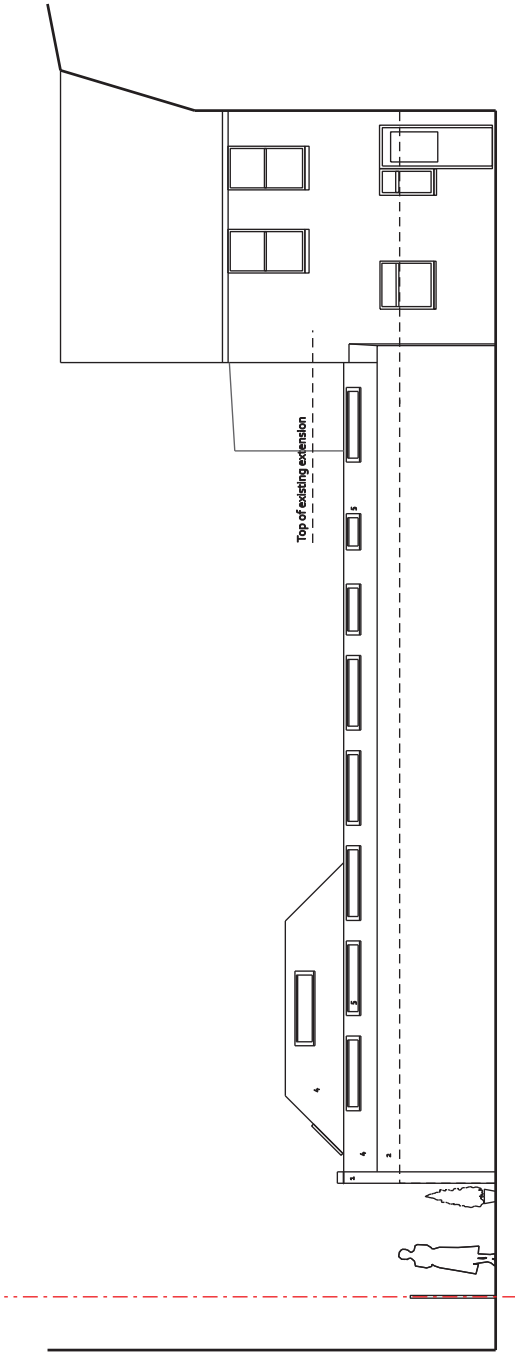


Ground floor plan

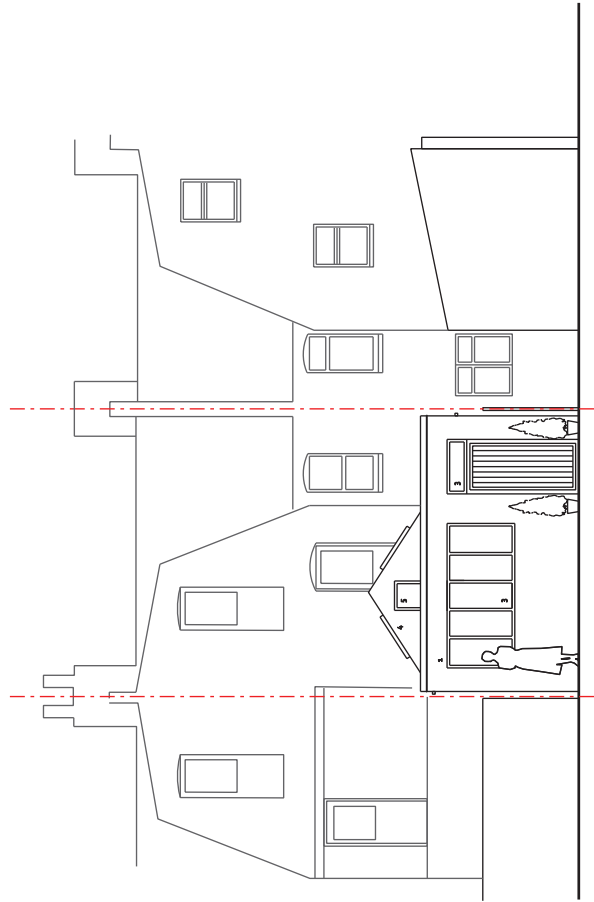


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ARCHITECT

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North elevation



East elevation

MATERIALS	
1.	Red reclaimed brickwork
2.	White painted render
3.	Timber windows and doors
4.	Brown tile roof
5.	Rooflights
6.	Flat roof
7.	Timber fence

Drawing status:
PLANNING
 Drawing to be used solely for this purpose.

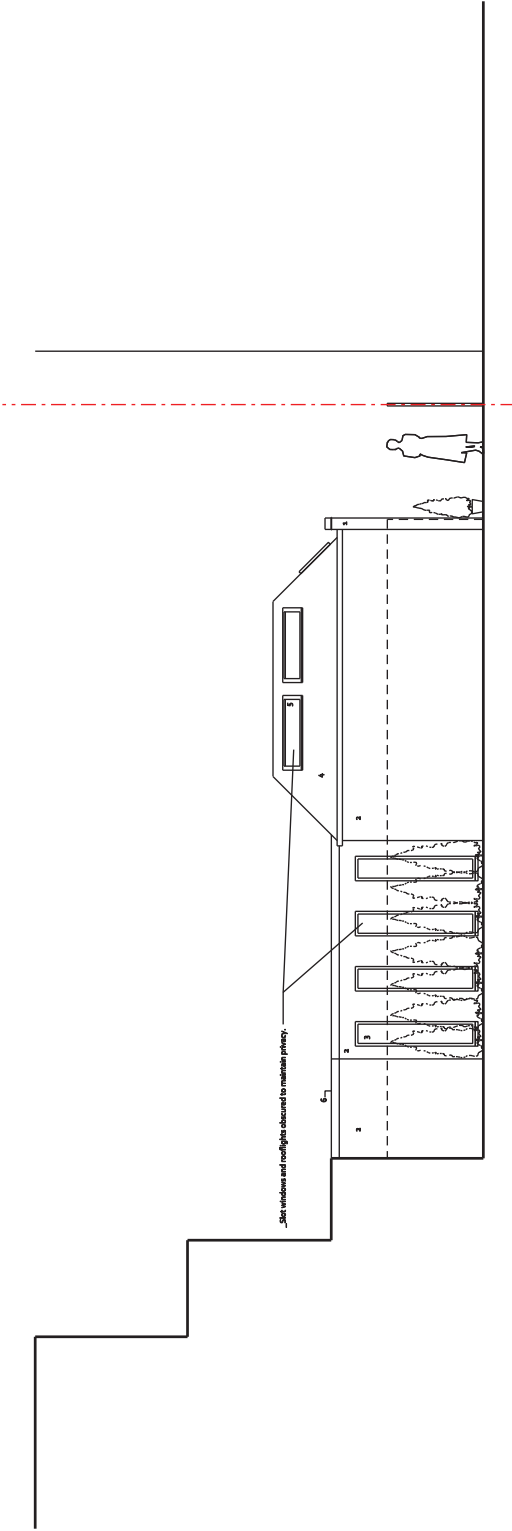
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Project number	12071
Client	Silverdale Ltd
Date	December 2022
Drawing title	Proposed elevations

Drawing scale	1:100 @ A3
Drawing number	12071_P_017
Revision	_B

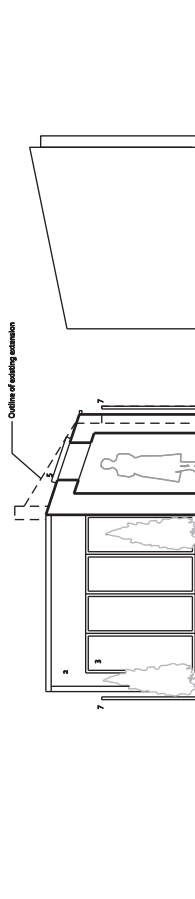
K.A.
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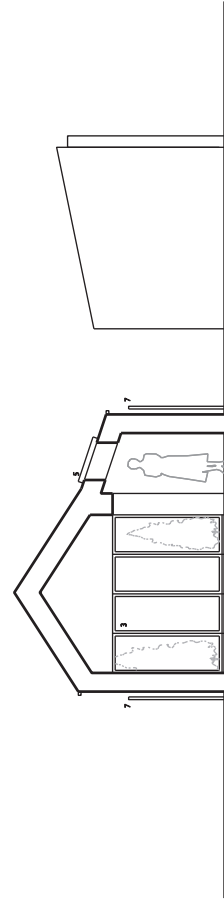




South elevation



Section / elevation A-A



Section / elevation B-B

MATERIALS	
1	White painted render
2	Timber windows and doors
4	Brown tile roof
5	Roof lights
6	Flat roof
7	Timber fence

Drawing status:
PLANNING
 Drawing to be used solely for this purpose.

Project	Haydown Road
Project number	12071
Client	Shirebrook Ltd
Date	December 2022
Drawing title	Proposed elevations 2
Drawing scale	1:100 @ A3
Drawing number	12071_P_018
Revision	1_A

K.A. WHYTE
 ARCHITECT

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Perspective view from entrance - through living area to courtyard garden

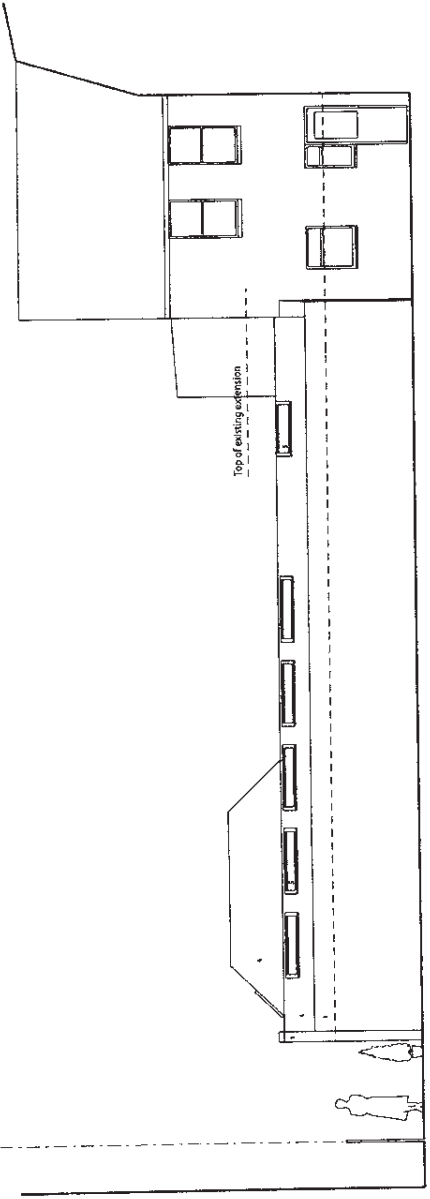
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Revision	-

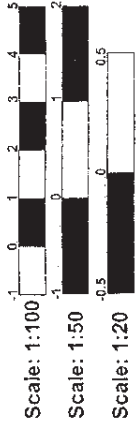
K.A. WHYTE
 ARCHITECT

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 Birmingham B1 3AN
 07944 881378

Appeal scheme
12/P 2313



North elevation



MATERIALS

1. Unfinished brickwork
2. White Portland cement
3. Red brickwork and doors
4. Portland cement
5. Red brickwork
6. Portland cement
7. Red brickwork

Materials for glazing, gutters, and fittings, unless stated

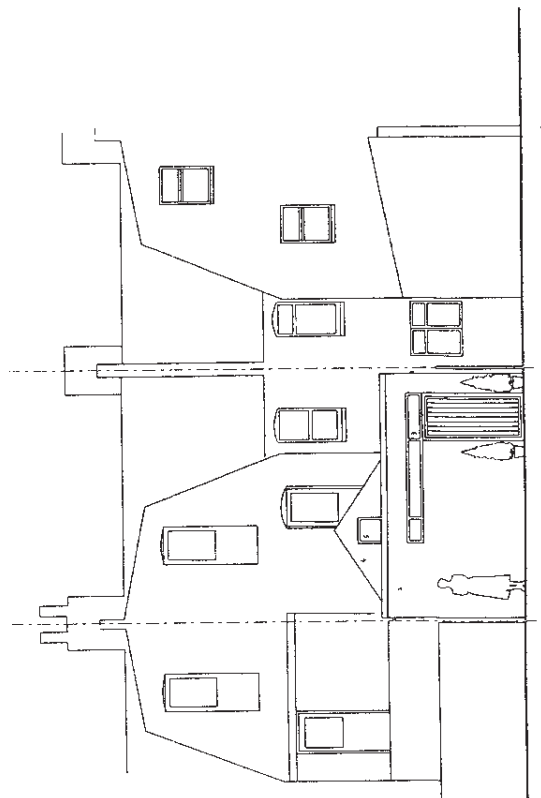
PLANNING

Drawings to be used only for the purpose

Project	12071 P_007
Client	K.A. Whyte
Date	August 2011
Drawing title	Proposed elevations
Drawing scale	1:100 @ A3
Drawing number	12071_P_007
Revised	A

K.A. Whyte
K.A. WHYTE
ARCHITECT

Scale where shown: A3 sheet
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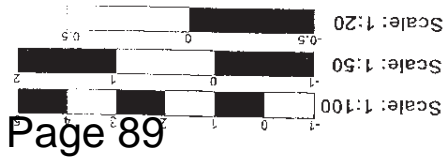
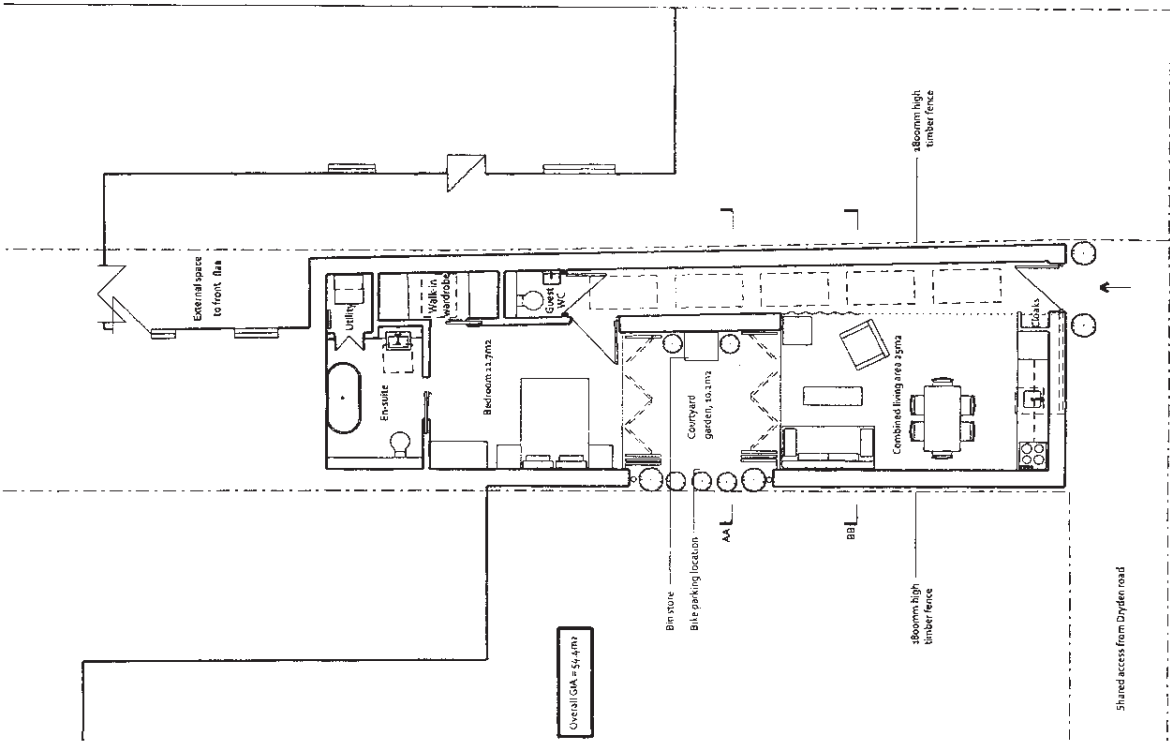
East elevation



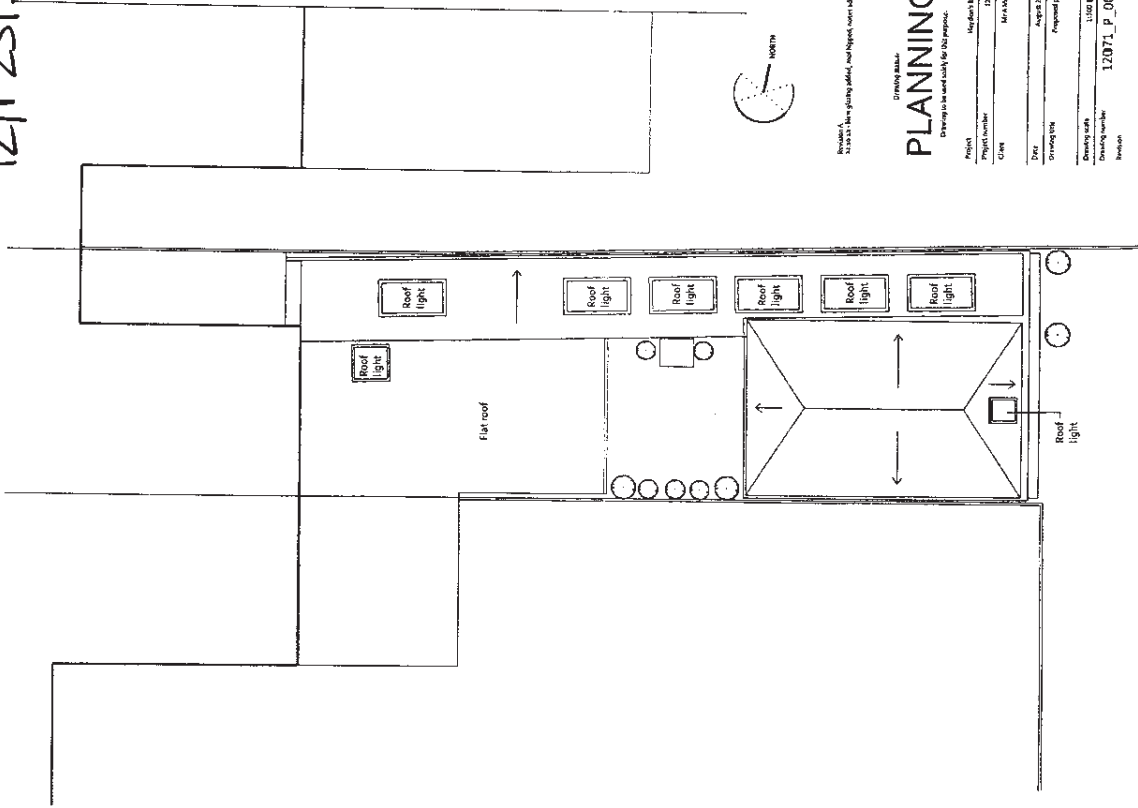
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Proposed Elevations of - Attached

Appeal Scheme
12/P2313



Ground floor plan



Roof plan

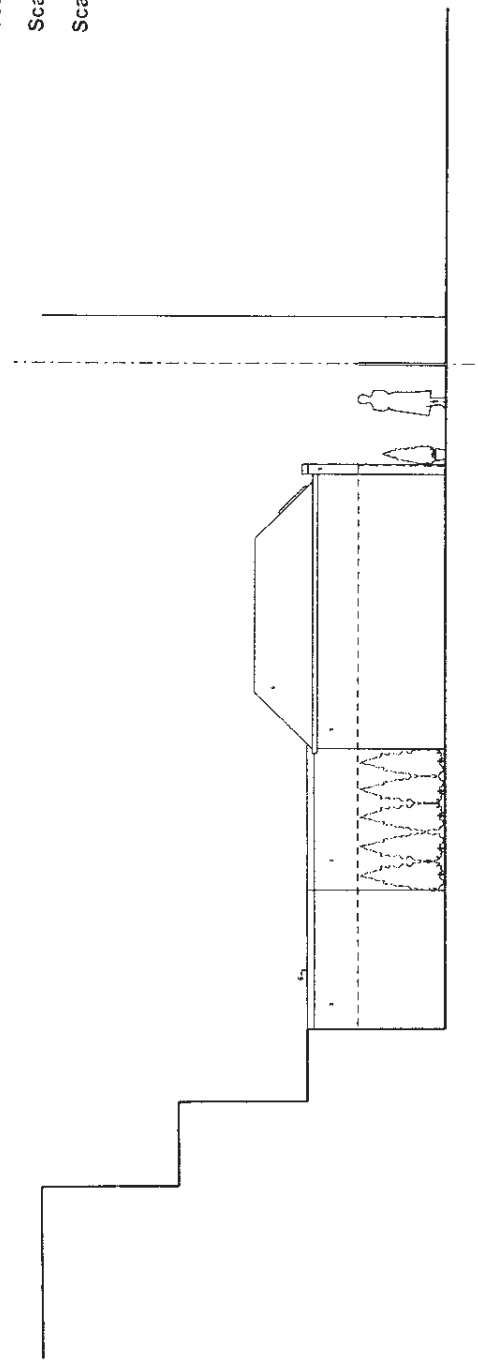
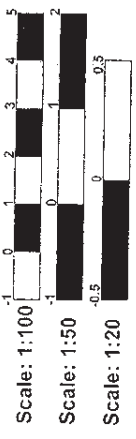
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 Revision: [blank] A

K.A. WHITE
 ARCHITECT
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 SEAFORD BN1 1JH
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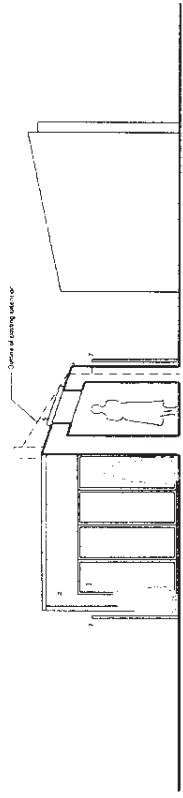
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Approved Plans Attached

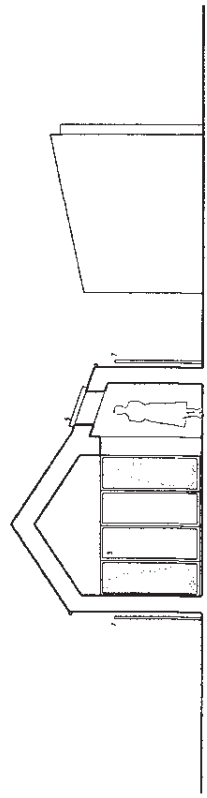
Appeal scheme
12/P2313



South elevation



Section/Elevation A-A



Section/Elevation B-B

MARKING

1. White painted masonry
2. Timber or rubber seal doors
3. Bricks laid in red
4. Roof tiles
5. Flat roof
6. Timber frame

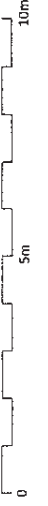
Revision 1: 12/11/17 - Resubmission of drawings, not signed, were added

Overriding scheme
PLANNING
Overriding to the use made for the purpose.

Project	Exemption Road
Project number	12071
Date	10/11/17
Client	WPA/MWAA
Date	August 2012
Drawing title	Proposed Elevation A
Drawing ID	12071_P_008
Drawing number	12071_P_008
Revision	A

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Proposed Elevation A2. Approved



Appeal Decision

Site visit made on 10 June 2013

by Timothy C King (BA Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 August 2013

Appeal Ref: APP/T5720/A/13/2191257

Land Rear of 235 Haydons Road, London, SW19 8TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Silvertree against the decision of the Council of the London Borough of Merton.
 - The application Ref 12/P2313, dated 17 August 2012, was refused by notice dated 30 October 2012.
 - The development proposed is the demolition of existing single storey stores and conservatory and construction of a new single storey 1 bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: a) whether the proposal would provide a satisfactory standard of accommodation for future occupiers with regard to daylight levels and outlook, and b) whether the Council's request for financial contributions towards the provision of affordable housing is justified having regard to the relevant statutory tests.

Reasons

Standard of accommodation

3. The appeal site comprises a two storey building, with the proposed development relating to the yard area immediately behind its rear elevation. The main building, 235 Haydons Road, is in full residential use, with the former ground floor office having been recently converted to a residential flat.
 4. It is proposed to demolish an existing single storey workshop/store and a small conservatory and replace them with a single storey building comprising a self-contained one-bed residential unit to a floor area of some 54 sqm. It would be separate and independent of the ground floor residential flat to the front of the appeal premises. The new building would be accessed from an existing pathway leading off Dryden Road, which the property's projected rear elevation would now abut. The entrance door would open into a combined kitchen/living
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- room. Access to the double bedroom and bathroom at the rear of the unit is gained via an internal side passage, lit by a succession of rooflights.
5. The living room and bedroom would receive natural light from a small central courtyard area, although both rooms would have folding doors as separation from this open, roofless, area, situated between the rooms. Enclosed on three sides by the new dwelling, the courtyard's southern flank would comprise the boundary fence to no.233 which is to be screened by a proposed hedge.
 6. The courtyard would be limited in size, measuring just in excess of 10 sq m, yet the scheme is heavily reliant on this feature to ensure that the accommodation provided would be satisfactorily habitable. As the proposed design and layout cannot allow for any windows in the new building's flank walls and the proposed rear wall shows only some small high level windows the courtyard would be the unit's sole means of outlook for the living room and bedroom and yet, paradoxically, the outlook therefrom would be inward looking. I do not therefore consider that the degree of outlook achieved would meet that which could be expected for a reasonably sized one-bed flat.
 7. The Council's Supplementary Planning Guidance (SPG) on New Residential Development requires that, as far as is practicable, the windows of habitable rooms should receive direct sunlight at some time of the day, with windows facing either east, south or west. In this case, the courtyard would receive both natural light and sunlight but, given its restricted size and enclosure, I envisage the degree of daylight filtering through to the main living and bedroom areas would be limited. This increases the reliance on the series of proposed rooflights above the flank corridor area, although only the living room and kitchen would benefit from these.
 8. I consider the courtyard to be the key to this development in that, in addition to its outlook and daylight functions, it would be expected to facilitate sitting-out space and occupants would also likely be looking to utilise outdoor space to hang a washing line. However, the space available for such is diminished by the necessity of locating the unit's proposed refuse and cycle storage facilities within this open area.
 9. I find policy HS.1 of the Merton Unitary Development Plan (UDP) to be most relevant here, requiring that all proposals provide a good standard of living conditions for future occupiers, given that policy BE.15 is more concerned with protecting the living conditions of neighbouring occupiers. Policy HS.1 requires that residential development makes adequate provision for daylight and sunlight and also that a sufficient degree of amenity space is provided.
 10. I note the appellant's point that neither the UDP nor the SPG is prescriptive in terms of the amount of daylight or amenity space required, and that the scheme has been designed to make the most efficient use of the site. However, whilst the courtyard idea generally may represent a solution as to the possibility of developing such sites, I consider in this instance that the open space would be too limited in area to perform the various functions it is required for. I therefore conclude that both the unit's outlook and amenity area provision would be sub-standard to the detriment of the future occupants' living conditions and that the objectives of policy HS.1 would be compromised.

Financial contributions

11. The Council, in refusing to grant planning permission, cited the absence of a Unilateral Undertaking providing for financial contributions towards off-site affordable housing. The appellant, during the appeal process, has subsequently submitted such an Undertaking, although too late for the Council to have had the chance to comment as to whether it is acceptable in the circumstances. Further, the appellant has also questioned the necessity for such, and considers that the Council has not justified its requirement nor demonstrated that the Community Infrastructure Levy (CIL) Regulations 122 have been met. The Regulations require that the obligation should be: necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
12. The National Planning Policy Framework (NPPF) indicates in paragraph 50 that policies asking for financial contributions should be robustly justified. In this instance the requirement for contributions is backed by adopted Core Strategy policy CS8 which sets out the reasons for this. The policy requires that for residential development of 1-9 units a formulaic approach, as set out in the Council's Housing Viability Study, will be applied for calculating the affordable housing equivalent, in the form of a financial contribution, to that provided on-site. However, I have not been provided with the relevant document extracts to explain the formula and thereby cannot confirm whether the sum arrived at by the appellant is correct in this regard.
13. With reference to the relevant CIL Regs test I consider that, in view of the nature of the proposal and the policy CS8 requirement, the obligation is necessary to make the development acceptable in planning terms, but for the reasons stated I am unable to test the figure provided against the Council's formula. However, even if it was clear that the obligation met the policy requirement, the contribution to affordable housing would not be a benefit sufficient to outweigh harm caused by the poor living environment that would be created by the proposal.
14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Timothy C King

INSPECTOR

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