

PLANNING APPLICATIONS COMMITTEE 22 JUNE 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P1092	11/03/2016
Address/Site	17 Merton Hall Road, Wimbledon SW19 1BQ
Ward	Dundonald
Proposal:	Retention of an outbuilding for use as a summerhouse
Drawing Nos	1305/20 Rev A.
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: Not required.
- 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 - 4
- Press notice - No
- Site notice - Yes
- External consultations: None
- Flood Zone: Flood Zone 1 (low probability)
- Conservation Area: No
- Listed Building: No
- Protected trees: No

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee at the request of Councillor David Dean.

- 1.2 The application was submitted as a result of a planning enforcement investigation regarding the erection of an outbuilding at the end of the rear garden at 17 Merton Hall Road, Wimbledon which is not in compliance with the planning permission granted (application ref. 11/P1412).
- 1.3 Planning permission had been granted in July 2011 for the erection of an outbuilding. However, the outbuilding that was erected was not in accordance with the planning permission granted (see 'proposal' below for details).
- 1.4 The Outbuilding that has been erected on site does not qualify under permitted development due to its height.

2. SITE AND SURROUNDINGS

- 2.1 The site comprises is a semi-detached two-storey dwellinghouse, which is located on the northeast side of Merton Hall Road, close to the junction with Dundonald Road, with the outbuilding, as constructed, positioned towards the end of the rear garden. The rear garden of the property abuts the rear side boundary of No.96 Dundonald Road and the boundary of No.96a Dundonald Road, (a two storey yellow brick building hosting a Building Business). The application property has been extended with a loft conversion and rear single storey extensions both with planning permission.
- 2.2 The application site is located within the Dundonald ward of the London Borough of Merton and the site is not in a conservation area.

3. CURRENT PROPOSAL

- 3.1 The current proposal is for the retention of an outbuilding for use as a summerhouse. The structure is 4.8m deep and 10m wide. The structure has a parapet wall height at 3.2m and roof lights at a maximum height of 3.6m.
- 3.2 The rear wall of the outbuilding is parallel to the rear boundary of the site, with a separation distance of between 0.62m and 0.67m.
- 3.3 The side wall of the outbuilding (southeast) would stand adjacent to the boundary with No.96a, with a separation distance of between 0.47m and 0.96m.
- 3.4 There are three upstanding roof lights (0.4 in height) to the flat roof of the outbuilding. The entirety of the roof is wrapped by a parapet wall.
- 3.5 Three sets of double doors face into the garden of the application site.

- 3.6 The structure is currently used as a summerhouse incidental to enjoyment of the main house at 17 Merton Hall Road.
- 3.7 Construction materials are buff brick with a stone band detail, stone capping to the parapet wall and timber doors. The flat roof is covered in felt.
- 3.8 The key differences between application ref. 11/P1412 and the current proposal are as follows:

	Height of parapet wall	Overall height (including rooflight upstands)	Separation to boundary with No.96	Separation to boundary with No.96a	Depth	Width
11/P1412	3.225m	3.225m	0.6-1.4m	0.6m	4.8m	10m
16/P1092	3.2m	3.6m	0.62-0.67m	0.47-0.96m	4.8m	10m

- 3.9 Other notable differences are that the 2011 scheme included extensive planting to the flat roof and did not have upstanding rooflights, whereas the current scheme does not include any planting to the roof and the three rooflights proposed are upstanding.

4. PLANNING HISTORY

- 4.1 99/P0746 - Application for the erection of a single storey rear extension was granted.
- 4.2 11/P1409 – Full application for the erection of a single storey rear extension and rear roof extension was refused permission on 15/7/11.
- 4.3 11/P1412 – Full application for the provision of a single storey summer house in the rear garden was granted permission on 15/7/11.
- 4.4 11/P2093 – Full application for the erection of a single storey rear extension and roof extension was granted permission on 27/09/11.
- 4.5 13/P0602 – Full application for single storey rear extension was granted permission on 18/04/13.

4.6 ENFORCEMENT HISTORY

- 4.7 The current application has resulted from an enforcement investigation regarding the size, positioning and the insertion of rooflights as the building

is not in accordance with the 2011 approved plans (application ref.11/P1412).

5. CONSULTATION

5.1 The application was advertised by sending letters to adjoining neighbours in Merton Hall Road and Dundonald Road.

Six letters of representation have been received from occupiers at No.96 Dundonald Road, objecting on the following grounds:

- Proximity to boundary and height causing loss of sunlight, overbearing impact and visual intrusion to No.96.
- Lack of planting fails to soften appearance of the building.
- Roof detailing is not as attractive as previous permission and upstanding rooflights are not aesthetically pleasing. The building is not in keeping with the character of the area.
- Suggestion that roof height be reduced by 0.5m, the separation distance to the boundary be increased, that alternative materials are used and that some form of screening or planting be incorporated.
- A number of other applications with similar impacts on neighbouring occupiers have been refused and the current application should be refused also to be consistent with these previous Council decisions (16/P0594, 15/P4307, 15/P3175 and 15/P1007). The granting of this application would set a new and unusual precedent.

6. POLICY CONTEXT

6.1 The following policies are relevant to this proposal:

Sites and Policies Plan and Policies Map (July 2014)

DM D2 Design considerations in all developments

LDF Core Planning Strategy (July 2011)

CS 14 Design

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations are the impact on the character of the area and the impact on the amenities of neighbouring occupiers.

7.2 The principle of the erection of an outbuilding for a use incidental to the use of the main dwelling house has been established under the granting of application ref. 11/P1412. Therefore, the key consideration in this application will be whether the changes to the outbuilding as constructed are acceptable.

7.3 Visual impact

- 7.4 Policy DMD2 seeks to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports this SPP Policy.
- 7.5 The outbuilding proposed under application ref. 11/P1412 was considered to be acceptable in terms of the impact on visual amenity. The outbuilding as constructed has a marginally lower eaves height but does not include any planting to the roof and does include upstanding rooflights and a different roof detailing. However, the bulk and massing of the previously approved outbuilding and the currently constructed outbuilding are similar.
- 7.6 It is noted that the outbuilding is substantial in terms of size and would almost span the width of site. However, the design and form of the outbuilding is considered to not be materially harmful to the character of the wider area.
- 7.7 It is of note that there was no requirement under application ref. 11/P1412 for the roof to be planted, as this was not controlled by way of condition and therefore was not considered to be critical to the acceptability of the scheme.
- 7.8 The upstanding rooflights result in some limited increase in visual prominence but they are not considered to be so significant as to result in material harm to the character of the area.
- 7.9 The pallet of materials and detailed design of the outbuilding is considered to be suitable having regard to the surrounding area. The rear elevation is bland but it is not considered that this would amount to a reason for refusal.
- 7.10 The proposal is considered to be acceptable in terms of its impact on visual amenity and would comply with Policy DM D2 in this regard.
- 7.11 Impact on neighbouring amenity
- 7.12 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.13 The outbuilding as constructed has a similar height to the outbuilding approved in 2011, albeit the eaves line is slightly lower and the existing building has upstanding rooflights.

- 7.14 The impact on No.96a is considered to be no more harmful than the 2011 scheme, as the separation to the boundary is similar and the bulk, massing and height proposed are similar. It is of note that there are no windows facing towards No.96a and as with the previous application, there would be no overlooking.
- 7.15 The outbuilding would stand closer to the shared boundary with No.96, particularly at the easternmost corner of the site (at this point the separation distance of the approved application was 1.4m whereas as constructed the separation distance is 0.67m).
- 7.16 Whilst this part of the building would be closer to the shared boundary with No.96, the impact on the neighbour's amenity is not considered to be materially more harmful than the previous scheme. The rooflights are not visually prominent from ground level when viewed from the rear and whilst they may be visible from some viewpoints at No.96, it is considered that the upstanding rooflights would not result in material harm to residential amenity.
- 7.17 In terms of sunlight, the outbuilding is situated to the west of No.96. There would be some loss of afternoon sun as a result. However, this impact would not be materially more harmful than the outbuilding permitted under application ref. 11/P1141, which was marginally higher than the constructed outbuilding and also stood in close proximity to the rear boundary of the site.
- 7.18 The separation distance to the rear boundary, of 0.62-0.67m is not considered to be materially more harmful than the separation distance of 0.6-1.4m.
- 7.19 The comments of the neighbouring occupiers at No.96 have been carefully considered. However, officers conclude that the outbuilding as constructed is not materially more harmful than that granted under application ref. 11/P1418, due to its similar bulk, massing and siting.
- 7.20 There is no requirement for the applicant to carry out planting to the rear boundary of the outbuilding, as it is not considered to be more harmful than that previously approved, where no additional screening was found to be necessary.
- 7.21 The occupier of No.96 has made reference to a number of other planning applications where permission has been refused for the erection of incidental domestic outbuildings and sets out that these proposals are similar to the current scheme and should be refused due to the impact on neighbouring amenity as these other applications have been.

- 7.22 Each application is assessed on its merits depending on site circumstances. It is unlikely that any two sites will be exactly the same with the exact same surroundings and therefore it is not possible to extrapolate a 'maximum permissible height' or 'minimum permissible distance to the boundary' that can be rigidly applied to all developments from a very narrow selection of applications that have been refused. However, notwithstanding that, it is clear that three of the examples sited relate to outbuildings that were proposed to be erected directly on the site boundaries (15/P1007, 15/P3175 and 16/P0594), rather than being set in from the boundary, as is the case with the current application. The other application, 15/P4307 is not directly comparable as this related to a new dwelling, where the use of the dwelling and curtilage would have resulted in some harm to neighbouring amenity in addition to the bulk and massing of the proposed building. Therefore, this decision was not solely concerned with the bulk and massing of an incidental domestic outbuilding.
- 7.23 There are a number of examples of incidental domestic outbuildings in the borough which have been constructed in close proximity to site boundaries and which are significant in terms of height. Such examples include at 27 Landgrove Road, Wimbledon (permitted under 07/P1131 and varied under 17/P0612). It is also of note that a substantial outbuilding, with an overall height of 3.1m, a width of 9.5m, with a separation distance to the boundary of 1m, was permitted under application ref. 15/P3356 (however, it is acknowledged that this permitted outbuilding is significantly lower than at the application site, with a hipped roof, further reducing the impact).
- 7.24 The outbuilding as constructed is not considered to be materially more harmful than that granted permission under application ref. 11/P1418 as although it is sited marginally closer to the boundary, it would have a lower eaves height and the upstanding rooflights are not considered to add so significantly to the bulk of the roof as to result in material harm to neighbouring amenity.
- 7.25 It is considered that the proposal would not result in material harm to residential amenity.

8. CONCLUSION

- 8.1 The proposed retention of the outbuilding is considered to not be more harmful to the character of the area or the amenities of neighbouring occupiers than the previously granted outbuilding application ref. 11/P1418.
- 8.2 The application is recommended for approval.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2712/10 Rev E, 2712/11 Rev F, 2712/12 Rev E and 2712/13.

Reason: For the avoidance of doubt and in the interests of proper planning

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer, rooflight or door other than those expressly authorised by this permission shall be constructed in the outbuilding hereby permitted without planning permission first obtained from the Local Planning Authority.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

4. Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

Informative

1. In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

i) Offering a pre-application advice and duty desk service.

- ii) Where possible, suggesting solutions to secure a successful outcome.
- iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- i) The applicant was offered the opportunity to submit amended plans in order to make the proposal acceptable in planning terms.
- ii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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

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