

## PLANNING APPLICATIONS COMMITTEE

7<sup>th</sup> June 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
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18/P0775	12/02/2018
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**Address/Site:** 94 Aylward Road, Merton Park, SW20 9AQ

**Ward** Merton Park

**Proposal** Demolition of existing double garage in the rear garden and the erection of a garden studio comprising basement and mezzanine levels.

**Drawing No's** Site location plan, drawings (07)-001 C, (08)-001 C & (09)-001 C

**Contact Officer** Leigh Harrington (020 8545 3836)

## 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 - 3
- 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 and as a result of the level and nature of objection.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is a mid-terrace house located on the north east side of Aylward Road in Merton Park. The house benefits from a single storey rear extension, rear roof dormer and a double garage to the rear of the garden with access out onto a gated alleyway that opens onto Leafield Avenue. The vehicle accessway services the rear garages of a number of neighbouring properties.
- 2.2 The site is not within a conservation area nor an area at risk of flooding.

## **3. CURRENT PROPOSAL**

- 3.1 The proposal is for the demolition of the existing full width, 3.15m high, 6.3m long double garage and the erection of a new full width 7.2m long studio building with a basement level and mezzanine storage space..
- 3.2 The design and scale of the building has been revised following neighbour and officer comments such that there is no longer direct access to the rear vehicleway and the height has been lowered to 3.525m from the originally submitted height of 3.825m. These revision have undergone a further re-consultation with neighbours.
- 3.3 Access is now solely through a double set of French doors serving the garden and opening into the main room which features a reduced mezzanine storage area above it. Stairs at the rear lead down to a basement level which would receive natural light through the glazed floor area of the main room.
- 3.4 Externally the structure would have a barn style roof with rooflights for additional light and clerestory windows on the front elevation above the French doors. The structure would be finished in wood panelling.

## **4. PLANNING HISTORY**

- 4.1 11/P1570 Lawful development certificate issued for a proposed single storey rear extension

## **5. CONSULTATION**

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 In response to the initial consultation letters of objection were received from five local residents raising the following concerns:-
- The proposed three storey building is disproportionately large, visually intrusive and over bearing

- The separate access would present a security risk for other properties.
- Not in keeping with adjacent dwellings or any of the end of garden structures in the vicinity.
- Would lead to loss of light and create light pollution
- Even if height reduced it could still be used now or in the future as a stand alone dwelling
- This would set and precedent for back garden buildings and a local Councillor had given assurances that there would be no building on back gardens.
- The site notice was displayed at the rear in a locked alleyway.

5.3 Councillor Sargeant;

- This is an overbearing separate residence.
- The site notice was only displayed in the rear alley not in public view.

5.4 The John Innes Society;

- This is disproportionately large for its claimed purpose.
- No reference to it being ancillary to the main house
- The access track to the rear would allow it to be used for commercial or independent residential purposes
- The basement excavations are likely to destroy or damage the tree in the garden
- The glass will lead to light pollution
- It is out of character and will cause unacceptable visual intrusion and disturbance to neighbours.

5.5 Following the re-consultation The John Innes Society stated the changes were minor and their objections still stood.

5.6 A letter of support was received from an adjoining neighbour raising no objections subject to usual planning restrictions being imposed to control future use.

5.7 Merton flood risk manager. No objection.

5.8 Merton Arboricultural officer. No objection.

**6. POLICY CONTEXT**

6.1 Merton Sites and Policies Plan (July 2014):

DM D1 (Urban design)  
DM D2 (Design considerations)  
DM O2 Nature conservation and trees

6.2 London Plan 2015  
7.4 (Local character)

- 6.3 Merton Core Strategy 2011  
CS 13 (Open space and nature conservation)  
CS 14 (Design)

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations in this case relate to the scale, design and use of the proposed studio outbuilding and the impact on neighbour amenity and the appearance of the area, trees and subterranean development.

7.2 Scale and design.

SPP policy DM D2 and Core Strategy Policy CS 14 require well designed proposals to respect the siting, rhythm, scale, proportions, height, materials and massing of surrounding buildings. The proposal has been reduced in height from the originally submitted design by 300mm and whilst the depth is 0.9m longer, the height would only be 0.4m higher than existing and would be of a comparable size with other garages in the immediate vicinity of the site. A number of objections referred to the structure as being three storey. The basement would be set below ground level and the mezzanine level is little more than a storage area accessible through a loft hatch whilst the main ground floor has a head height of only 2.15m. The other garages and outbuildings along the vehicleway exhibit an eclectic range of materials and building styles with painted render, pebbledashing, shutters, flat roofs, tiled roofs and clad roofs. Consequently with no established style of outbuilding the use of an American barn style roof and timber exterior tiled roof would be considered appropriate.

7.3 Use of the building

A number of objections suggested that the use of the building would not be ancillary and that it may be used for separate accommodation. The applicants are expecting twins and therefore the intention will be to work from home more and to provide additional space for the family and this proposals is considered to be able to address that need. The design has been revised such that there is no independent access to the building and a condition can be attached to ensure the use be ancillary to the use of the main residence.

7.4 Neighbour amenity

SPP policy DM D2 and DM EP2 require proposals not to impact on neighbour amenity in terms of loss of light, outlook, privacy, visual intrusion and protection from noise and disturbance. The studio would be located at the far end of the garden and therefore loss of light to habitable rooms is not considered an issue. Concerns were raised in relation to light pollution from the structure. The building will be at the end of a garden in a suburban setting. There is already a certain level of ambient light from houses and street lighting and given the incidental nature of the use it is not anticipated that issues of light pollution would arise such as to create a noticeable detrimental impact on neighbour amenity. It is considered that it would be unreasonable to refuse planning permission on

grounds of light pollution. With regards to visual intrusion the overall height has been reduced and is no taller than the tallest garage along the vehicleway and whilst it will appear new and modern the proposals are not considered to be any more visually intrusive than those other garages.

- 7.5 SPP policy DM D2 also requires that developments provide layouts that are safe and secure and take account of crime prevention. Objections have suggested that the applicant's use of the studio would leave the alley gates unlocked and therefore increase the risk of burglary and theft for other residents. As stated previously there would be no access out onto the vehicleway and with the new building replacing the existing garage there would be less traffic along the vehicleway. The proposals are therefore not considered to represent a risk to the safety and security of neighbours.
- 7.6 In order to protect neighbour amenity during the construction stage conditions to limit the hours of construction and for details of construction vehicle parking and the storage of materials to be approved.
- 7.7 Objectors raised concerns that the site notice had not been posted in front of the property but on the rear. While the applicant acknowledged that they had posted a notice at the rear they subsequently posted a second notice at the front providing further publicity to the scheme and an opportunity for others to comment.
- 7.8 Trees  
Policy DM.D2 requires that developments ensure trees and other landscape features are protected. The proposals would result in the loss of one medium size tree and a bush in the back garden. Officers consider that the location of the tree does not contribute to the quality of the public realm. The Planning section's arboricultural officer raises no objections to the loss of the tree subject to a condition requiring the details of a replacement tree to be approved.
- 7.9 Subterranean development.  
The site is within flood risk Zone 1 so is at low risk of flooding. SPP Policy DM D2 requires that basements are confined to the curtilage of the site, do not harm neighbouring buildings, heritage assets or amenity value trees, do not cover 50% of the site and include a sustainable urban drainage scheme. The principles of the proposal are considered to meet these policy requirements and a condition requiring a construction method statement is recommended to address the design and construction details of the works.

**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**

- 9.1 The proposed outbuilding has been reduced in size and in terms of the amount of the building above ground level it is considered to be considered in keeping with similar garages and outbuildings that are also served by the accessway to the rear of the site. The amendment to the access to the building and the imposition of a suitable condition mean that the use of the building would remain ancillary to the main dwelling house and the building can serve its purpose of providing the occupiers with more space without having a negative impact on the amenity of neighbours or the character of the man house and its wider setting. In view of these considerations the proposals are recommended for approval subject to the imposition of suitable conditions.

**RECOMMENDATION**

Grant planning permission subject to conditions

**Conditions**

1. A1 - Commencement of Development.
2. A7 - Construction in accordance with plans; Site location plan, drawings (07)-001 C, (08)-001 C & (09)-001 C.
3. B1 - Materials to be approved.
4. D9 - No external lighting.
5. E4 – Ancillary residential use.
6. D 11- Hours of construction.
7. H 9 - Construction vehicles.
8. F-11 (amended) Details of a replacement tree to be approved and implemented in the first available planting season following the completion of the works.

9. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority setting out how the development will be excavated, sequenced, phased and managed in order to demonstrate that neighbour amenity and the structure of neighbouring properties will not be harmed.

Reason. To protect the amenity of neighbouring occupiers and the structural integrity of neighbouring properties in accordance with policy DM D2 in the Merton Sites and Policies Plan 2014.

10. NPPF Informative.

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

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