

## PLANNING APPLICATIONS COMMITTEE

12th December 2013

Item No:

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>DATE VALID</b>
	13/P1163	11/06/2013
<b>Address/Site:</b>	336 Lynmouth Avenue, Morden, SM4 4RS	
<b>(Ward)</b>	Lower Morden	
<b>Proposals</b>	Formation of raised decking area adjoining the west facing elevation of the outbuilding in the rear garden.	
<b>Drawing No's</b>	Site location plan and drawings 'Proposed Plan 01,' Proposed fence' and 'Proposed decking'	
<b>Contact Officer</b>	Leigh Harrington (020 8545 3836)	

## RECOMMENDATION

**Grant planning permission subject to planning 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: Nil
- Density - N/A
- Number of jobs created - N/A
- Flood risk assessment – N/A

## **1. INTRODUCTION**

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

## **2 SITE AND SURROUNDINGS**

- 2.1 The application site is an end of terrace house located on the east side of Lynmouth Avenue in Morden. The properties on this side of the road are aligned so that the level of the garden adjacent to the vehicle accessway at the rear of the site is higher than the level of the garden at the rear of the house. The house has a single storey rear extension and a single storey log cabin style outbuilding and a shed at the rear of the garden. It is not located within a conservation area.
- 2.2 The site has a Public Transport Accessibility Level of 1a. The site is not within a flood risk zone nor a conservation area.

## **3. CURRENT PROPOSAL**

- 3.1 The existing decking area is unauthorised and a previous planning application to retain it was refused by officers. This proposal seeks planning permission to form a decking area in the same position and area as the existing but with a reduction in the height and with the addition of planter boxes and trellis works along the boundaries with the adjoining properties.
- 3.2 The top two horizontal sections of timber would be removed and thereby reduce the height of the decking to a height of 0.53m above ground level adjacent to the garden at 338 Lynmouth Avenue and 0.47m on the opposite elevation, reflecting the slope of the garden. A series of planters would be added on the decking alongside the boundary fences to offer a combination of privacy screening and to keep users of the decking away from the boundary fences to improve privacy. Each planter will be 0.9m long, 0.3m deep and have a trellis screen at the rear with a height of 1.29m.
- 3.3 This application does not relate to the use of the main rear garden outbuilding the use of which is a separate matter under investigation by the planning enforcement team.

#### **4. PLANNING HISTORY**

- 4.1 12/P2404 planning permission REFUSED for retention of raised decking area adjoining west facing elevation of outbuilding in rear garden. Reason **The decking area adjoining the west facing elevation of the existing outbuilding by reason of its design, size and siting enables users of the deck to overlook the rear gardens of neighbouring dwellings, resulting in a loss of privacy to the detriment of the amenities of neighbouring occupiers, contrary to policy BE15 of the Merton UDP (2003).**

#### **5. CONSULTATION**

- 5.1 The proposal was advertised by means of a neighbour notification letter and a Site Notice. There were two written objections to the proposal from the neighbouring occupiers and from Cllr Groves raising concerns relating to;
- Decking area being overly large and perpetuating overlooking of adjacent properties due to its position at the end of the garden.
  - Reducing the decking height will not alleviate problems of overlooking due to the topography.
  - Decking is not needed as access to the outbuildings can be accommodated via separate sets of steps.

#### **6. POLICY CONTEXT**

- Merton LDF Core Planning Strategy (2011).  
6.1 The relevant policies in the LDF Core Strategy 2011  
CS 14 Design

- Merton UDP (2003).  
6.2 The relevant policies in the Council's Adopted Unitary Development Plan (October 2003) are:  
BE 15 New Buildings.  
BE22 Design of new development.

#### **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations in this case relate to the scale and design of the decking area and the impact on neighbour amenity.
- 7.2 Saved UDP policy BE15 requires proposals not to impact on neighbour amenity in terms of loss of light, outlook, privacy and visual intrusion.
- 7.3 Currently on the boundary with 338 there is a close boarded fence with a height of 1.6m with a further 0.25m of trellis above that. The result of this is that on this boundary there is only 78cm of fencing between the top of

- the decking and the top of the close boarded fence. As constructed, use of the deck provides clear views onto the rear garden of the neighbour's properties on both sides and this was a key concern for officers leading to the previous application being refused.
- 7.4 The proposal will reduce the height of the decking, although not the overall area. The new height would be reduced from a height 87cms on the boundary with 338 by a height of 34cms to a new height of 53cm whilst on the boundary with 334 Lynmouth Avenue the height would be reduced from 74cms to 47cms reflecting the changing slope of the garden on both front to rear and side to side elevations. A pair of planter boxes with lattice trellis work panels would be located on the reduced height decking alongside both of the boundary fences. Each planter will be 0.9m long, 0.3m deep and have a trellis screen at the rear with a height of 1.29m.
- 7.5 It is considered that by reducing the height of the decking in this manner and by using planters to increase separation distances between the usable deck area and the boundary fence to keep users of the decking further away from the boundary, it will reduce the impact of any loss of privacy to a reasonable level. The proposed reductions in height to a level only an average 20cms above permitted development allowances is considered sufficient to overcome the previous concerns of officers that lead to the refusal of permission to retain the decking as existing.
- 7.6 Core strategy policy CS 14 and saved UDP policy BE 22 require well designed proposals to respect the scale and massing of surrounding buildings. Officers consider that by making the proposed reductions in the height of the decking the resultant decking area would respect the scale and massing of the existing outbuildings and would not be out of keeping with the local area.
- 7.7 This matter has been ongoing for some time now and in order to expedite matters the Council's Planning Enforcement team are in the process of instructing Legal Services to serve an Enforcement Notice requiring the removal of the existing decking. If members grant planning permission the existing decking will still be required to be removed in order to comply with the Enforcement Notice and the applicant would have three years in which to install the approved decking.

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

- Environmental Impact Assessment
- 8.1 The proposals fall outside the scope of Schedule 2 development under the Town and Country Planning [Environmental Impact Assessment] Regulations 2011 and therefore there are no requirements for an Environmental Impact Assessment in this instance.

**9. CONCLUSION**

The National Planning Policy Framework 2012 has a presumption in favour of sustainable development. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. It is considered that the reductions in height and the use of planters to create buffer space on the boundaries will result in a proposal that will make a satisfactory compromise between the applicant's desire for a decking area in front of their outbuildings and the neighbour's requirement for adequate levels of privacy to allow for their enjoyment of their garden. Consequently it is recommended that permission be granted subject to conditions.

**10. RECOMMENDATION**

Grant planning permission subject to the following conditions:

**1 A1 Commencement of Development (Amended)**

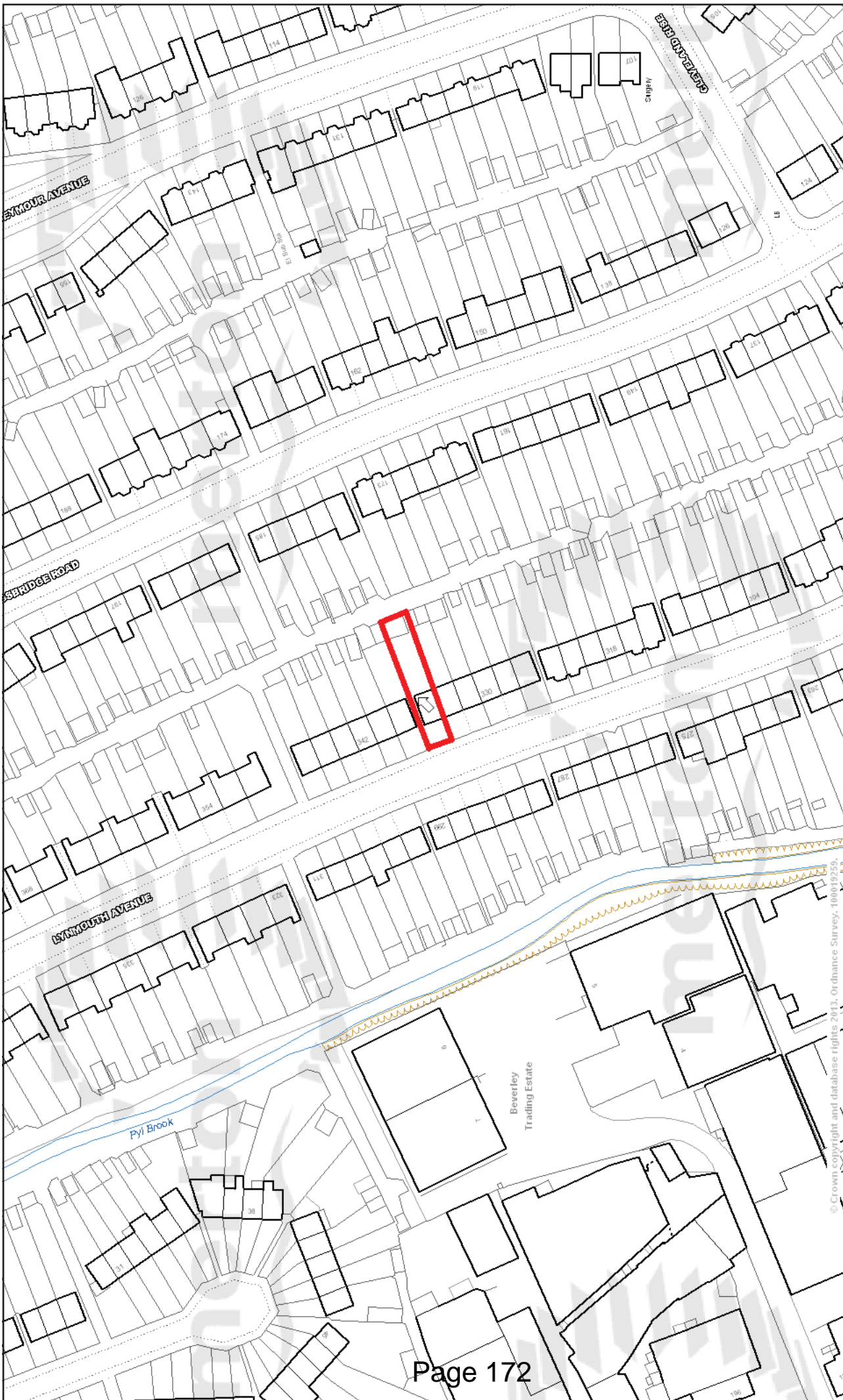
The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.  
Standard 3 years.

**2 A7 Construction in accordance with plans Site location plan, 'Proposed Plan 01,' Proposed fence' and 'Proposed decking'**

**3 Non standard condition**

Before use of the decking hereby approved commences, the planters shown on the approved drawings shall be permanently affixed to the decking in the positions shown and shall be permanently retained thereafter.  
Reason, To protect the amenity of neighbouring residents in accordance with saved UDP policy BE 15

Informative. The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application.



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 100 London Road  
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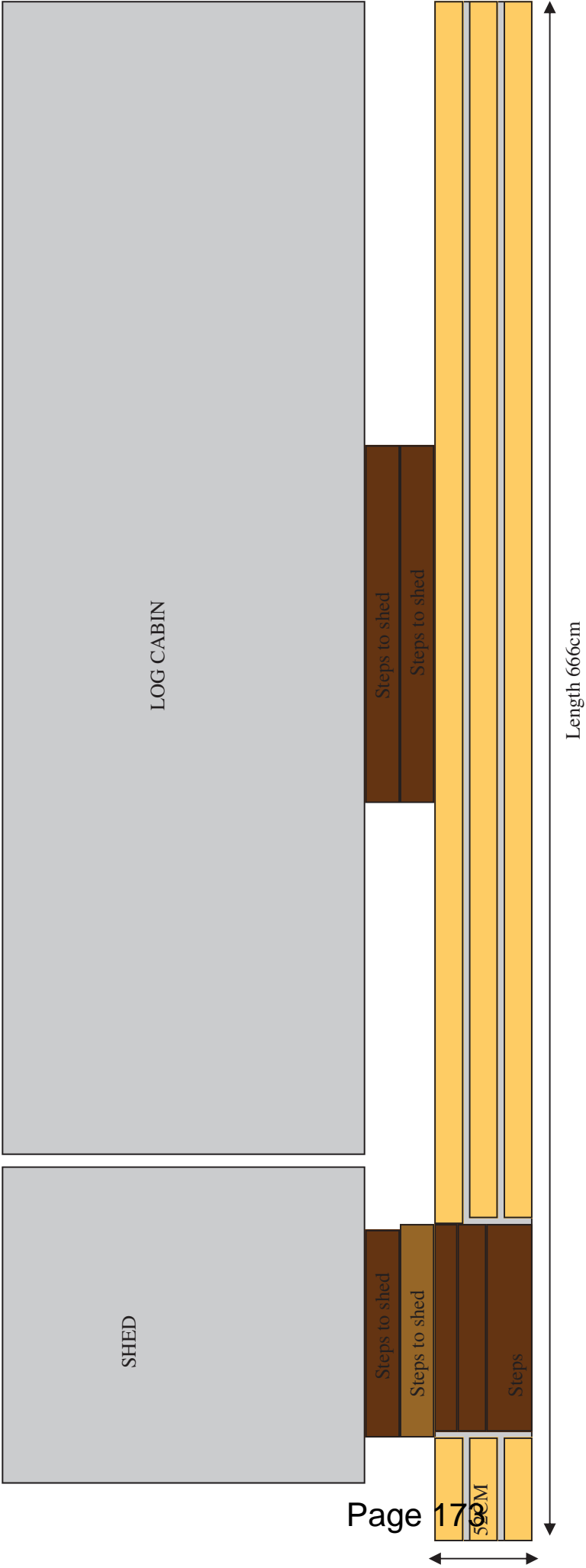
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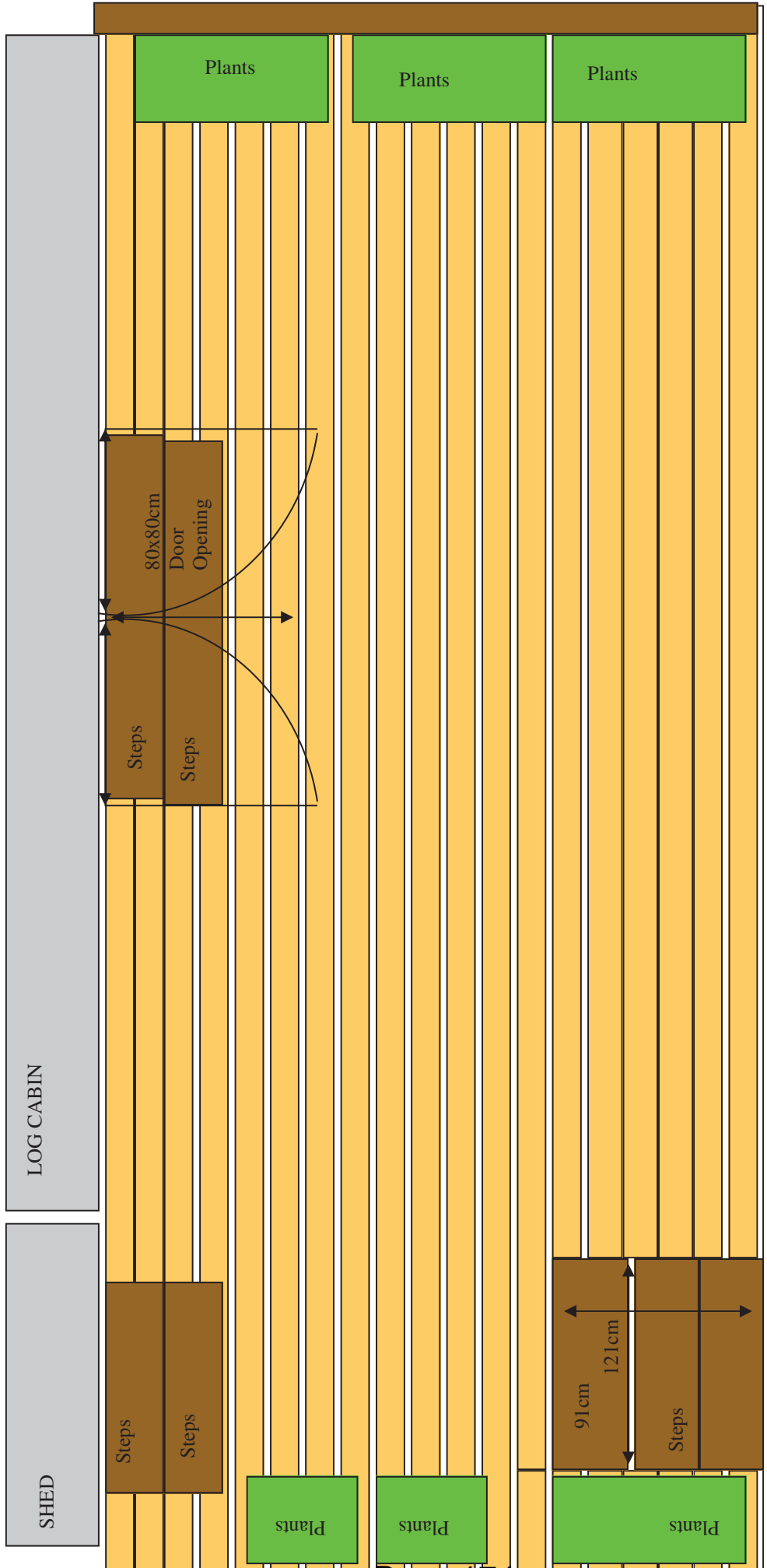
Date 26/11/2013

336 Lynmouth Avenue

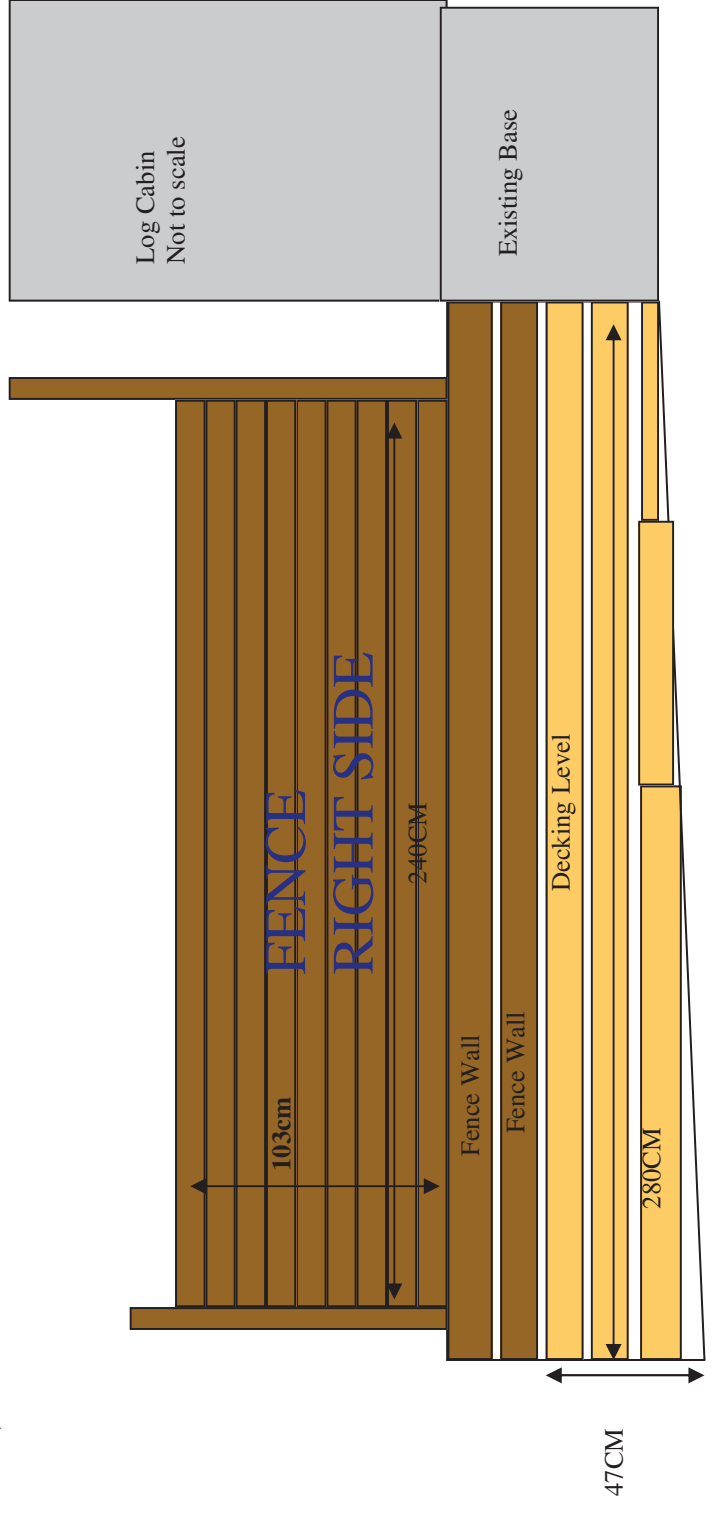
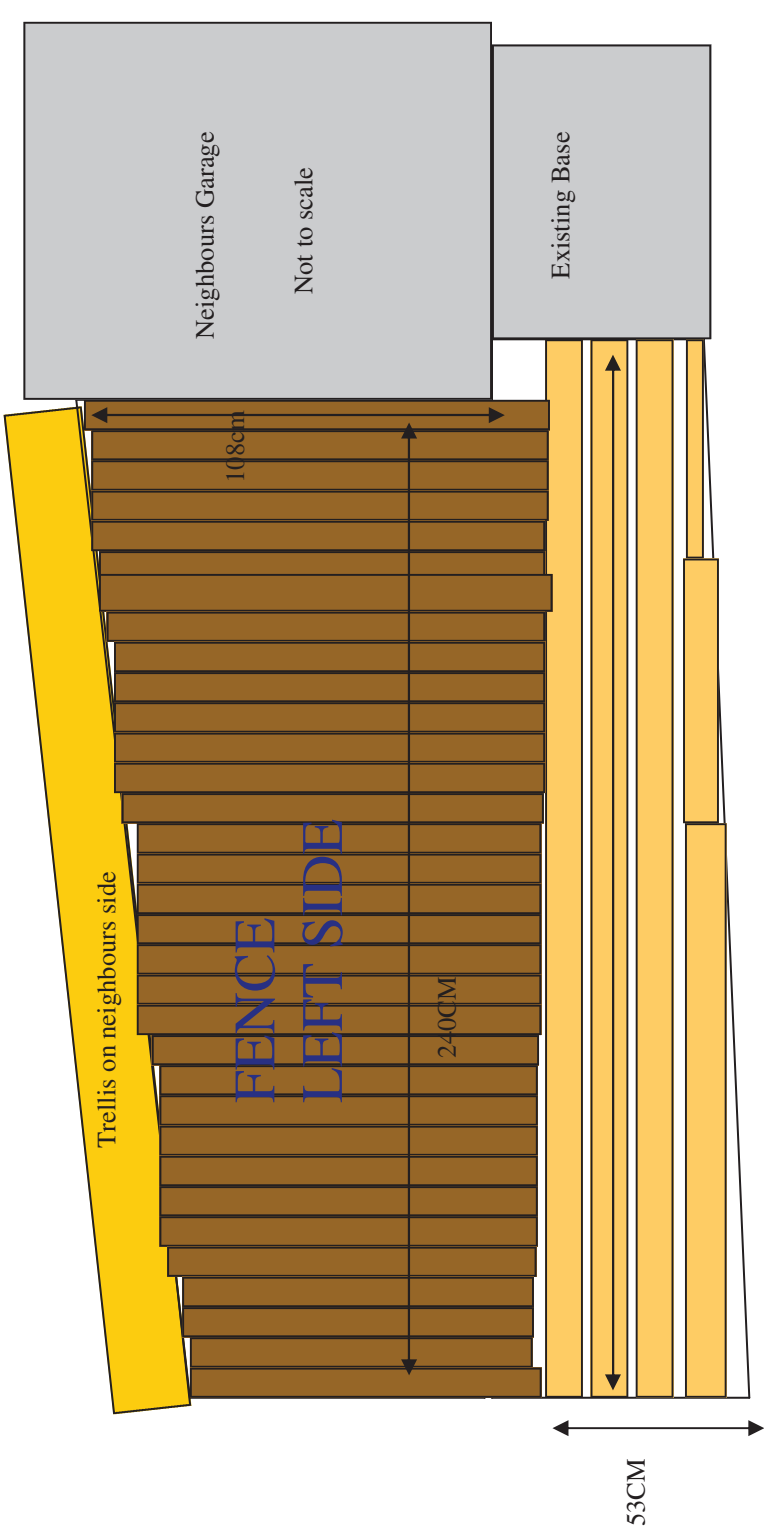
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DEVELOPMENT CONTROL









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