

## PLANNING APPLICATIONS COMMITTEE

29<sup>th</sup> June 2021

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	20/P3898	21/12/2020
<b>Address/Site:</b>	52 Parkway Raynes Park SW20 9HF	
<b>Ward:</b>	West Barnes	
<b>Proposal:</b>	ERECTION OF RAISED TIMBER DECKING IN THE REAR GARDEN WITH PRIVACY SCREEN	
<b>Drawing No.'s:</b>	002; 005 Rev A; 006 Rev B; 006; 007; 008; 009; 010; 011; Proposed Rear Elevation; Site Location Plan;.	
<b>Contact Officer:</b>	Jourdan Alexander (020 8545 3112)	

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### RECOMMENDATION

**Grant planning permission subject to conditions.**

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### CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 4
- External consultations: 0
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Archaeological priority zone: No

## **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature of the objections received, and that the application seeks to retain an unauthorised development. Officers consider that its determination in the event of approval falls outside the Scheme of Delegation to officers

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is a two storey semi-detached dwelling located on the south-west side of Parkway in Raynes Park. The building forms a pair with No. 50 Parkway.
- 2.2 The property has an existing rear extension that sits at raised ground floor level. There is a newly built timber deck at rear with stairs that links the garden with the rear extension's openings.
- 2.3 The site is not located in a Conservation area nor is it a listed building

## **3. CURRENT PROPOSAL**

- 3.1 The proposal seeks retrospective permission for the raised timber decking constructed at rear of building, as well as new stairs that provide access onto the garden. The new timber decking has replaced an earlier timber deck of the same height, but is larger with a depth of approximately 2m, and stretches to the property's side boundary with No 50 Parkway. The deck is enclosed by a metal balustrade. Stairs have been formed to connect the deck with garden level, situated beside the boundary with No 50 Parkway. Timber screens are proposed to provide visual screening between the subject property and 50 Parkway.

## **4. PLANNING HISTORY**

- 4.1 05/P0017 - EXTENSION TO SIDE ROOF SLOPE (TO COMPRISE HIP TO GABLE EXTENSION) AND REAR ROOF SLOPE. Grant Permission
- 4.2 05/P0939 - RETENTION OF REAR DORMER ROOF EXTENSION WITH BALCONY. Grant Permission
- 4.3 12/P0109 - ERECTION OF AN OUTBUILDING TO PROVIDE A GARAGE AND A MUSIC ROOM.

Refuse Permission

**The proposed outbuilding, by reason of size, siting and design would be both visually prominent and unduly dominant, to the detriment of the visual amenities of neighbouring occupiers, and would be contrary to policy BE.15: New Buildings and Extensions: Daylight, Sunlight, Privacy, Visual Intrusion and Noise of the Council's adopted Unitary Development Plan (October 2003).**

- 4.4 12/P1240 - DEMOLITION OF GARAGE AND THE ERECTION OF AN OUTBUILDING FOR USE AS A MUSIC AND UTILITY ROOM.

Refuse Permission

**The proposed outbuilding, by reason of size, siting and design would be both visually prominent and unduly dominant, to the detriment of the visual amenities of and spoiling the enjoyment of the garden and patio area of No. 54 Parkway contrary to policy BE.15: New Buildings and Extensions: Daylight, Sunlight, Privacy, Visual Intrusion and Noise of the Council's adopted Unitary Development Plan (October 2003) and Policy CS14 of the Adopted Core strategy**

- 4.5 12/P3361 - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING SINGLE STOREY REAR EXTENSION. Issue Certificate of Lawfulness

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of site notice along with letters sent to 4 neighbouring properties. One representation was received. The application has since been amended to change the screening arrangement along the boundary. The amended drawings have been re-consulted with neighbours and a further representation was received by the same objector to the first proposal. As summarised:

- We recognise that the elevated positions of the houses require a high decking however we strongly oppose to i) the positioning of the stairs and (ii) the fact that the decking comes right up against our property for the following reasons:
- Loss of privacy, as people using the stairs would have views into our rear habitable rooms. We believe the elevated patio/decking itself should not come right up to our property and there should be at least 2 metre distance between the end of the decking and our property.
- Security, the attachment of the patio and its stairs make for an easy access to our property and makes it vulnerable to thieves now that the decking and the stairs are right up against our property.
- Plumbing, The new plumbing that appeared as part of the decking and patio build includes a new open pipe running right along the side of our property and pointing towards our garden which allows for their dirty water going through a new drainage

- to come inside our garden once running.
- Property value, we strongly feel that the installation a decking extending right out to our fence and including stairs right up against our fence will negatively affect the value of our property.
- Health and Safety, the development is not safe to use.
- With regards to the new amendment - we do not believe that the submitted drawing represents the true picture of current structure. The suggested panel will have to be built on the top of the fence which at present stands nearly 2 metres high. The staircase which goes above that height does not have a security banister or hand rail at one side and will therefore use the decorate panel to perform this function hence allowing for incidents. The panel presented as a prevention to overlooking will need to be over 3.5 metres tall. The submitted drawing does not demonstrate any of the above.

Planning Officer's comments to the objections:

- 5.2 Privacy impacts of the development are discussed within the report. The applicant would need to ensure that the building works complies with all other relevant legislation including the Building Act, in order to ensure its safe use. Property values are not material planning concern, whilst plumbing particulars also fall outside the scope of planning control. There is no evidence to suggest that the development would create a security issue for neighboring occupiers to an extent that planning permission could be reasonably refused. Officer's note that there is already a gate to the side of the subject building preventing access from the street to rear garden, which further adds to security.

**6. POLICY CONTEXT**

6.1 National Planning Policy Framework (2019)

- 11. Making effective use of land
- 12. Achieving well-designed places

6.2 London Plan (2021)

- Relevant policies include:
- D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

- Relevant policies include:
- CS 14 Design

6.4 Merton Sites and Policies Plan – 2014 (SPP)

- Relevant policies include:
- DM D2 Design considerations in all developments
  - DM D3 Alterations and extensions to existing buildings

- 6.5 Supplementary planning considerations  
London Housing SPG – 2016  
Merton Design SPG – 2004

## **7. PLANNING CONSIDERATIONS**

- 7.1 The planning considerations in this case relate to the whether the development would have an acceptable level of impact toward the host dwelling, surrounding character and neighbouring amenity.

### Character and Appearance

- 7.2 London Plan Policies D3 and D4, Core Strategy Policy CS14 and SPP Policies DMD2 and DMD3 specify requirements for well-designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings
- 7.3 At the rear of properties along Parkway there are a variety of different proportioned and designed decking built at similar levels to that erected on the applicant's property. The replacement decking with steps, whilst larger in size than previously existing appears in keeping with the pattern of development at this location. It is not considered a size, in terms of depth or width that appears out of scale. The use of timber materials with metal balustrade also appears sympathetic at this part of the house, and officers consider this to acceptable.
- 7.4 The applicant proposes to erect timber panels along one side of the decking to provide visual screening between the occupants of the subject property and those at 50 Parkway. The size, location, design and materials of the screening would appear visually compatible at this part of the house, and it is considered would not be intrusive to occupants at No. 50.
- 7.6 Overall, in terms of appearance, the development is not be considered materially harmful or out of keeping with the property.

### Impact upon neighbouring amenity

- 7.7 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.8 Officers have inspected the enlarged timber decking next to the boundary with No 50 Parkway. The applicant was given an opportunity to amend the application so as to mitigate any potential for an adverse impact to the neighbour. The proposed amendment includes privacy screens with a height of 2.05m above the deck and maintaining that height parallel with the steps to the garden with the existing 2m high fence retained thereafter at the foot of the steps.

- 7.9 Officers therefore consider that the screens, in addition to the existing fence, would be of a height and location so as to protect potential views from the new decking and stairs into neighbour's rear habitable rooms or towards the neighbour's own raised timber decking. With the screening erected, any impact to this neighbour with respect to privacy would be sufficiently mitigated so as not to be considered harmful. A condition has been recommended to secure the full and prompt installation of the privacy screening.
- 7.10 The adjacent neighbour no 54, would not be affected by the proposal given that there is a good degree of separation between the enlarged timber decking and this property's side boundary.
- 7.11 In terms of noise impact, occupants of the subject building could be able to generate similar levels of noise from the rear garden as configured without the decking to that now proposed. This is because the space directly to the rear of the house can be used for amenity purposes by the occupants, tables and chairs could also be sited close to the boundary fence. It is further noted that No. 50 Parkway already has raised timber decking that extends close to the boundary with the applicant neighbour. Therefore potential impacts would be largely mutual between properties.

## **8. CONCLUSION**

- 8.1 The assessment of planning applications routinely requires an element of judgement to be made in the absence of a prescribed or formulaic approach to design. The proposed development is similar, but not necessarily identical to those built on neighbouring houses and this submission is therefore one in which officers and ultimately members are required to exercise a degree of judgement. Officers are of the view that the amenity deck and access steps, may reasonably be supported. Suitably amended to ensure the installation of screening, officers consider that the proposal would not cause any undue harm to neighbouring occupiers. It is therefore recommended to grant planning permission subject to conditions.

## **RECOMMENDATION**

Grant planning permission subject to the following conditions.

1. Standard condition [Approved plans]: The development hereby permitted is for the deck, steps and screening as described by the following approved plans: [Refer to the schedule on page 1 of this report].

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

2. Within 1 month of the date of this planning permission the timber privacy screens shown on approved drawing no. 006 Rev B, shall be fully installed. Failing this, the raised timber decking hereby approved shall not be used for sitting out or any similar purposes and shall not be brought back into use until the privacy screens have been fully installed. The privacy screens shall be retained permanently thereafter in good repair for so long as the decking and steps to the garden remain.

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 D3 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and DM D3 of Merton's Sites and Policies Plan 2014.

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