

PLANNING APPLICATIONS COMMITTEE

CASE OFFICER REPORT

14 November 2024

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
24/P0924	14/05/2024
Site Address:	8 Pitt Crescent, Wimbledon Park, London, SW19, 8HS
Ward:	Wimbledon Park
Proposal:	APPLICATION FOR RETENTION OF ERECTION OF OUTBUILDING FOR USE ANCILLARY TO THE MAIN DWELLINGHOUSE INCLUDING COOKING AND SLEEPING ACCOMMODATION
Drawing Nos:	23/1141/D01 (P3); 23/1141/D02 (P2); 23/1141/D03 (P2, minor alterations 09.24); 23/1141/D04 (P2, minor alterations 09.24)
Contact Officer:	Calum McCulloch

RECOMMENDATION

Grant permission subject to conditions

CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	No
Design Review Panel consulted	No
Number of neighbours consulted	9
External consultations	0
Internal consultations	0
Controlled Parking Zone	Not relevant
Public Transport Accessibility Rating (PTAL)	No relevant
Tree Protection Order	0

Flood Zone	1 – no other flood constraints
Statutory Listed Building	N/A
Locally Listed Building	N/A
Conservation Area	N/A
Archaeological Priority Zone	N/A

1. INTRODUCTION

- 1.1.1 The application has been brought to Development and Planning Applications Committee (DPAC) as the applicant is an employee of Merton Council. Under the scheme of delegation planning applications submitted by Council employees are required to be heard by DPAC.

2. INTRODUCTION

- 2.1.1 The site comprises a two storey semi-detached dwelling on the north side of Pitt Crescent. There is an open boundary with the adjacent house no. 10 Pitt Crescent which is also under the ownership of the applicant.

3. PROPOSED DEVELOPMENT

- 3.1.1 The site seeks retrospective planning permission for the outbuilding in the rear garden. The use of the outbuilding would be ancillary to the main dwellinghouse meaning it would be used in conjunction with the occupants of the main dwellinghouse containing cooking and sleeping accommodation. It could not be used as a self-contained residential unit which would be controlled by condition or legal agreement.
- 3.1.2 Officers note there has been enforcement complaints in relation to the outbuilding on grounds the building was being used by a self-contained dwelling. The Council's enforcement team therefore served a planning contravention notice to the applicant which obligates the owner to declare certain information. The owner of this site declared that the outbuildings at both no. 8 and no 10 are not currently used as self-contained residential units nor have they ever been used as such. The outbuildings were built predominantly for the sole use and occupation of the freehold owners and their family members.
- 3.1.3 Following receipt of the above declaration, Officers visited the site. Whilst there was slightly unusual open boundary between no. 8 and no. 10, the site visit demonstrated no evidence the outbuildings were in use as self-contained accommodation.
- 3.1.4 Officers understand from discussions with the applicant they may seek to reside in the outbuilding whilst works under being undertaken to the main house. Officers are content this would come under the definition of ancillary use.

4. PLANNING HISTORY

No 10 Pitt Crescent

- 4.1.1 None relevant at no. 10.

No. 8 Pitt Crescent

- 4.1.2 21/P0657 - DEMOLITION OF EXISTING REAR EXTENSION AND CONSTRUCTION OF A SINGLE STOREY BASEMENT WITH FRONT AND REAR LIGHT WELL AND A SINGLE STOREY REAR EXTENSION - Grant Permission subject to Conditions - 01/10/2021
- 4.1.3 22/P1545 - ERECTION OF A FIRST FLOOR REAR EXTENSION - Grant Permission subject to Conditions - 07/09/2022
- 4.1.4 24/P0924 - APPLICATION FOR RETENTION OF ERECTION OF OUTBUILDING FOR USE ANCILLARY TO THE MAIN DWELLINGHOUSE INCLUDING COOKING AND SLEEPING ACCOMMODATION – UNDETERMINED - 09/07/2024

5. CONSULTATION

- 5.1.1 Consultation was carried out by way letter sent to neighbouring properties inviting response within 21-days.
- 5.1.2 Five objections were received noting the following concerns:
- Concerns that the two applications 24/P0924 and 24/P0916 do not reflect that these two buildings are joined together with a party wall.
 - Concerns measurements are incorrect.
 - Concerns no pictures of the toilet/ wash basin nor inclusion in the plans.
 - No plans given to show it is attached to the back build of no 8 as stated above.
 - Note the steps to go down - no mention of the deeper tanked excavation in the plans.
 - No mention of drainage and plans for accommodating the excess run off water.
 - Biodiversity - A large, beautiful apple tree was cut down to accommodate this build.
 - Questions why No. 10 needs extra living space. No 10 has been transformed from a residential family home to a multi - occupancy house with an extra 'porch built on the rear. The original kitchen has been taken out and replaced with a 'kitchenette 'downstairs (as described by Corral Henry).
 - Questions as to why a laundry room has been created with outside access only at the side of no 10.
 - Overdevelopment of the site.
 - No details of drainage provided.
 - Concerns over blockages to sewers
 - Impact on privacy
 - Concerns regarding HMO use of the site.
 - Concerns the applicant will use the buildings for rental purposes.
 - Concerns the building occupies another person's land.
 - Concerns regarding basement development.

6. **POLICY CONTEXT**

List of relevant planning policies

National Planning Policy Framework (2023)

- Chapter 12 Achieving well-designed places

London Plan 2021

- Policy D4 Delivering good design

Merton Core Strategy (2011)

- Policy CS 14 Design

Merton Sites and Policies Plan (2014)

- DM D2 Design considerations in all developments

7. **PLANNING CONSIDERATIONS**

7.1 **Introduction**

7.1.1 The key planning considerations the proposed development include:

- Design, character and appearance
- Neighbouring amenity

7.2 **Design, character and appearance**

7.2.1 NPPF Para 130 requires planning decisions to ensure developments achieve high standard of design and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. This is supported by policies within the adopted development plan including London Plan policy D4, Merton CS policy CS14 and Merton SPP policy DMD2. Policy DMD2 (i-ii) specifically requires development to relate 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; and use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.

7.2.2 The proposed outbuilding is a single storey structure with a max depth of roughly 8.2m depth and a width of approximately 7.1m. It features a generally flat roof at a height of approximately 2.7m. The proposal is clad in timber to the front and tiles to the sides. Officers consider the building is of an acceptable scale, form, design and materiality. It is of a similar size to outbuildings in the surrounding area. Officers note there are other outbuildings in the rear garden but these are limited in scale and informal in their nature. It's considered that there would be an acceptable amount of left over garden space and that the building does not represent overdevelopment of the site.

7.2.3 Overall, Officers consider the proposal is acceptable in terms of design, character and appearance.

7.3 Neighbour amenity

- 7.3.1 NPPF para 130 (a) requires planning decisions to with a high standard of amenity for existing and future users.
- 7.3.2 Merton SPP policy DMD2 (v) requires development to provide appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Further, SPP policy DMD2 (vi) requires development to protect new and existing development from visual intrusion, noise, vibrations or pollution so that the living conditions of existing and future occupiers are not unduly diminished.
- 7.3.3 The mass of the outbuilding has resulted in a change in outlook for neighbouring properties, notably no. 6 which lies adjacent to the east. However, outbuildings are common feature in the area and the scale the building would not be unduly visually intrusive when seen from neighbouring gardens or windows. Officers acknowledge there is some increased intervisibility between the patio doors of the outbuilding and rear windows of no. 6 and no. 10 Pitt Crescent. There could also be a perceived sense of activity associated with the outbuilding given it would be ancillary to the main dwellinghouse rather than incidental. As the building would contain principle living accommodation there could potentially be more movement between the outbuilding and the main dwellinghouse. However, these impacts are not considered harmful. In planning terms it's generally accepted that the ancillary use of an outbuilding in garden contexts like this site does not result in harmful impacts on neighbouring amenity in terms of noise and privacy. Overlooking is mitigated to an acceptable degree by boundary fencing. Furthermore, Officers note there are curtains installed in the outbuilding. A recent appeal at no 38 Tudor Drive supports this judgement for which the inspector concluded an ancillary outbuilding had an acceptable impact on neighbours in similar site circumstances (see [planning appeal](#) for 21/P0279).
- 7.3.4 Officers are mindful of concerns the proposal could be tantamount to a new dwelling. However, Officers consider this could be controlled by a legal agreement which requires the building to be ancillary to the main house and could not be rented out as a self-contained home.
- 7.3.5 Overall, Officers consider the proposal would not give rise to harmful impacts of neighbouring amenity.

8. CONCLUSION

- 8.1.1 Officers consider the proposal would be in accordance with policies relating to design, character, and appearance, and neighbour amenity. A legal agreement in this instance would ensure the outbuildings would not be used for any other purpose other than that ancillary to the main dwellinghouse and thereby could not be rented out as a self-contained unit.

9. RECCOMENDATION

Grant permissions subject conditions and legal agreement.

10. HEADS OF TERM

- 10.1.1 The applicant enters into a legal agreement which restricts the outbuilding to an ancillary use and prevents it from being rented out as a self-contained residential unit.

11. CONDITIONS

1	A1 Commencement of development (full application)	Commencement of development (Full Permission) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
	1	Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2	A7 Approved Plans	Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans: 3/1141/D01 (P3); 23/1141/D02 (P2); 23/1141/D03 (P2, minor alterations 09.24); 23/1141/D04 (P2, minor alterations 09.24)
	1	Reason: For the avoidance of doubt and in the interests of proper planning
3	B3 External Materials as Specified	Materials as Specified - The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.
	1	Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
4	Note To Applicant - Approved Schemes	<p>INFORMATIVE</p> <p>Note to Applicant -Approved Schemes</p> <p>In accordance with paragraph 38 of the National Planning Policy Framework, London Borough of Merton (LBM) takes a positive and proactive approach to the delivery of sustainable development, by:</p> <ol style="list-style-type: none"> 1. Providing a formal pre-application advice service, details to be found on Planning pre-application advice service on LBM's website 2. Providing written policies and guidance, which is available to view on LBM's website. 3. Where appropriate, negotiating amendments to secure a positive decision. 4. Determining applications in a timely manner including providing a fast track service, details to be found on Get a quicker planning decision on LBM's website. <p>In this instance:</p> <p>i) The application was recommended for approval and referred to the first available Planning Committee, where the agents / applicants had an opportunity to present the application.</p>