

**PLANNING APPLICATIONS COMMITTEE  
15 January 2015**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P3204	29/09/2014
<b>Address/Site:</b>	98 Aylward Road Merton Park SW20 9AQ	
<b>Ward:</b>	Merton Park	
<b>Proposal:</b>	Retention of a single storey detached outbuilding.	
<b>Drawing No's:</b>	14/16/01 Revision C, 14/16/02 and site location plan	
<b>Contact Officer:</b>	Joyce Ffrench (020 8545 3045)	

**Recommendation: GRANT PLANNING PERMISSION subject to conditions**

**CHECKLIST INFORMATION.**

- " S106: N/A
- " Is a screening opinion required: No
- " Is an Environmental Statement required: No
- " Has an Environmental Impact Assessment been submitted - No
- " Press notice - No
- " Site notice - Yes
- " Design Review Panel consulted - No
- " Number of neighbours consulted - 3
- " External consultations - No
- " Density - N/A
- " Additional employment – N/A.

**1. INTRODUCTION**

- 1.1 This application is presented to the Planning Committee at the request of Councillor Sargeant and as a result of residents' concerns regarding the existing/proposed use of the outbuilding.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site is an end-of-terrace 1930's built residential property which has been extended with a part width flat roof conservatory.
- 2.2 At the time of the site visit(s) the property was in use as a small HMO (use within Class C4) with rooms being rented and with the rear reception (dining) room

used as a living area during the day and a bedroom for the applicant during the night.

- 2.3 At the bottom of the garden is an outbuilding which is the subject of this application. The building contains a living area, a kitchenette and a 'storage' area which previously housed a shower and wash basin.
- 2.4 The property is not in a conservation area.

### **3. CURRENT PROPOSAL**

- 3.1 The application seeks permission to retain a detached single storey outbuilding with a maximum height to the ridge of 2.7m.
- 3.2 The outbuilding is used principally by the applicant during the day/evening and provides supplementary living space to the rear reception room in the main house which is used both for living and sleeping purposes by the applicant.
- 3.3 It should be noted that plans have been amended during the course of the application. The structure was originally described as a 'workshop' and did not illustrate the portioned area where the shower was located. The plans were amended at the request of the case officer following a site visit.

### **4. PLANNING HISTORY**

- 4.1 No history.

### **5. RELEVANT POLICIES.**

#### National Planning Framework [March 2012]

- 5.1 The National Planning Framework was published on the 27 March 2012. This document is put forward as a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 5.2 The document reiterates the plan led system stating that development which accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development. To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, local planning authorities need to approach development management decisions positively and look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and

housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

5.3 Merton Site and Policies Plan (2014).  
DM D2: Design considerations in all developments.

5.4 Merton LDF Core Planning Strategy (2011).  
CS 14: Design

## **6. CONSULTATION**

6.1 One letter of representation has been logged raising concerns regarding the use of the outbuilding as separate residential accommodation for the owner of the property (applicant) to allow the rooms of the main house to be rented.

- The construction of the outbuilding involved the installation of a shower room and kitchenette;
- The structure is an attempt to circumvent the Government policy to curb the spread of landlords' 'beds in sheds';
- The plans (as originally submitted) do not accurately describe the true purpose of the outbuilding and the application description is not an accurate description of the development i.e. does not make reference to its use as a separate form of accommodation;
- Loss of privacy;
- The intended use would set an unwelcome precedent;
- Loss of light as a result of the garden store sited on boundary.

## **7. PLANNING CONSIDERATIONS**

7.1 The main planning considerations to the construction of an outbuilding for use incidental to the main house would be the impact of the structure on neighbour amenity. In this case however the Council has received objections to the structure to the effect that it is being used as a separate unit of accommodation.

7.2 A Council Enforcement Officer visited the site on 11th July 2014 but was not able to gain access to the 'storage' area.

7.3 The Case Officer visited the site on 29 October 2014. The 'storage' area had been cleared sufficiently to allow access to the partitioned room that was previously a shower room and had been altered to provide a shelved cupboard.

7.4 The Case Officer and Team Leader visited the site 11 November 2014. At the time of this visit the applicant advised that there was previously a shower room for showering her dogs but that the unit had never contained a w.c.

- 7.5 The applicant confirms that she does not sleep in the outbuilding and that she sleeps in the dining room of the main house. Notwithstanding the presence of a sink and micro- wave in the main room of the outbuilding, it is considered that as there are currently w.c. facilities in the outbuilding, it does not constitute a separate dwelling and may more reasonably be considered as providing a habitable space the use of which is incidental to the use of the main dwelling as a small HMO. Consideration now turns to impact on neighbour amenity including visual impact.
- 7.7 The 'comings & goings' of the applicant as a result of her using the main house as a bedroom and for the w.c. are not considered to cause undue disturbance to adjoining neighbours.
- 7.9 The outbuilding is no higher than other garages in the vicinity of the site and only slightly higher (0.2m) than the maximum that would otherwise be permitted for an outbuilding located close to garden boundaries and is not considered to be visually intrusive to neighbouring occupiers.

## **8. CONCLUSION**

- 8.1 Site inspections would suggest that the outbuilding is used for purposes incidental to the use of the main house as a small HMO and is not being used as a separate unit of accommodation.
- 8.2 It is considered that the use of the outbuilding does not give rise to harm to neighbour amenity and that its design is acceptable.
- 8.3 While a change in the manner in which the outbuilding is used could result in a breach of planning control it would be unreasonable to withhold permission on the basis of the present use of the building.

## **RECOMMENDATION**

### **Grant planning permission subject to the following conditions:**

1. A.7 The development hereby permitted shall be retained in accordance with the approved plans (see drawing numbers above).  
Reason. For the avoidance of doubt and in the interests of proper planning.
2. The outbuilding shall only be used for purposes incidental to the enjoyment of 98 Aylward Road as a small HMO (Use within Class C4) and shall not be used to provided self-contained accommodation. Reason. To ensure that the use of the outbuilding does not detract from neighbour amenity.



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