



Appeal Decision

Site visit made on 17 September 2014

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th September 2014

Appeal Ref: APP/T5720/D/14/2224328

34 Elmhurst Avenue, Mitcham, Surrey, CR4 2HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by S Suntokee against the decision of the Council of the London Borough of Merton.
 - The application Ref: 14/P2169, dated 5 June 2014, was refused by notice dated 1 August 2014.
 - The development proposed is described as "demolish existing garage and form new building to create granny annexe with access only from existing rear garden / dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matter and Main Issues

2. The appellant refers in the grounds of appeal to amended drawings to be submitted at appeal stage. However, the Council and other interested parties would not have had the opportunity to comment on any changes. For the avoidance of doubt, I have considered the original plans on which the Council based its decision.
3. The main issues are (i) the effect on living conditions at the neighbouring property, No 2 Beecholme Avenue, in terms of outlook; and (ii) whether the scheme would provide adequate living conditions for its future occupants.

Reasons

4. The appeal site comprises an end-of-terrace property on the corner of Elmhurst Avenue and Beecholme Avenue. It has a single storey rear extension that wraps around the side of the house and a loft conversion with a rear dormer. A flat roofed double garage, accessed from Beecholme Avenue, occupies part of the rear garden. This structure, recessed from the road, would be demolished to make way for the annexe. The surrounding area is residential, consisting of terraced, semi-detached and detached properties of various ages and designs.
 5. Unlike the existing garage, the new annexe would extend full width of the rear garden of the appeal property. It would also be marginally higher. Although flat roofed, the plans show a small pitched slope along the rear of the annexe. Importantly, this would reduce the height of the structure at the boundary with No 2 Beecholme Avenue, lessening its impact. Moreover, the substantial set
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back of the house at No 2 from the road, and its position relative to the proposed annexe, means the outlook from that property would not be significantly different from the current situation.

6. On the first issue, I find that the Council's concerns are not sufficiently well founded to cause the appeal to fail. I am satisfied there would be no conflict with Policy CS 14 of the Core Strategy which promotes a high quality urban and suburban environment. More specifically, it would accord with Policy DM D2 of the Council's Sites and Policies Plan which requires, amongst other things, proposals to protect existing development from visual intrusion.
7. Turning to the second issue, the accommodation would include a 'garden room' comprising a living area with kitchen units along one wall. A bedroom is also proposed, together with an ensuite bathroom. The Council notes that the annexe has all the facilities required to be used independently of the main house. Nonetheless, the appellant advises that the annexe would be used in conjunction with it. In particular, the appeal form indicates that the accommodation would be occupied by 'the parents of the house', enabling other family members to occupy the main dwelling.
8. It is clear therefore that the accommodation would not be used as an independent residential unit but rather as supplementary accommodation to the existing house. I acknowledge that there would be a degree of interaction between the annexe and main house. Therefore, an overly prescriptive approach in applying standards from the London Plan for new self-contained new residential units would not be appropriate here.
9. That said, the annexe must provide a basic and reasonable level of accommodation for its occupiers. The internal room height of the rooms would be significantly less than that specified in the London Plan and its associated guidance. The accommodation would be single aspect and face north towards the main house meaning it would receive limited amounts of sunlight and daylight. There would be no circulation space between the rooms. Consequently, the annexe would provide a poor and cramped standard of accommodation, even if used as an adjunct to the main house.
10. Overall, I conclude the proposal would not provide adequate living conditions for its future occupants. It would conflict with Policy 3.5 of the London Plan which requires developments to be of the highest quality internally. It would conflict with Policy CS 14 of the Core Strategy which requires buildings to provide adequate internal amenity. It would also conflict with Policy DM D2 of the Sites and Policies Plan which requires appropriate levels of sunlight, daylight and quality of living conditions for all new development. For these reasons, the appeal is dismissed.

Matthew C J Nunn

INSPECTOR