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|---|---|--|---|
| <b>Item No.</b><br>6.1                        | <b>Classification:</b><br>OPEN  | <b>Date:</b><br>20 February 2012               | <b>Meeting Name:</b><br>Dulwich Community Council |
| <b>Report title:</b>                          | <b>Development Management planning application:</b><br>Application 11-AP-3865 for: Full Planning Permission<br><br><b>Address:</b><br>34 EAST DULWICH GROVE, LONDON, SE22 8PP<br><br><b>Proposal:</b><br>Redevelopment of the site involve the demolition of existing house and rear garages, and the erection of a three storey building to accommodate 2x1 bed and 3x2 bed flats, erection of new garage to Elsie Road frontage with parking for 2 cars and 6 cycle parking spaces. |  |   |
| <b>Ward(s) or groups affected:</b>            | East Dulwich  |  |   |
| <b>From:</b>                                  | Head of Development Management  |  |   |
| <b>Application Start Date</b> 9 December 2011 |   | <b>Application Expiry Date</b> 3 February 2012 |   |

## PURPOSE

- 1 To consider the above application which requires a decision to be taken at Dulwich Community Council due to the number of objections received.

## RECOMMENDATION

- 2 GRANT planning permission subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 3 0.032ha site located on the corner of East Dulwich Grove and Elsie Road in the East Dulwich area of the borough. Currently occupied by a dilapidated three-storey detached dwellinghouse which was last used as two-self contained flats. To the rear a single storey garage provides off street parking for 2 cars with access onto Elsie Road.
- 4 The surrounding area is predominantly residential in nature with a variety of building sizes and styles.
- 5 Conservation Area: n/a  
Listed Building: within close proximity to 31 & 33 East Dulwich Grove - Grade II Listed  
PTAL: 4  
CPZ: no

### Details of proposal

- 6 This application seeks planning permission for the demolition of the existing detached building and the erection of a three-storey block accommodating 5 self-contained flats.

7 Schedule of accommodation:

|        | Combined living/dining/kitchen | Kitchen | Living  | Bed 1   | Bed 2   |
|--------|--------------------------------|---------|---------|---------|---------|
| Unit 1 | 27sqm                          | -       | -       | 13.7sqm | 7.5sqm  |
| Unit 2 | -                              | 7sqm    | 17.4sqm | 12.6sqm | -       |
| Unit 3 | 27sqm                          | -       | -       | 13.7sqm | 7.5sqm  |
| Unit 4 | -                              | 7.1sqm  | 17.4sqm | 12.6sqm | -       |
| Unit 5 | 31sqm                          | -       | -       | 14.3sqm | 12.7sqm |

8 Parking:

2 off-street spaces provided within a new single storey garage to the rear.

9 Cycle Parking:

6 spaces provided within a covered enclosure on the Elsie Road frontage.

### Planning history

10 The subject site has been subject to the following previous applications:

11 08-AP-0114

Demolition of existing 3 storey residential property and existing double garage to allow for the construction of a 3 storey residential property with accommodation within the roof [3 x 2 bed and 2 x 1 bed units] and associated car-parking, bin/cycle store and amenity space. Planning permission **refused** at DCC on 05/06/08 for the following reasons:

1. The proposed development by reason of its height, depth and position on the common boundary, location of boundary windows and continued depth of the building to the rear would result in an overbearing impact to 32 East Dulwich Grove with a loss of light and privacy to the ground and first floor rooms. As such the proposal is considered contrary to Policies 3.2 Protection of Amenity, 3.11 Efficient use of land and 3.12 Quality in Design of the Southwark Plan 2007.

2. The proposal by reason of its substantial footprint would fail to provide an adequate level of private outdoor amenity space for the number of units proposed. The communal area provided would be undersized and would compromise the amenity of the proposed rear ground floor unit which would have windows directly onto this space. The proposal is therefore contrary to Policy 3.2 Protection of amenity, 3.11 Efficient use of land, 4.2 Quality of accommodation and Draft Supplementary Planning Document on Residential Design Guidance (2008).

12 07-AP-2071

Demolition of existing 3 storey residential property (including accommodation in the roof) and existing double garage and the construction of a 3 storey residential property (including accommodation in the roof) comprising 5no x 2 bedroom units and double garage. Application **withdrawn** by applicant 07/11/07.

13 06-AP-0753

Demolition of existing single dwelling house and construction of a three storey apartment building comprising of 6 x 2 bedroom flats. Planning permission **refused** 18/09/2006 for the following reasons:

1. The proposed development, by reason of its scale, height and size, would lead to overdevelopment of the site and an over dominant form of development within the streetscene on this prominent corner location,

which together with the detailed design and use of materials proposed, would be out of character and harmful to the visual amenity of the area. The proposal is contrary to Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan and Policy 3.11 'Quality in Design' and Policy 3.13 'Urban Design' of the Southwark Plan (Modifications Version 2006).

2. The scale of the proposed development, and its proximity to the adjoining houses and gardens to the side and rear, particularly No. 32 East Dulwich Grove, would result in a reduction in the quality of living conditions for neighbouring residents, by reason of visual domination, loss of outlook, increased sense of enclosure and the enjoyment of that part of the garden immediately outside the back of the house contrary to Policy E.3.1 'Protection of Amenity' of the Southwark Unitary Development Plan and Policy 3.2 'Protection of Amenity' of the Southwark Plan (Draft Deposit) and guidance contained in Supplementary Planning Guidance no 5 'Standards, Controls and Guidelines for Residential Development'.

3. The proposal, due to insufficient on site parking and an excessive number of units, would have an adverse impact on parking congestion on the surrounding streets, which are subject to heavy parking demand. There would be a loss of amenity to neighbouring residents due to increased competition for scarce on street parking spaces and a reduction in pedestrian and highway safety in local roads. As such, the proposal is contrary to Policy T.1.3 'Design of Development and Conformity with Council Standards' and Policy T.6.3 'Parking Space in New Developments' of the Southwark Unitary Development Plan and Policy 5.6 'Parking' of the Southwark Plan (Modifications Version 2006).

14 03-AP-1539

Demolition of the existing two storey with attic house and construction of a three storey building with roof extension consisting of 6 x 2 bedroom flats. Planning permission **refused** 29/09/2003 under delegated powers, and appeal (ref: APP/A5840/A/03/1135982) subsequently **dismissed** for the following reasons:

1. The proposed development, by reason of its scale, height, size, detailed design and use of materials, would lead to overdevelopment of the site and an over dominant form of development within the streetscene, which together with the detailed design, would be harmful to the visual amenity of the area. The proposal is contrary to Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan and Policy 3.14 'Quality in Design' and Policy 3.15 'Urban Design' of the Southwark Plan (Draft Deposit).

2. The proposed scale of the development, and its proximity to the adjoining houses and gardens to the side and rear, would result in a loss of light and amenity to neighbouring residents, contrary to Policy E.3.1 'Protection of Amenity' of the Southwark Unitary Development Plan and Policy 3.2 'Protection of Amenity' of the Southwark Plan (Draft Deposit) and guidance contained in Supplementary Planning Guidance no 5 'Standards, Controls and Guidelines for Residential Development'.

3. The proposal would result in a high density development with insufficient amenity space to meet the needs of the future occupiers. This is contrary to Policy H.1.8 'Standards for New Housing' and H.1.7 'Density of New Residential Development' of the Southwark Unitary

Development Plan and Policy 4.2 'Residential Design Standards', 4.1 'Housing Density' and 5.5 'Density' of the Southwark Plan (Draft Deposit) and guidance contained in Supplementary Planning Guidance No. 5 'Standards, Controls and Guidelines for Residential Development'.

4. The proposal, due to insufficient on site parking and an excessive number of units, would have an adverse impact on parking congestion on the surrounding streets, contrary to Policy T.1.3 'Design of Development and Conformity with Council Standards' and Policy T.6.3 'Parking Space in New Developments' of the Southwark Unitary Development Plan and Policy 5.6 'Parking' of the Southwark Plan (Draft Deposit).

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 15 The main issues to be considered in respect of this application are:
- a) The principle of the development in terms of land use and conformity with strategic policies.
  - b) Design and Appearance.
  - c) Residential Amenity.
  - d) Neighbour Amenity.
  - e) Traffic and Transportation.

### **Planning policy**

- 16 Core Strategy 2011  
Strategic Policy 1 - Sustainable Development  
Strategic Policy 2 – Sustainable transport  
Strategic Policy 5 – Providing new homes  
Strategic Policy 6 – Homes for people on different incomes  
Strategic Policy 12 - Design and Conservation
- 17 Southwark Plan 2007 (July) - saved policies  
3.2 Protection of Amenity  
3.11 Efficient Use of Land  
3.12 Quality in Design  
3.13 Urban Design  
4.1 Density of residential development  
4.2 Quality of Residential Accommodation  
5.1 Locating Developments  
5.2 Transport Impacts  
5.3 Walking and Cycling  
5.6 Car Parking
- 18 Adopted Supplementary Planning Guidance  
Residential Design Standards (2011)  
Sustainable Design and Construction (2009)
- 19 London Plan 2011

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing
- 3.8 Housing choice
- 7.4 Local character

20 Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)  
 PPS 1 Delivering Sustainable Development  
 PPS 3 Housing  
 PPG13 Transport

21 Draft National Planning Policy Framework (2011)

**Principle of development**

22 The principle of a residential development on this site is acceptable in general policy terms in relation to the adopted London Plan (2011), the Core Strategy 2011 and the saved policies of the Southwark Plan (2007), and is considered to be in general conformity with the Governments objections of planning for growth and the presumption towards sustainable development as outlined within the draft NPPF.

23 The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.

24 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

**Design and Appearance**

25 Having regard to policies 3.12 'Quality in Design' and 3.13 'Urban Design', the scale, design and position of the proposed scheme is considered acceptable within the context of the streetscene.

26 The proposed development reflects the existing architecture of the street and would appear as a continuous streetscene. The design closely reflects the width and height of the surrounding houses and thus continues the established rhythm.

27 To the side fronting Elsie Road the roof form will rise to a gable elevation towards the rear, further towards the front two dormer windows also project from the roof slope. Given the return frontage and the buildings requirement to present itself to two streets this is considered an appropriate response to the site. Set back from the front elevation on East Dulwich Road by 6.5m the gable roof form will recede from view along this frontage.

28 Along the Elsie Road frontage a separation gap of 13m is maintained between the rear elevation of the proposed building and the side elevation of 35 Elsie Road. This follows a traditional street pattern layout and ensures a sense of speciousness is maintained within the streetscene.

29 Materials

Proposed materials include the reuse of the existing London stock bricks from the

demolition of the existing building where possible and additional London stocks to match where needed. The roof would be constructed in a red tile to match neighbouring dwellings, while white sash windows and timber glazed doors would be used throughout the building.

30 This is an appropriate use of materials in keeping with the style of the proposed building and character of the surrounding area.

31 Impact on nearby Listed Building

The proposal does not lie within a conservation area however is situated opposite 31 & 33 East Dulwich Grove being grade II listed buildings. Officers do not believe that the proposal would impact negatively on the listed buildings and that it would preserve their character, appearance and setting. As such it is considered to be in accordance with policies 3.15 and 3.16, and guidance contained within PPS5.

**Residential Amenity**

32 The proposed unit sizes and individual room sizes are in keeping with the standards as set out in the London Plan 2011 and the Residential Design Standards SPD 2011. All units are dual aspect and would have sufficient outlook over Elsie Road and either East Dulwich Grove to the south or over the amenity space to the north. Subsequently all of the units would achieve sufficient daylight and sunlight to habitable areas.

33 Density

The site is located within the Urban Density Zone and has a PTAL of 4 which equates to a density level of 200-700hr/ha as outlined within Core Strategy policy 5.

34 The density of the proposed development would equate to 406hr/ha. This is in accordance with policy and is consistent with the predominant existing built form of the area.

35 Amenity Space

Policy 4.2 requires residential development to provide suitable amenity space for the use of residential units. The reasons for refusal on application 08-AP-0114 concluded that the previous proposed development failed to make adequate provision for outdoor amenity space to meet the future needs of occupiers. This has been addressed through the enlargement of the rear amenity area with the rear building line being pulled back. This has allowed an area of private amenity space to be provided for the ground floor rear unit with direct access from their living area. To the rear of this a communal amenity space of 70sqm would be provided for the use of the remaining units.

36 This arrangement is considered to sufficiently provide outdoor amenity space which would meet the future needs of occupiers while protecting the amenity of the proposed ground floor rear flat. It therefore is considered to overcome the previous reason for refusal.

37 Refuse and Recycling Facilities

Refuse and recycling storage areas would be provided at ground floor level within a purpose built store and with access from Elsie Road. The store is considered to be acceptable in terms of its size and location, would meet the future needs of the development and is appropriately sited for collection. A condition requiring it to be provided prior to occupation is recommended to ensure compliance with policy 3.7 'Waste reduction'.

## **Neighbour Amenity**

- 38 The proposed development would not result in any form of detrimental impact on the amenity of neighbouring properties through loss of outlook, light or privacy, and is considered to have adequately overcome the previous reason for refusal on application 08-AP-0114. The nearest neighbouring property is that located at 32 East Dulwich Grove and the likely impact is discussed below:
- 39 32 East Dulwich Grove  
This house is situated on the adjacent plot to the east of the application site and forms a detached 3 storey villa style property. The dwelling is set approximately 1.3m from its western boundary and has a ground floor kitchen window and first floor bedroom window located in its side elevation facing the application site. Concern has been raised by the neighbouring dwelling over the impact that the development would have on these windows.
- 40 A daylight and sunlight study has been carried out in accordance with BRE guidelines. All windows tested pass daylight tests with the exception of the existing ground floor kitchen window which is a secondary window serving a non-habitable room. Given the existing close proximity of the dwellings it is concluded that there would be no noticeable impact on the amenity of this room through loss of daylight.
- 41 At first floor level the existing bedroom window passes all daylight tests, annual sunlight hours test, but marginally falls short of the BRE direct winter sunlight hours test by 1%. Given this very minor failure of winter sunlight hours and the BREs guidelines that tests should be applied with flexibility in urban locations it is concluded that the development will not have a detrimental impact on the light received by this room.
- 42 To overcome the previous reason for refusal (08-AP-0114) the development has been reduced in depth along the common boundary with no.32 East Dulwich Grove and pulled back by 1m. This sets the most eastern point of the new building further back than the rear line of the neighbouring property at no.32. All windows from the side elevation have also been removed.
- 43 There would be no loss of outlook from existing rear facing rooms and no loss of privacy experienced. It is therefore considered that the development as currently proposed would protect the amenity of this neighbouring dwelling and effectively overcomes the previous reason for refusal.

## **Traffic and Transportation**

- 44 The adopted London Plan, saved policies of the Southwark Plan and the Southwark Sustainable Transport SPD set out parking and cycle parking guidance.
- 45 Policy 5.2 of the Southwark Plan seeks to ensure that developments would not result in any adverse highway impacts. The site has a medium public transport accessibility level (PTAL) of 4 and the site does not form part of a controlled parking zone. Government guidance is to reduce reliance on the private car and as such any perceived shortfall of parking is not considered to be sufficient grounds for refusal. This is echoed by saved policy 5.6 of the Southwark Plan which requires that all developments should minimise the number of spaces.
- 46 2 parking spaces are proposed to the rear of the application site within a new garage fronting Elsie Road. Given the good PTAL and the proposed level of off-street parking the development is not considered to result in overspill parking which would be detrimental to the surrounding highway network.

- 47 Cycle Parking  
Saved policy 5.3 of the Southwark Plan seeks to ensure that developments provide facilities for pedestrians and cyclists.
- 48 The proposal would provide 6 cycle parking spaces in accordance minimum standards. The spaces would be covered, convenient and secure in accordance with policy 5.3 in the Southwark Plan 2007.

### **Conclusion on planning issues**

- 49 The proposed scheme would provide increased housing on this site, contributing to the overall housing need of the borough and bringing back into active use a derelict site. The quality of the accommodation provided is considered to be of a sufficient standard. The overall design of the units are well considered and appropriate to the character of the area.
- 50 It is considered that the proposed scheme would not result in significant harm to the amenities of existing residents such that would justify a refusal of the scheme. It is therefore recommended that planning permission be granted subject to conditions

### **Community impact statement**

- 51 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.

### **Consultations**

- 52 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

- 53 Details of consultation responses received are set out in Appendix 2.

### Summary of consultation responses

- 54 Transport Planning:  
Raise no objections to the proposed scheme, but consider that it should be car-free, however given the level of parking proposed replaces existing provision do not consider this to be a reason for refusal.
- 55 The Council has received 13 letters of objection raising the following concerns:
- Development is too large with too many flats.
  - Design and detailing is out of keeping with adjacent properties.
  - Projection of roof line towards Elsie Road will change visual aspect of Elsie Road.
  - Loss of light to adjoining properties.
  - Loss of privacy.
  - Shortfall of off-street parking will impact on existing parking levels.
  - Lack of sustainable measures.
  - Density too high.



- New entrance on Elsie Road inappropriate
- Unacceptable windows on side elevation (these have been removed)
- Loss of large dwelling through subdivision (property was last use was as 2 flats)
- Loss of existing building.

56 A petition in objection from the Vale Residents Association with 10 signatures was also received.

57 The Council has received 1 letter of support raising the following matters:

- Development will be in keeping with the area.
- Will not have an affect on traffic or parking.
- Positive impact on general housing shortage.

58 Re-consultation

with all previous neighbour consultees and all those who made comments on the initial proposal. Reasons for re-consultation:

- Removal of all windows on east flank elevation.
- Reinstatement of frontage to East Dulwich Grove as front garden area with new independent entrance to ground floor front flat, including reduction in height of front boundary wall.
- Enlargement of private amenity area for ground floor rear flat.
- Relocation of bin store to Elsie Road frontage.
- Erection of single storey garage (2 parking spaces) on the Elsie Road frontage.

No further letters of comment were received in response to this re-consultation.

### **Human rights implications**

59 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

60 This application has the legitimate aim of providing 5 new units of residential accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## BACKGROUND DOCUMENTS

| Background Papers   | Held At  | Contact   |
|---|--|---|
| Site history file: TP/2120-34<br><br>Application file: 11-AP-3865<br><br>Southwark Local Development Framework and Development Plan Documents | Regeneration and Neighbourhoods Department<br>160 Tooley Street<br>London<br>SE1 2TZ | Planning enquiries telephone: 020 7525 5403<br>Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a><br>Case officer telephone: 020 7525 5452<br>Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a> |

## APPENDICES

| No.        | Title                           |
|------------|---------------------------------|
| Appendix 1 | Consultation undertaken         |
| Appendix 2 | Consultation responses received |

## AUDIT TRAIL

|   |   |                          |
|---|---|--------------------------|
| <b>Lead Officer</b>   | Gary Rice, Head of Development Management |                          |
| <b>Report Author</b>  | Amy Lester, Planning Officer              |                          |
| <b>Version</b>  | Final                                     |                          |
| <b>Dated</b>  | 3 February 2012                           |                          |
| <b>Key Decision</b>   | No  |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |   |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>                    | <b>Comments included</b> |
| Strategic Director of Communities, Law & Governance                     | No  | No                       |
| Strategic Director of Regeneration and Neighbourhoods                   | No  | No                       |
| Strategic Director of Environment and Leisure                           | No  | No                       |
| <b>Date final report sent to Constitutional Team</b>                    |   | 9 February 2012          |

**Consultation undertaken**

**Site notice date:** 15/12/2011

**Press notice date:** 22/12/2011

**Case officer site visit date:** 15/12/2011

**Neighbour consultation letters sent:** 14/12/2011

**Internal services consulted:**

Transport Planning

Waste Management

**Neighbours and local groups consulted:**

40 ELSIE ROAD LONDON SE22 8DX  
32 EAST DULWICH GROVE LONDON SE22 8PP  
35 ELSIE ROAD LONDON SE22 8DX  
FLAT 8 36 EAST DULWICH GROVE LONDON SE22 8PP  
31 EAST DULWICH GROVE LONDON SE22 8PW  
33 EAST DULWICH GROVE LONDON SE22 8PW  
34A EAST DULWICH GROVE LONDON SE22 8PP  
34B EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 7 36 EAST DULWICH GROVE LONDON SE22 8PP  
LIVING ACCOMMODATION 33 EAST DULWICH GROVE LONDON SE22 8PW  
FLAT 1 36 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 4 8 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 2 8 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 3 8 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 5 36 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 6 36 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 4 36 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 2 36 EAST DULWICH GROVE LONDON SE22 8PP  
FLAT 3 36 EAST DULWICH GROVE LONDON SE22 8PP

**Re-consultation:** 16/01/2012 with all previous neighbour consultees and all those who made comments on the initial proposal. Reasons for re-consultation:

- Removal of all windows on east flank elevation.
- Reinstatement of frontage to East Dulwich Grove as front garden area with new independent entrance to ground floor front flat, including reduction in height of front boundary wall.
- Enlargement of private amenity area for ground floor rear flat.
- Relocation of bin store to Elsie Road frontage.
- Erection of single storey garage (2 parking spaces) on the Elsie Road frontage.

**Consultation responses received**

**Internal services**

Transport Planning

**Neighbours and local groups**

15 Elsie Road

35 Elsie Road

40 Elsie Road

30 East Dulwich Grove

32 East Dulwich Grove

62 East Dulwich Grove

41 Melbourne Grove

70 Melbourne Grove

8 Nairne Grove

3 Forester Road

21a Amott Road

Via email from resident of Matham Grove

Via email address not given

Vale Residents Association