

Item No. 6.2	Classification: OPEN	Date: 20 February 2012	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 11-AP-3850 for: Full Planning Permission Address: 91 DULWICH VILLAGE, LONDON, SE21 7BJ Proposal: Construction of binstore to rear of shop, following demolition of single storey rear extension and disused stores in rear yard.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 16 November 2011		Application Expiry Date 11 January 2012	

RECOMMENDATION

- 1 Grant planning permission.

BACKGROUND INFORMATION

Site location and description

- 2 The site refers to a semi-detached two storey property on the eastern side of Dulwich Village. The property comprises a retail unit at ground floor and a separate residential property at first floor accessed to which is gained by a side access passage to an entrance at ground floor level on the side elevation.

Details of proposal

- 3 The erection of a single storey ground floor side extension to create a bin store for the ground floor retail unit, measuring 900mm in depth by 2700mm in width by 3000mm in height with a lead clad roof, following the demolition of the existing single storey rear extension and disused stores to the rear of the rear yard.

Planning history

- 4 No planning history.

Planning history of adjoining sites

- 5 89 – No planning history
- 6 93 –None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 7 The main issues to be considered in respect of this application are:
- a) The impact on amenity of neighbouring residents and future occupiers.
 - b) The design and appearance of the extension.

Planning policy

Core Strategy 2011

- 8 Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 9 Policy 3.2 'Protection of Amenity'
Policy 3.11 'Efficient Use of Land'
Policy 3.12 'Quality in Design'
Policy 3.16 'Conservation Areas'

London Plan 2011

- 10 None relevant.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 11 Draft National Planning Policy Framework (NPPF)

Principle of development

- 12 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.
- 13 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).
- 14 The principle of extending commercial units for the purposes of providing bin storage, is considered acceptable provided that the scale of the proposal is appropriate within its context, having regard in particular to impacts on character and appearance of the site and surrounds, and impacts on residential amenities.

Environmental impact assessment

- 15 None.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 16 The proposed extension to the ground floor retail unit measuring 900mm in depth, and 3000mm in height adjacent to the entrance door to the residential property is not

considered to have a detrimental impact on the occupiers of the property to warrant the refusal of the application. The adjacent property at 93 Dulwich village is considered, given the side access passage, to be a sufficient distance from the proposed extension so as there will be no detrimental impact on the occupiers of this property.

- 17 A number of objections have been received to the application on the basis of the loss of amenity to the residential property in terms of employees using this door, and the close proximity of the bin store. There is an existing entrance to the ground floor retail unit in this location, and with the erection of this extension it is not considered that the use of this entrance will increase such to warrant a refusal of the application. In terms of the proximity of the bin store to the residential unit, this is the entrance door giving access to the first floor flat, it is not considered that the location of the bin store would have a detrimental impact on the flat in terms of environmental issues, smell for example.
- 18 Currently the refuse bins are kept externally to the building in the yard area. It is considered that the construction of a bin store would improve the situation having the bins stored internally, and meaning the employees of the retail unit would not have to exit the building to dispose of rubbish. With a retail unit of this size it is considered that a bin store of this size, able to accommodate two 240L wheelie bins, would provide sufficient refuse storage.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 19 None.

Traffic issues

- 20 None.

Design issues

- 21 The extension is proposed to be constructed in brick to match the existing host building, with timber screen and door and a lead clad roof. The extension will project marginally further than the existing side elevation, and be approximately 400mm above the existing flat roof. However given its location to the rear of the property it is not considered the extension will be overly visible from the public highway and given the choice of materials will not appear out of keeping or have a detrimental impact on the appearance of the street scene.

Impact on character and setting of a listed building and/or conservation area

- 22 The property is situated within the Dulwich Village Conservation area, however as considered above, the extension will not be overly visible from public viewpoints, and given the choice of materials it is considered that the character of the conservation area will be preserved.

Impact on trees

- 23 None.

Planning obligations (S.106 undertaking or agreement)

- 24 Not required with an application of this nature.

Sustainable development implications

- 25 None.

Other matters

- 26 The application was submitted for Conservation Area Consent and planning permission for the demolition of the existing rear extension and the outbuilding in the rear yard. It is not considered that Conservation Area Consent is required for the works of demolition. The rear outbuilding is not over 115m³ in volume, and the demolition of the rear single storey extension is not considered 'substantial' demolition for which Conservation Area Consent would be required.

Conclusion on planning issues

- 27 It is not considered that the modest extension will have a detrimental impact on the residential property above or adjacent. The choice of materials is considered to harmonise with the existing building and as such the character of the street scene and the Conservation Area will be preserved.

Community impact statement

- 28 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.
- 29 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 32 7 letters of objection received.
- 33 The Owner and the current tenant of the residential property at 91 Dulwich Village have objected on the basis of the location of the bin store adjacent to the front entrance door, smell, access and rubbish overspill. Concerns also raised regarding the works themselves, duration, access and separation of the works, as discussed above the demolition works do not require consent and these matters are not considered planning matters.
- 34 63 Court Lane – proximity to the residential unit, size of the bin store not sufficient, potential for vermin.
- 35 62 Dulwich Village – homeowners should not suffer a loss of amenity for the benefit of commercial activities, in practice there is likely to be more rubbish, bad smell and the store is unsightly.

- 36 Two objections received from 64 Dulwich Village – Firstly, the positioning of 500 litres of commercial waste bins next to the only entrance to the adjoining flat can only be considered as a severe loss of amenity. Food waste may prove hazardous to health. Secondly, the close proximity of the store to the entrance to the flat, any excess waste, particularly food waste would make access to the residential property above most unpleasant.
- 37 Dulwich Society – proximity of the bin store to the flat entrance.
- 38 The owner of 93 Dulwich Village has also commented on the application, stating that if the application were for a two storey extension they would object on the basis of the impact on their privacy to this side.

Human rights implications

- 39 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.
- 40 This application has the legitimate aim of providing a bin store for the commercial property. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 41 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2292-91 Application file: 11-AP-3850 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5560 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

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

Consultation undertaken

Site notice date: 02/12/2011

Press notice date: 01/12/11

Case officer site visit date: 02/12/11

Neighbour consultation letters sent: 25/11/11

Internal services consulted: None.

Statutory and non-statutory organisations consulted: None

Neighbours and local groups consulted:

89 DULWICH VILLAGE LONDON SE21 7BJ

91 DULWICH VILLAGE LONDON SE21 7BJ

85-87 DULWICH VILLAGE LONDON SE21 7BJ

FLAT 91 DULWICH VILLAGE LONDON SE21 7BJ

89A DULWICH VILLAGE LONDON SE21 7BJ

FLAT A 91 EAST DULWICH GROVE LONDON SE22 8PU

87 DULWICH VILLAGE LONDON SE21 7BJ

FLAT B 91 EAST DULWICH GROVE LONDON SE22 8PU

93 DULWICH VILLAGE LONDON SE21 7BJ

FLAT C 91 EAST DULWICH GROVE LONDON SE22 8PU

Re-consultation: Sent 01/02/12 following amendments to the proposed scheme, namely the increase in height of the extension to 400mm above the existing flat roof, and the introduction of a lead roof over. Any further comments received will be included within an addendum to this item.

Consultation responses received

Internal services

N/A

Statutory and non-statutory organisations

N/A

Neighbours and local groups

7 letters of objection received outlined above.