

Item No. 6.1	Classification: OPEN	Date: 26 March 2012	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 11-AP-3907 for: Full Planning Permission Address: 1 COLLEGE ROAD, LONDON, SE21 7BQ Proposal: New single storey garden building with basement to replace existing garage.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 21 November 2011		Application Expiry Date 16 January 2012	

RECOMMENDATION

- 1 Refuse planning permission.

The application is reported to Community Council at the request of the Chair.

BACKGROUND INFORMATION

Site location and description

- 2 The application site comprises a two storey detached dwelling with a detached, flat roofed garage in the rear garden with access onto Woodyard Lane. The surrounding development is predominantly residential in character consisting of similar large detached dwellings along College Road and a new housing development to the rear on Woodyard Lane. The site falls within the Dulwich Village Conservation Area.

Details of proposal

- 3 The erection of a single storey garden building with basement to replace the existing garage.

The existing garage measures: 6.5m (l) x 6.3m (w) x 2.6m(h).

The proposed building on ground floor measures: 9.3m/6.4m (l) x 6.3/3.1m (w) x 2.9m(h) (there is a reduction in ground level of approximately 30cm). There is a basement of a maximum length of 13.8m and maximum width of 7m, although it has narrower portions, being a T-shape. Two areas of glazing are set within the ground to provide light to the basement.

The proposed use is as a garden office, utility and garage at ground floor level, with a gym in the basement. The proposed materials are stock brick, metal coping, structural glazing and sliding folding glazed doors, with a hardwood garage door. The approximate floor area of ground and basement is 124 sq m.

Planning history

- 4 10-AP-0048 - Planning permission was refused on 08/03/10 for the extension of the existing garage at basement ground and first floor level. This refused application proposed the same footprint of building as the application the subject of this report, however with accommodation split over three floors, with the building 5.6m in height at its highest point. The application was refused on the following grounds;
- 5 1. The proposed development would create an undesirable precedent for large buildings in rear gardens which would make it difficult to resist further similar applications, the cumulative impact of which would cause harm to the open and semi-rural character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in design', 3.13 'Urban design', 3.15 'Conservation of the historic environment', 3.16 'Conservation areas' and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Southwark Plan 2007, the Dulwich Village Conservation Area Appraisal (February 2006) and PPG15 'Planning and the Historic Environment'.
- 6 2. The proposed extension, by virtue of its height and design would appear as a visually dominant and jarring element which would be out of keeping with the semi-rural character of this part of the Dulwich Village Conservation Area. As such the proposal would fail to preserve or enhance the character or appearance of this part of the conservation area, contrary to policies 3.12 'Quality in design', 3.13 'Urban design', 3.15 'Conservation of the historic environment', 3.16 'Conservation areas' and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Southwark Plan 2007, the Dulwich Village Conservation Area Appraisal (February 2006) and PPG15 'Planning and the Historic Environment'.
- 7 3. In the absence of any evidence to the contrary, the proposed extension by virtue of the excavation and increase in footprint would cause harm to a number of trees on the site, the loss of which would cause harm to the visual amenities of the area and the character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.2 'Protection of amenity'. 3.16 'Conservation areas and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Southwark Plan 2007, the Dulwich Village Conservation Area Appraisal (February 2006) and PPG15 'Planning and the Historic Environment'.
- 8 09-AP-0770 - Extension of existing garage at basement, ground and first floor level to provide ancillary residential accommodation for dwellinghouse (Use Class C3). Planning permission was REFUSED in August 2009 for the following reasons:
- 9 1. The proposed development would create an undesirable precedent for large buildings in rear gardens which would make it difficult to resist further similar applications, the cumulative impact of which would cause harm to the open and semi-rural character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in design', 3.13 'Urban design', 3.15 'Conservation of the historic environment', 3.16 'Conservation areas' and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Southwark Plan 2007 and the Dulwich Village Conservation Area Appraisal (February 2006).
- 10 2. The proposed extension, by virtue of its height and design would appear as a visually dominant and jarring element which would be out of keeping with the semi-rural character of this part of the Dulwich Village Conservation Area. As such the proposal would fail to preserve or enhance the character or appearance of this part of the conservation area, contrary to policies 3.12 'Quality in design', 3.13 'Urban design', 3.15 'Conservation of the historic environment', 3.16 'Conservation areas' and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the

Southwark Plan 2007 and the Dulwich Village Conservation Area Appraisal (February 2006).

- 11 3. In the absence of any evidence to the contrary, the proposed extension by virtue of the excavation and increase in footprint would cause harm to a number of trees on the site, the loss of which would cause harm to the visual amenities of the area and the character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.2 'Protection of amenity'. 3.16 'Conservation areas and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Southwark Plan 2007 and the Dulwich Village Conservation Area Appraisal (February 2006).
- 12 04-AP-0007 - Details of brickwork, as required by Condition 2, tree protection, as required by condition 5, and hard and soft landscaping, as required by condition 6 of planning permission granted on 13/11/03 (LBS REg 03-AP-1558) for construction of detached single storey garage and associated hard landscaping. Condition DISCHARGED in January 2004.
- 13 03-AP-1558 - Construction of detached single storey garage and associated hard landscaping. Planning permission was GRANTED in November 2003.
- 14 03-AP-1081 - Demolition of existing garage and two storey rear addition and erection of part single part two storey rear extension and rear roof extension with new vehicular access from Woodyard Lane. Planning permission was GRANTED in July 2003.
- 15 03-AP-0564 - Alterations to existing house and garage, erection of new garage at rear of garden with accommodation in roof slope, construction of single storey rear extension, installation of two dormer windows in rear roof slope, new roof and windows to existing two storey rear projection, new boundary treatment and new vehicular access and ramp from Woodyard Lane. Planning application WITHDRAWN in May 2003.

Planning history of adjoining sites

- 16 119 Dulwich Village – None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 17 The main issues to be considered in respect of this application are:
 - a) amenity;
 - b) design and impact upon the character and appearance of this part of the Dulwich Village Conservation Area;
 - c) impact on trees.

Planning policy

Core Strategy 2011

- 18 Strategic Policy 12 – Design and conservation
Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 19 Policy 3.2 Protection of amenity
Policy 3.11 Efficient use of land
Policy 3.12 Quality in Design
Policy 3.16 Conservation areas

Dulwich Village Conservation Area Appraisal
Draft Dulwich Village SPD

London Plan 2011

- 20 None relevant.

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

PPS 5 Planning for the Historic Environment

- 21 Draft National Planning Policy Framework (NPPF)

Principle of development

- 22 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.
- 23 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).
- 24 The proposal is to extend an existing garage to provide additional, ancillary accommodation in connection with the existing dwelling and this does not raise any land use issues.

Environmental impact assessment

- 25 Not required.

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

- 26 Given that the proposed building is to be only marginally higher than the existing garage by approximately 0.1m therefore it is not considered there will be any additional impact in terms of amenity on the adjacent properties. The proposal would not give rise to any issues of overlooking or privacy, and would have no impact on adjoining properties in terms of overshadowing or loss of outlook.

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

- 27 None anticipated.

Traffic issues

- 28 The existing access is to remain and therefore there would be no adverse highway impacts.
- 29 Concerns have been raised that the proposal would increase the amount of traffic using Woodyard Lane, (a private road), particularly if the building were used for commercial or professional purposes.
- 30 The facilities provided in the extended garage could only be used in connection with the main dwelling, i.e they would have to remain ancillary. If the applicant wished to use it as a self-contained dwelling or business unit, a further planning application would be required. Consequently, it is the view of officers that the proposal is unlikely to increase vehicular use of Woodyard Lane.
- 31 Policy 5.6 relates to car parking and concerns have been raised that the proposal would reduce the amount of parking available on the site, increasing demand on-street.
- 32 The existing garage can accommodate two vehicles. A single garage is proposed. A space is shown on the driveway in front of the garage however, so the overall number of spaces would remain at two. Consequently the proposal is unlikely to increase demand for on-street parking.

Design issues and impact on character and setting of a listed building and/or conservation area.

- 33 The proposed building would be marginally higher than the existing garage however due to the excavation would not be visible above the existing boundary wall, and therefore would not be visible from Woodyard Lane. The height is considered an improvement to the refused scheme which included a first floor to the building. It is considered that the overall height of the proposed building reduced to 2.9m is sufficient to overcome previous concerns regarding the visual impact.
- 34 Saved policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan seek to ensure that developments achieve high quality architectural and urban design. Saved policy 3.16 seeks to preserve or enhance the character or appearance of designated conservation areas and saved policy 3.18 seeks to preserve or enhance the setting of listed buildings, conservation areas and world heritage sites.
- 35 There are concerns that allowing the proposal would set a harmful precedent for back garden developments within the Dulwich Village Conservation Area. It would also be contrary to guidance in the adopted Dulwich Village Conservation Area appraisal (Para 5.2.4) 'As well as substantial front gardens, houses in the conservation area commonly have generous rear gardens. These are important in establishing the open, semi-rural, character of the village and the erection of new developments within them will not normally be acceptable, other than those ancillary to the use of the land, such as small pool houses or garden pavilions. Such ancillary structures should generally have regard for the scale of the main house and should not be allowed to dominate it visually.'
- 36 The existing garage is of brick construction with timber doors and a flat roof, which has a neutral impact on the Dulwich Village Conservation Area. The proposal seeks to extend the building to include a basement, and enlarge the ground floor level to accommodate a home office and garage. The garden office would be mostly glazed on both the western and southern elevation and the stairwell giving access to the basement will also be constructed with structural glazing at ground level.

- 37 Given that the building will not be visible over the existing boundary wall, there is no concern raised over the detailed design which is modern in character, as is the existing garage, but as the building will largely be hidden from view it is considered the character and appearance of the conservation area will be preserved.
- 38 However there are still concerns in relation to the undesirable precedent for large buildings in rear gardens. The Dulwich Village Conservation Area is characterised by listed buildings and pleasant groups of other buildings, open space and the overall character of the area is just as important and is desirable to preserve or enhance. Given the overall scale of the proposed ancillary building, it is considered that to grant planning permission would be contrary to guidance in the Dulwich Village Conservation Area appraisal (Para 5.2.4), and set a harmful precedent with regard to rear garden developments.

As such, it is not considered that the proposal would preserve the character and appearance of the Dulwich Village Conservation Area, and therefore it would be contrary to the Council's heritage policies and guidance in PPS 5 Planning for the Historic Environment.

Impact on trees

- 39 The previous application was refused on the grounds that with the absence of evidence to the contrary the proposed extension by virtue of the excavation would cause harm to a number of trees. A more comprehensive Arboricultural report has been submitted with this application.
- 40 The loss of trees would be unacceptable given the contribution they make to the character and appeal of the conservation area, biodiversity and general canopy cover. It is clear that fairly significant excavation would be required to implement the basement element of the proposal. However, it is likely that any pre-existing tree roots would already have been removed in order to construct the current garage. As the proposed basement lies within the existing footprint, tree roots are therefore not likely to be affected. The urban forester has raised no objection to the application as suitable tree protection and landscape details could be required by condition.

Planning obligations (S.106 undertaking or agreement)

- 41 Not required.

Sustainable development implications

- 42 None.

Other matters

- 43 None.

Conclusion on planning issues

- 44 Although elements of the previously refused application have been overcome by the revised scheme, the principle in terms of the precedent for large buildings in rear gardens has not been overcome. Although there is a small addition to the existing building at ground floor, this combined with the creation of a basement would set a precedent for other developments in rear gardens, the cumulative impact of which would cause harm to the open and semi-rural character and appearance of this part of the Dulwich Village Conservation Area.

Community impact statement

- 45 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.
- 46 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 49 Objections received on the following points;
- 50 The loss of amenity caused by damage to or removal of the existing trees.
The risk to the trees given the level of excavation required for the basement proposal.
Increased traffic flow in Woodyard Lane should the premises be developed for permanent accommodation.
Precedent for end of garden developments
Effect on the nature and character of the area.
- 51 Responses from:
115 Dulwich Village
4Woodyard Lane
5 Woodyard Lane
6 Woodyard Lane
8 Woodyard Lane
9 Woodyard Lane

Human rights implications

- 52 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.
- 53 This application has the legitimate aim of providing ancillary 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 54 None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2084-1 Application file: 11-AP-3907 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	6 March 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		12 March 2012

Consultation undertaken

Site notice date: 01/12/11

Press notice date: 01/12/11

Case officer site visit date: 01/12/11

Neighbour consultation letters sent: 05/12/11

Internal services consulted:

Urban Forester

The site is within a conservation area, no TPO is listed.

Yew tree T6 is of most value to amenity although the canopy and screening overall afforded by the trees is significant. The loss of trees would be unacceptable given the contribution they make to the character and appeal of the conservation area, biodiversity and general canopy cover.

I note the reasons for the previous refusal (10-AP-0048), one of which relates to trees:

An arb report has now been provided. This is to BS5837 with a survey which shows the root protection area (RPA) of all adjacent trees which would be affected by the development, including the excavation of a basement. The footprint of the proposed development is larger than the existing structure built in 2004, which does not have a basement.

The arb report states that no trees are to be removed. It is considered that tree T1 is marginally affected and that the works to facilitate the proposed development would not adversely affect any of the trees T1 to T6. The coppicing of the multistemmed Hazel and other pruning work is considered to be acceptable arboricultural practice. The loss of amenity which would result from coppicing would be short term and replaced by rejuvenated new growth. However, screening via climbing plants to cover the proposed elevation facing Woodyard Lane would be required to mitigate this temporary loss.

It is clear that the statement within 6.5 above, as also noted by consultees, is incorrect where this mentions that further excavation will not be required. However, it is likely that any pre-existing tree roots would already have been removed in order to construct the current structure. As the proposed basement lies within the existing footprint, tree roots are therefore not likely to be affected.

There are therefore no grounds for refusal based on harm or removal of trees where suitable tree protection and landscape details are conditioned.

Statutory and non-statutory organisations consulted: Thames Water

Neighbours and local groups consulted:

05/12/2011 119A DULWICH VILLAGE LONDON SE21 7BJ
05/12/2011 3 WOODYARD LANE LONDON SE21 7BH
05/12/2011 2 WOODYARD LANE LONDON SE21 7BH
05/12/2011 1 COLLEGE ROAD LONDON SE21 7BQ
05/12/2011 GROUND TO SECOND FLOORS 117 DULWICH VILLAGE LONDON SE21 7BL

05/12/2011 119 DULWICH VILLAGE LONDON SE21 7BJ
05/12/2011 5 COLLEGE ROAD LONDON SE21 7BQ
05/12/2011 7 WOODYARD LANE LONDON SE21 7BH
05/12/2011 6 WOODYARD LANE LONDON SE21 7BH
05/12/2011 5 WOODYARD LANE LONDON SE21 7BH
05/12/2011 8 WOODYARD LANE LONDON SE21 7BH
05/12/2011 1 WOODYARD LANE LONDON SE21 7BH
05/12/2011 117 DULWICH VILLAGE LONDON SE21 7BL
05/12/2011 9 WOODYARD LANE LONDON SE21 7BH

Re-consultation

None

Consultation responses received

Statutory and non-statutory organisations

Thames Water – Standard Informative

Neighbours and local groups

Letters of objection received from:

115 Dulwich Village

4Woodyard Lane

5 Woodyard Lane

6 Woodyard Lane

8 Woodyard Lane

9 Woodyard Lane

Key issues raised:

Impacts on trees, harm will occur particularly due to excavation

Loss of wildlife

Woodyard Lane is narrow

Previous reasons for refusal have not been addressed

Water and sewage disposal will affect the trees

Office accommodation may be used for professional meetings, with impacts on traffic

Precedent for infill and end of garden development