

<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 10 May 2012	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 12/AP/0260 for: Full Planning Permission  <b>Address:</b> 266 TURNEY ROAD LONDON SE21 7JP  <b>Proposal:</b> Variation of condition 2 (approved plans) of permission reference 11-AP-2465 dated 16/11/2011 (for 'erection of a two storey dwellinghouse') to provide a basement to the dwelling.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 14 February 2012		<b>Application Expiry Date</b> 10 April 2012	

## RECOMMENDATION

- 1 That planning permission be granted, subject to conditions. This application has been referred to Dulwich Community Council owing to the number of objections received.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application relates to a 2-storey 1960s building located on the south-eastern side of Turney Road, on the junction with Boxall Road. It comprises 4 garages at ground floor level and a 1-bedroom flat above. Access to the flat is via steps leading up to a raised terrace at the side of the building, facing Boxall Road.
- 3 Dulwich Hamlet Junior School is on the opposite side of Turney Road, there is a 1960s bungalow immediately to the east (268 Turney Road), a tarmac turning area and garages associated with 266 Turney Road and 50-60 Dulwich Village to the south and 2-storey houses to the west, on the opposite side of Boxall Road.
- 4 The site forms part of the Dulwich Village Conservation Area, an archaeological priority zone, the suburban density zone and an air quality management area; 52 Dulwich Village which is located to the east of the site is grade II listed.

### Details of proposal

- 5 Planning permission was granted by Dulwich Community Council in February 2011 for the erection of a 2-storey dwelling on this site, following the demolition of the existing building (reference: 10-AP-3032). In November 2012 a number of amendments to the approved house were granted under delegated powers, details of which are set out at paragraph 7 of this report (reference: 11-AP-2465).

- 6 The applicant now seeks a further amendment to the scheme, comprising the provision of a basement to the dwelling. The proposed basement would measure 6.85m x 2m and 2.4m deep, and would be used as a store.

### Planning history

- 7 11-AP-2465 - Amendments to planning permission 10-AP-3023 to erect a new dwelling (Use Class C3):

The proposed alterations are to:

- Insert two obscure glazed windows and a new chimney on the south-east elevation of the building
- Replace the garage with a habitable room and utility room
- Extend the approved garage (proposed habitable room and utility room) by 0.6 metres
- Insert 2 sets of double doors on the buildings North West elevation
- Insert a new window at ground floor level and lower the approved dormer on South West (Boxall Road) elevation.

- 8 Planning permission was GRANTED in November 2011.

- 9 10-AP-3023 - Erection of 2-storey dwelling, following demolition of existing building on the site (Use Class C3). Planning permission was GRANTED in February 2011.

- 10 10-AP-3022 - Demolition of existing building. Conservation area consent was GRANTED in February 2011.

- 11 10-AP-0034 - Erection of 2-storey plus basement dwelling, following demolition of existing building (Use Class C3). Planning permission was REFUSED in March 2010 for the following reasons:

*1. The proposed new dwelling by reason of its general design and inappropriate detailing would introduce and incongruous aesthetic to the historic context of the area and would fail to preserve the character or 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' and 3.16 'Conservation areas' of the Southwark Plan 2007.*

*2. The design of the proposed dwelling would sit uncomfortably within both Turney and Boxall Roads, in particular it fails to address the cohesive frontages of Turney Road or the sensitive proportions of the semi-detached houses that neighbour the site, nor does it seek to preserve some of the prevailing heights on these frontages. contrary to policies 3.12 'Quality in design', 3.13 'Urban design' 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan 2007.*

*3. The proposed second bedroom located within the basement would have no outlook and poor access to natural daylight due to the small enclosed lightwell and ground level rooflight upon which it would rely. It is not considered that such an arrangement would provide a satisfactory level of accommodation for a habitable space and as such is contrary to Policies 3.2 Protection of amenity, 4.2 Quality of residential accommodation of the Southwark Plan 2007 and to the Residential Design Guidelines Supplementary Planning Document, 2008.*

*4. The proposed development, by reason of the location of a terrace at first floor level on the shared rear (southern) boundary of the site may be prejudicial to the future development of the adjoining portion of land fronting Boxall Road, contrary to policy*

3.11 'Efficient use of land' of the Southwark Plan 2007.

- 12 10-AP - 0047 - Demolition of existing building comprising 4 garages and a flat (Use Class C3). Application for conservation area consent REFUSED in March 2010 for the following reason:

*In the absence of an approved scheme for the redevelopment of the site, the proposal would result in a harmful gap site which would fail to preserve or enhance the character or appearance of this part of the Dulwich Village Conservation Area, contrary to policy 3.16 'Conservation areas' of the Southwark Plan 2007.*

- 13 08-AP-0809 - Demolition of existing building and erection of a 2-storey dwellinghouse with additional accommodation in the roofspace, integral garage and terrace at first floor level (Use Class C3). Planning permission was REFUSED in July 2008 for the following reasons:

*1. The proposed development, owing to its height and proximity to 268 Turney Road would result in loss of light and overshadowing to this property and would have an oppressive and overbearing impact upon a bedroom window in its west-facing flank wall, contrary to policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.*

*2. The proposed development, by reason of the location of windows on the shared rear (southern) boundary of the site would be prejudicial to the future development of the land at the rear of the site and to the amenity of future occupiers of 266 Turney Road, contrary to policies 3.2 'Protection of Amenity' and 3.11 'Efficient use of Land' of the Southwark Plan 2007.*

*3. The proposed development would result in an over-provision of parking facilities which would encourage traffic into the area and would be contrary to the objectives of encouraging alternative means of travel, contrary to policy 5.2 'Car Parking' and appendix 15 of the Southwark Plan 2007.*

*4. The proposed development by reason of its inappropriate massing, raised circular rooflight and inappropriate materials would fail to preserve the character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.16 'Conservation Areas' of the Southwark Plan 2007.*

- 14 08-AP-0814 - Demolition of existing house (application for Conservation Area Consent) - WITHDRAWN in August 2008.
- 15 Planning permission for the existing building and the bungalow at 268 Turney Road was GRANTED in 1968 (reference: TP/2292/50).

**Planning history of adjoining sites**

- 16 No recent or relevant planning history.

**KEY ISSUES FOR CONSIDERATION**

**Summary of main issues**

- 17 The main issues to be considered in respect of this application are:
- a) amenity;
  - b) transport;

c) trees.

## **Planning policy**

### Core Strategy 2011

- 18 Strategic policy 1 - Sustainable development  
Strategic policy 13 - High environmental standards

### Southwark Plan 2007 (July) - saved policies

- 19 For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.

3.2 - Protection of amenity

3.16 - Conservation areas

3.19 - Archaeology

5.2 - Transport impacts

### London Plan 2011

- 20 None of relevance to this application.

### National Planning Policy Framework (NPPF)

- 21 The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

The following sections are of particular relevance;

6. Delivering a wide choice of high quality homes

7. Requiring good design

12. Conserving and enhancing the historic environment

## **Amenity**

- 22 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 23 The proposed basement would not be visible and would not result in any loss of amenity to neighbouring properties. An objector has requested that a condition or legal agreement be imposed preventing the space from being used as habitable accommodation or from being modified further in the future. The limited size of the basement and lack of any natural light or ventilation is such that it could not be used as habitable space, and any future application for further modifications would be assessed upon its merits.

- 24 Concerns have been raised regarding damage to adjacent properties during construction, but this is not a material planning consideration and cannot be taken into account. Detailed construction matters are covered separately under the Building Regulations and any damage to other properties would be a private matter between the affected parties.
- 25 A neighbouring resident has also raised concerns regarding additional noise and disturbance during construction, but it is not considered that the provision of a small basement would significantly add to the construction period. The original permission for the house includes a condition which requires a construction management plan to be submitted for approval, and it is recommended that this be re-imposed upon any forthcoming planning permission.

### **Transport**

- 26 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions.
- 27 Concerns have been raised that the proposal would result in harm to highway safety, at a busy junction which is opposite a school. There are concerns that traffic and parking in this area is particularly heavy during school drop-off and pick-up times.
- 28 Whilst this is noted, permission for a house on this site has already been granted, and the only change that this application proposes is to install a small basement. This is unlikely to significantly add to the construction period and as it would be one of the first elements to be constructed, there would still be space on the site for construction vehicles to park.

### **Trees**

- 29 There is a large Plane tree on Turney Road outside the site. The applicant has submitted a root investigation report which has been reviewed by the Council's Urban Forester and which confirms that the basement would not cause any harm to the tree.

### **Other matters**

#### Community Infrastructure Levy

- 30 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material "local financial consideration" in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.

### **Conclusion on planning issues**

- 31 The addition of a small basement to a previously approved house would not result in any loss of amenity or harm to highway safety. It would not be visible therefore there would be no impact upon the character and appearance of the Dulwich Village Conservation Area. As such it is recommended that planning permission be granted.

### **Community impact statement**

- 32 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

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

### **Consultation replies**

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

### **Summary of consultation responses**

- 34 Three representations have been received objecting to the proposal on the following grounds:

-Impact on traffic and highway safety;

-Impact upon foundations of a neighbouring property - (response - this is not a material planning consideration and is covered separately under the Building Regulations);

-Additional noise and disturbance during building works (response - Statutory nuisance is dealt with under Environmental Protection Legislation);

-The planning process for this site has been going on for some time which causes uncertainty, the site is neglected, and generates a lot of work for neighbours and the Council.

### **Human rights implications**

- 35 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.

- 36 This application has the legitimate aim of providing a basement to an approved house. 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**

N/A.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2292-50  Application file: 12/AP/0260  Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5410 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>	Victoria Lewis, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	19 April 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 Planning	Yes	Yes
Strategic Director of Environment and Leisure	No	No
<b>Date final report sent to Constitutional Team</b>		27 April 2012

Consultation undertaken

37 **Site notice date:** 01/03/2012

**Press notice date:** 23/02/2012

**Case officer site visit date:** 01/03/2012

**Neighbour consultation letters sent:** 23/02/2012

**Internal services consulted:**

38 Urban Forester  
Archaeologist

**Statutory and non-statutory organisations consulted:** None.

39 **Neighbours and local groups consulted:**

23/02/2012 DULWICH HAMLET SCHOOL DULWICH VILLAGE LONDON SE21 7AL  
23/02/2012 264 TURNEY ROAD LONDON SE21 7JP  
23/02/2012 268 TURNEY ROAD LONDON SE21 7JP  
23/02/2012 13 BOXALL ROAD LONDON SE21 7JS  
23/02/2012 15 BOXALL ROAD LONDON SE21 7JS  
23/02/2012 17 BOXALL ROAD LONDON SE21 7JS  
23/02/2012 23 BOXALL ROAD LONDON SE21 7JS  
23/02/2012 25 BOXALL ROAD LONDON SE21 7JS  
23/02/2012 27 BOXALL ROAD LONDON SE21 7JS  
23/02/2012 29 BOXALL ROAD LONDON SE21 7JS  
23/02/2012 13A BOXALL ROAD LONDON SE21 7JS  
23/02/2012 15A BOXALL ROAD LONDON SE21 7JS  
23/02/2012 17A BOXALL ROAD LONDON SE21 7JS  
23/02/2012 21A BOXALL ROAD LONDON SE21 7JS  
23/02/2012 21B BOXALL ROAD LONDON SE21 7JS  
23/02/2012 21C BOXALL ROAD LONDON SE21 7JS  
23/02/2012 21D BOXALL ROAD LONDON SE21 7JS  
23/02/2012 50 DULWICH VILLAGE LONDON SE21 7AJ  
23/02/2012 52 DULWICH VILLAGE LONDON SE21 7AJ  
23/02/2012 54 DULWICH VILLAGE LONDON SE21 7AJ  
23/02/2012 60 DULWICH VILLAGE LONDON SE21 7AJ  
23/02/2012 62 DULWICH VILLAGE LONDON SE21 7AJ  
23/02/2012 64 DULWICH VILLAGE LONDON SE21 7AJ  
23/02/2012 FIRST FLOOR FLAT 266 TURNEY ROAD LONDON SE21 7JP  
23/02/2012 40 DULWICH VILLAGE LONDON SE21 7AL  
23/02/2012 11-17 DULWICH VILLAGE LONDON SE21 7AL  
23/02/2012 Via Email XXXX  
23/02/2012 28 Manor Lane Terrace Lewisham London SE13 5QL

40 **Re-consultation:** Not required.

## Consultation responses received

### Internal services

#### Urban Forester

##### 13th March 2012 (following the submission of an additional report)

- 41 The root investigation report satisfies concerns regarding roots; the extent of the basement is limited and so does not affect root retention of the Plane.

##### 12th March 2012

- 42 The applicant proposes the demolition of the existing building together with the excavation of a basement.
- 43 The site is directly adjacent to a large London Plane street tree which may be damaged or require removal should the excavation conflict with its retention. An existing tree within the site, which is in the Dulwich Village conservation area, is also likely to be removed.
- 44 An arboricultural survey must be submitted to identify the tree constraints and methods by which any trees are to be protected. Without this information it is not possible to determine the impact of the application, and it should therefore be refused.

#### Archaeologist

- 45 Thank you for your consultation. The proposal, as detailed in the Desk-based archaeological assessment supplied with the original application will have a limited impact upon buried archaeological remains. There is therefore no need for any archaeological response to this application.

### **Statutory and non-statutory organisations N/A.**

### **Neighbours and local groups**

- 46 Three objections have been received, from 268 Turney Road, 52 Dulwich Village and 29 Boxall Road. The concerns raised relate to:
- Impact on traffic and highway safety;
  - Impact upon foundations of a neighbouring property - (response - this is not a material planning consideration and is covered separately under the Building Regulations);
  - Additional noise and disturbance during building works (response - Statutory nuisance is dealt with under Environmental Protection Legislation);
  - The planning process for this site has been going on for some time which causes uncertainty, the site is neglected, and generates a lot of work for neighbours and the Council.