

Site: 2 Woodhall Drive, London, SE21 7HJ

19 March 2012

Planning Application Ref. 11/AP/2936

Clarification regarding the existing gravel area

The swimming pool was granted planning permission in 1985, copy of the decision notice is hereby enclosed. Condition-1 of the planning permission relates to a scheme of **tree and shrubs** as indicated in the then applicant's letter dated 16/08/85. We do not have a copy of this letter and would be grateful if you could please send us a copy if you have it in your records. Notwithstanding, it is important to note the condition only applies to **tree and shrubs, and not the gravel/grass area within the curtilage of the dwelling**. The trees and hedges on the property have always been maintained, in fact the tree pruning is carried out with the Dulwich Estate's approval, who are also satisfied with the gravel area, which is **totally obscured by high hedges** at the boundary of the property. The applicant would be willing to accept a condition to maintain the hedges at a height to be agreed by Southwark Council and additional planting implemented to maintain the quality of the screening going forward, in order to ensure that any activity within the site is totally obscured from the surrounding area.

The previously grassed area in subject was converted to gravel **under the permitted development rights** some time ago to reduce the maintenance burden on the applicant and to allow friends and family of the applicant to put their vehicles there (and not on Woodhall Drive) **i.e. purpose incidental to the enjoyment of the dwellinghouse**. The planning permission for the swimming pool did not remove any permitted development rights from the property. The conversion of the grassed area to permeable/porous surface is therefore **not** a breach of planning control. It should be noted that such permeable materials and also non-permeable materials are commonly used on other nearby properties.

Below are 5no. photos showing the land in subject before and after it was converted to permeable/porous gravel surface.



Photo-1: Aerial image showing grassed area before it was converted to gravel under PD rights



Photo-2: Land adjacent to swimming pool. Gravel area with trees retained

Photo taken on 19/01/2012



Photo-3: Looking from College Road. Trees and hedges retained and maintained after conversion to gravel.

Photo taken on 16/03/2012



Photo-4: Looking at the gravel area, trees, and boundary hedges from inside the site. Trees and hedges retained and maintained after conversion to gravel.

Photo taken on 16/03/2012



Photo-5: Looking at the hedge and trees from outside in front of the site. Trees and hedges retained and maintained after conversion to gravel.

Photo taken on 16/03/2012

The current temporary planning application proposes to use part of the existing gravel area for car parking relating to baby swimming lessons 1 day a week between 10:30 am and 2 pm, which is **very minor and insignificant** when compared with its availability to be used for the dwellinghouse. **Outside these times the use of this area will continue to be for the purpose incidental to the enjoyment of the dwellinghouse.** At the end of the proposed temporary use, the use of the gravel area will be **100%** incidental to the enjoyment of the dwellinghouse.

A **material planning consideration** is that regardless of the planning permission to allow baby swimming lessons, the gravel area can continue to remain and used as existing under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class F (extract on next page):

Class F

Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or*
- (b) the replacement in whole or in part of such a surface.*

Conditions

F.1 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

It should be noted that the comments made by the design and conservation officer on the previously withdrawn planning application ref. 11/AP/2936 **did not** require the reinstatement of the gravel to grass following the expiry of the 12 months period. It would appear that the design and conservation officer who commented on the current application has somewhat misunderstood the conversion and use of the gravel area being **incidental to the enjoyment of the dwellinghouse and that the conversion of grass to gravel is permitted under the permitted development rights**. The proposed use will have a demand for only three cars at any one time between 10:30 am and 2 pm on 1 day a week for a period of 12 months; it would therefore be incorrect and disproportionate to consider the use of the whole gravel area for car parking relating to baby swimming lessons.

In light of the above, it is considered that applying a condition requiring reinstatement of the gravel to grass following the expiry of the 12 months period under this planning application which is to allow temporary use of the swimming pool for baby swimming lessons would be **unreasonable and its lawfulness would also be questionable**. Moreover, it will be pointless to convert the gravel area to grass in order to satisfy the requirement of such a condition relating to this planning application for baby swimming lessons for a temporary period of 12 months and then convert it back to gravel again under the permitted development rights.

As stated in the first paragraph on page-1, the applicant would be willing to accept a condition to maintain the hedges at a height to be agreed by Southwark Council and additional planting implemented to maintain the quality of the screening going forward, in order to ensure that any activity within the site is totally obscured from the surrounding area.