

<b>Item No.</b> 7.2	<b>Classification:</b> OPEN	<b>Date:</b> 1 October 2013	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/2335 for: Full Planning Permission  <b>Address:</b> 15 EVESHAM WALK, LONDON, SE5 8SJ  <b>Proposal:</b> Erection of a single-storey rear extension to provide additional residential floorspace; installation of a flank wall window at ground floor level.		
<b>Ward(s) or groups affected:</b>	Brunswick Park		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 17/07/2013		<b>Application Expiry Date</b> 11/09/2013	
<b>Earliest Decision Date</b> 27/09/2013			

## RECOMMENDATION

1 Grant Planning Permission.

## 2 BACKGROUND INFORMATION

This item is being brought before Members as the item has been called in to the Sub-Committee by two ward councillors and this has been agreed by the Chair of planning committee.

### Site location and description

3 The site refers to a two storey end-of-terrace dwelling house, located on the corner of Evesham Walk and Love Walk. A 10.0m deep garden is located to the rear of the property with mature trees located adjacent the rear boundary. These trees and the additional trees located towards the rear of the dwellinghouse are not protected. The property is finished in pebble dash render to all elevations, differing from the remaining properties in the terrace (no. 13 and 14 Evesham Walk) which are finished in brick. The subject premises also differs from these adjoining properties as is set back 1.9m from the front building line, includes a lower pitch height and a wider plot.

4 The property is not listed or situated within a Conservation Area, however it is noted that the boundary of the Camberwell Grove Conservation Area is located adjacent the site, along Love Walk.

### Details of proposal

5 The proposal seeks approval for the construction of a single-storey rear extension to the dwellinghouse. The proposed extension would extend 3.6m in depth, the full width of the property (7.88m). The extension would be finished with a mono-pitched roof, measuring 2.6m at the eaves and 3.75m at the pitch. Two sets of French doors would be provided in the rear elevation, with an additional window within the roofslope of the

extension.

- 6 Materials would include painted rendered walls with three panels of brick between ground floor level and external ground level and roof tiles to match existing.
- 7 The applicant has indicated that the additional floor area would serve the existing dwelling and it is not proposed to convert the property into self-contained residential units.
- 8 The proposal also includes the installation of a high level (1.7m above ground level) flank wall window adjacent Love Walk. The window would serve the proposed living room.

### **Planning history**

- 9 Certificate of lawful development (13/AP/0103) was granted on 6 March 2013 for the erection of a single storey rear extension; providing additional residential accommodation for dwellinghouse.

### **Planning history of adjoining sites**

- 10 14 Evesham Walk

No relevant planning history.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 11 The main issues to be considered in respect of this application are:
  - a) the impact of the proposed development on neighbouring properties;
  - b) the design and visual impact of the proposal; and,
  - c) the impacts on the character on the adjoining Camberwell Grove Conservation Area.

### **Planning policy**

- 12 Core Strategy 2011

Strategic Policy 12 - Design and conservation  
Strategic policy 13 - High environmental standards

- 13 Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19th March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- 3.2 'Protection of Amenity'
- 3.12 'Quality in Design'
- 3.13 'Urban Design'

### 3.16 'Conservation Areas'

Residential Design Standards SPD 2011

#### 14 London Plan 2011

Policy 7.4 Local character

Policy 7.6 Architecture

#### 15 National Planning Policy Framework (NPPF)

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

#### 16 **Principle of development**

There is no objection to the principle of extending a dwelling in this residential area provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on amenity or the character of adjoining Conservation Area in accordance with the Residential Design Standards SPD (2011) and the relevant Development Plan Policies.

#### 17 **Environmental impact assessment**

Not required.

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

- 18 Due to the end-of-terrace position of the property and the location of the proposed extension at the rear, the property most impacted by the proposed extension would be the adjoining neighbour at no. 14 Evesham Walk. Comments received from this neighbour cite loss of light, loss of privacy and noise nuisance as areas of concern. An additional site visit was made to this property to provide a complete assessment of the potential impacts

#### 19 Daylight and sunlight

A review of this adjoining neighbour indicates that a window serving a kitchen and a three-panel bi-folding door serving a dining area are located within the rear elevation. An assessment of the proposal and its relationship with the adjoining property, in particular the window and doors within the rear elevation, indicates that the extension would be in accordance with daylight and sunlight tests set out in the Residential Design Standards SPD. Specifically, a review of the current arrangement indicates that a boundary fence and existing tree located adjacent the common boundary with no. 14 would partially block light to this kitchen window during the early morning. In addition, it is noted that a certificate of lawful development (13/AP/0103) has been granted at the application site for a 3.0m deep extension, which under permitted development, could be constructed to a height of 3.0m on this common boundary. Accordingly, with this in mind and also considering the acceptable scale of the extension which includes an eaves height of 2.6m, any additional loss of daylight or sunlight as a result of the extension would not be so significant as to warrant a reason for refusal.

#### 20 Outlook and Sense of Enclosure

Although it is acknowledged that at 3.6m in depth and with a maximum pitch height of 3.75m, the proposed extension exceeds the requirements of the Residential SPD. When considering the size of the plot, the remaining depth of the rear garden and the

acceptable design of the extension which includes a pitched roof with eaves height of 2.6m, the scheme would not result in a tunneling effect or appear overbearing from the adjoining property at no. 14. In addition, due to the use of matching materials, the extension would appear sympathetic to the host property, therefore maintaining the established character and appearance when viewed from surrounding properties. For these reasons, the scheme would be in accordance with policy.

21 Privacy

While a single flank wall window is proposed within the side elevation facing Love Walk, it is not expected that any privacy issue would arise as this window would be located 1.7m above ground level and overlooks a public road. The extension would not include flank wall windows facing no. 14, and accordingly, would not impact the privacy of this adjoining neighbour. In addition, due to the remaining length of garden (6.4m), the retention of the existing vegetation adjacent the rear boundary, and the single-storey nature of the extension, the proposal would not compromise the privacy of the properties to the rear along Allendale Close.

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

22 None anticipated.

**Transport issues**

23 The proposed development raises no significant traffic issues and it is not considered that the development will result in an increase in traffic generation or indeed the intensification of parking.

**Design issues**

24 Various concerns have been raised by surrounding residents concerning the design and scale of the extension. Specifically, the residents consider that the scale and height of the proposed extension would be out of character with the surrounding area and would have an intrusive impact on the character of the adjoining conservation area. One neighbour also raised concerns regarding the visual impact of the structure, owing to the solid nature of the construction and the sloping tiled roof. It was suggested that a glazed conservatory would be a more appropriate form of extension to the property.

25 While these concerns have been taken into consideration during the assessment of the design of the extension, officers have concluded that the scale and design of the extension relate satisfactorily to the host property. Specifically, at a depth of 3.6m and an eaves height of 2.6m, the extension only slightly exceeds that permissible under the General Permitted Development Order (Amendment No. 2 England Order 2008). In addition, due to the scale of the host property, the 1.9m in set from the side boundary to Love Walk and the generous rear garden area, the proposed extension does not result in an over-development of the site.

26 While residents consider that the extension would not accord with surrounding properties Due to the rendered finish, wider plot and lower pitch height of the main roof, in terms of design, the host property currently distinguishes itself from the adjoining terrace and surrounding properties. Accordingly, the proposed use of render and a mono-pitched roof is considered sympathetic to the existing appearance of the host property.

27 Overall, the proposed extension is considered to be a subservient addition to the host property, sympathetic to the established character and appearance.

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

- 28 While the property is not located within a Conservation Area, it is noted that the boundary of the Camberwell Grove Conservation Area is located adjacent the site along Love Walk.

However, a review of the application site and proposal indicates that the proposed extension would be in set a minimum distance of 1.9m from the side property boundary with Love Walk, which at present includes a 2.15m high boundary wall (1.8m high when viewed from Love Walk due to the increase in ground level). Accordingly, while the mono-pitched roof of the extension would be partially visible along Love Walk, the bulk of the extension would be obscured by the existing boundary wall. In addition to this, the proposed extension is to be constructed in materials to match the host building. Accordingly, the proposed extension would not have an impact on the setting of the adjoining Camberwell Grove Conservation Area.

### **Impact on trees**

- 29 Concerns have been raised by a property to the rear of the application site regarding the potential impact of construction on the existing trees and the loss of privacy which would result if these trees were to be removed.

The applicant has not indicated that any trees at the rear of the garden will be removed to facilitate construction of the rear extension.

The council's arboricultural officer has visited the application site to assess the impacts of the proposed extension on the existing vegetation.

The arboricultural officer has confirmed that the proposed extension would not require the removal of the mature trees located adjacent the rear site boundary. While the extension would require the removal of one tree located towards the rear of the dwellinghouse adjacent the common boundary with no. 14, there is no objection to the removal of this tree due its modest size

### **Planning obligations (S.106 undertaking or agreement)**

- 30 Not required.

### **Sustainable development implications**

- 31 None.

### **Other matters**

- 32 Concerns have been raised by surrounding residents regarding the intended use of the proposed extension. Specifically, due to the internal configuration of the property, the surrounding residents have concerns that the proposed extension is required to allow high occupancy leasing of the property, which in turn would lead to an increase in noise disturbance and additional pressure on street parking.
- 33 In response to these concerns, the subject application seeks approval for a single-storey rear extension to provide additional internal floorspace to the existing residential dwelling. During this application the applicant has confirmed that the extension would provide additional floor space to the existing dwelling and would not be utilised to create a separate self-contained unit. Accordingly, the application has

been assessed on this basis and any planning permission granted does not grant approval for the property to operate as separate self-contained residential units. In response to the concerns regarding the leasing of the property, it is noted that the owner has the right to lease the property provided those renting the property number no more than six and share the common facilities of the house. If the property was rented out to more than six leaseholders this would constitute a change of use requiring planning permission. The applicant has been made aware of this requirement.

- 34 If in the future it was apparent that a different usage was occurring with more than six people occupying the property, or an internal reconfiguration of the property has been completed to convert the property into self-contained units, an enforcement investigation could be lodged at that time. However, enforcement action can only be instigated once a clear planning breach has occurred.
- 35 While it is noted that concerns have been raised by residents regarding construction works, including the need to gain access to the rear gardens of no. 10-14 Evesham Walk, and the removal of the rear boundary fence, these details are civil matters as with party wall matters and do not form part of this planning application.
- 36 A concern has also been raised by a surrounding resident regarding the scale of the extension, which is considered to be an overdevelopment of the site, out of character with the surrounding area. While these concerns have been taken into consideration during the assessment of the application, it is noted that the scale of the proposal only exceeds that allowed under permitted development by a depth of 0.6m. In addition to this, due to the depth of the rear garden and retained vegetation at the rear of the property, the site is considered capable of adequately accommodating an extension of this scale. Specifically, in accordance with guidance detailed within the Residential Design SPD, the extension would not reduce the outdoor amenity space associated with the dwelling to less than half of its original size.
- 37 As the proposal would not result in additional floor area of 100 sq metres, the proposal is not CIL liable.

### **Conclusion on planning issues**

- 38 The proposed rear extension would not result in a significant loss of amenity for the neighbouring properties, in particular the adjoining property at no. 14 Evesham Walk, to an extent to warrant refusal. It is also considered that the size and the design of the extension are acceptable given the scale of the host property and the rear garden area. The proposed extension would not impact the setting of the adjoining Camberwell Grove Conservation Area. The character and appearance of which would be preserved.
- 39 The proposal therefore accords with the relevant saved policies within the Southwark Plan (2007), the Core Strategy (2011) and the Residential Design Standards (2011) and it is therefore recommended that planning permission is granted.

### **Community impact statement**

- 40 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 as above.

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

### **Consultations**

- 41 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.

- 42 Summary of consultation responses

5 letters of objection have been received from surrounding residents of Evesham Walk, Love Walk and Allendale Close to the rear of the application premises.

A primary cause of concern was the leasing of the property to numerous occupants / students. The residents consider that the high occupancy leasing of the property would impact upon the established residential character of the area, leading to additional noise disturbance and pressure on street parking. Another primary concern was the scale and design of the extension, which the residents consider would be an overdevelopment of the site, impacting upon the character and appearance of the surrounding properties and the adjoining Camberwell Grove Conservation Area.

Additional concerns included the removal of existing vegetation on the site and issues regarding construction including the need to access to the rear gardens of no. 11-14 and the removal of the rear boundary fence.

While comments of concern were raised in regards to the consultation period of the application, it is noted that the council has exceeded the minimum statutory requirement of consultation to adjoining neighbours, as a site notice was also erected at the front of the property for a 21 day period.

### **Human rights implications**

- 43 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.

This application has the legitimate aim of providing additional residential floor area. 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**

- 44 None.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/H2071  Application file: 13/AP/2335  Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	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 7410 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
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Justine Mahanga, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	10 September 2013	
<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 Finance and Corporate Services	No	No
Strategic Director, Environment & Leisure	No	No
Strategic Director Housing & Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	19 September 2013	



## APPENDIX 1

### Consultation undertaken

**Site notice date:** 02/08/2013

**Press notice date:** N/A

**Case officer site visit date:** 02/08/2013 and 03/09/2013

**Neighbour consultation letters sent:** 08/08/12

**Internal services consulted:** N/A

**Statutory and non-statutory organisations consulted:** N/A

### Neighbours and local groups consulted:

15 EVESHAM WALK LONDON SE5 8SJ  
34 LOVE WALK LONDON SE5 8AD  
14 EVESHAM WALK LONDON SE5 8SJ  
12 LOVE WALK LONDON SE5 8AD  
2 LOVE WALK LONDON SE5 8AD

### Re-consultation:

N/A

## APPENDIX 2

### Consultation responses received

#### Internal services

None.

#### Statutory and non-statutory organisations

None.

#### Neighbours and local groups

##### Five objections received:

(no address provided)

17 Allendale Close, London SE5 8SG

3 Love Walk

14 Evesham Walk

Additional objection received – details withheld upon request.

A primary cause of concern was the leasing of the property to numerous occupants / students. The residents consider that the high occupancy leasing of the property would impact upon the established residential character of the area, leading to additional noise disturbance and pressure on street parking. Another primary concern was the scale and design of the extension, which the residents consider would be an overdevelopment of the site, impacting upon the character and appearance of the surrounding properties and the adjoining Camberwell Grove Conservation Area.

Additional concerns included the removal of existing vegetation on the site and issues regarding construction including the need to access to the rear gardens of no. 11-14 and the removal of the rear boundary fence.

The adjoining neighbour at no. 14 Evesham Walk also raised concerns regarding the potential loss of light and privacy as a result of the extension.

Comments of concern were raised in regards to the consultation period of the application.