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| Item No: 7. | Classification: Open | Date: 1 October 2013 | Meeting Name: Planning Sub-Committee A |
| Report title: | | Addendum Late observations, consultation responses, and further information. | |
| Ward(s) or groups affected: | | East Walworth and Brunswick Park | |
| From: | | Head of Development Management | |

PURPOSE

- 1 To advise Members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

- 2 That Members note and consider the late observations, consultation responses and information received in respect this item in reaching their decision.

FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:
 - 3.1 **Item 7.2 - 15 Evesham Walk, London SE5 8SJ – 13/AP/2335**
 - 3.2 A further letter has been received from the neighbour at no. 14 Evesham Walk commenting on the officer report. The points raised have been considered and are listed below;
 - 3.3 Comment Paragraph 19

'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'

This statement runs contrary to what was established verbally during the Planning Officer's visit, when she conceded that the 45 degrees test that was going to be applied both from the eaves and the middle point of the proposed elevation would quite probably fail the light test. Looking at the plan submitted with the application, this is easy to see even with the naked eye. I have carried out the test myself on the plan; this, taken at the mid-point of the proposed elevation, shows that a shadow would be cast up to around 1.5 m over the adjacent property. The kitchen window lies 0.5m from the boundary and is 1.2m wide, so it would be completely in the shadow of the elevation. Please provide written evidence that the test was properly applied and that it does not fail.

3.4 Officer Response

While the BRE (British Research Establishment) sunlight and daylight test was discussed during the time of a site visit, it was never confirmed that the proposal would fail this test. The neighbour was informed that a full assessment of the loss of sunlight and daylight would be considered during the process of the application.

While this test was initially undertaken based on the existing plans provided for no. 15 Evesham Walk, which demonstrates a similar pattern of fenestration within the rear elevation, the test has now been recalculated based on the measurements given above by the neighbour at no. 14. It is noted that the proposal fails this test in plan form which is not uncommon for rear extensions on party boundaries. While it is noted that the extension is not in strict compliance with the 45 degree rule when measured in elevation form - as the 45 degree line dissects the window marginally above the mid-point - this test indicates that a fair proportion of the window will remain above the 45 degree line. In addition, the BRE test is only one factor within the assessment on amenities. Due to the orientation of the application site to the east of no. 14, the fact that the window does not serve a habitable room, the sloped roof of the extension and the existing boundary wall and tree which currently obscure some light to this window, any loss of light as a result of the extension is not considered to warrant a reason for refusal.

3.5 Comment

'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.'

This is a factually wrong statement; the fence is a normal 6ft fence and not high enough nor close enough to the kitchen window to take away any light at all. Equally, the tree juts out only 0.5 to 1m at most, depending on the height at which one measures; the tree has sparse, short branches and small leaves, through which light and sunshine can and do penetrate. The same cannot be said for a 3.75m solid wall elevation lying only 0.5m south of the kitchen window.

3.6 Officer Response

The tree due to its size and proximity to the boundary will in officers' opinion clearly have some impact on the light and prospect enjoyed from No. 14, as indeed will the fence. Indeed elsewhere in their representations the neighbour submits that the loss of the tree will affect their privacy which suggests they accept that it affects light and outlook to some extent.

3.7 Comment

'In addition, it is noted that a certificate of lawful development has been granted at the application site for a 3.0m deep extension...accordingly, with this in mind...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.'

This is an illogical and spurious argument that does not stand up to scrutiny; first of all, no consideration was given to any light being taken away from the kitchen when the certificate of lawful development was granted because the GPDO allows for no consultation. Having already unfairly suffered loss of light

under that order without possibility of reply, the argument runs that I might just as well lose some more because at this point it does not matter anyway. This therefore completely negates the consultation process; what is the point of a planning application if, having already obtained a certificate of lawfulness, an applicant would then be free to build to whatever length they want on the grounds that having already suffered some loss of amenity, the adjacent property can jolly well suffer some more anyway.

3.8 Officer Response

The General Permitted Development Order sets a base standard for the rear extension of a property up to 3.0m in depth (terrace property) without requiring planning permission. The proposal extends an additional 0.7m beyond what was agreed to be permitted development within application reference 13/AP/0103. In addition, in accordance with the "Amendments in relation to home extensions, Conditions A.4.9; 10; 11 and 12, of Part 4, of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013", it is noted that a terrace property is now able to apply for an extension up to 6.0m in depth as permitted development subject to a prior approval procedure. Taking the above into consideration and also considering the characteristics of the site, officers consider that at 3.6m in depth, the extension is not considered to represent an overdevelopment of the property nor would it result in a significant loss of amenity to no. 14 Evesham Walk.

3.9 Comment Paragraph 20

'Although it is acknowledged that at 3.6m in depth and with a maximum pitch of 3.75m the proposed extension exceeds the requirements of the Residential SPD...the scheme would not ...appear overbearing from the adjacent property at no.14'

This is a contradictory statement; the second part is a totally subjective opinion with no basis in fact or supporting evidence. Please demonstrate how a development which is acknowledged to exceed normal requirement according to the Council's own guidelines, is not overbearing.

3.10 Officer Response

While the Residential Design Standards SPD provides direction in regards to residential development, it is noted that this document provides guidance only and each case is determined on its merits. Specifically, in this case it is considered that due to the generous size of the plot, including the remaining depth of the garden and the single-storey nature of the extension which includes an acceptable eaves height and a sloped roof, the proposal is not considered to be have an overbearing impact on the amenity of no. 14.

3.11 Comment

'...the extension would appear sympathetic to the host property...therefore maintaining the established character and appearance when viewed from the surrounding properties'

There is no extension as tall, as wide and as deep anywhere at all in any of the surrounding properties in Evesham Walk, Love Walk or Allendale Close,

therefore the statement about maintaining established character is factually incorrect. This is even more so as the extension will be totally visible from the public road.

3.12 Officer Response

The abovementioned extract from the planning report considers the proposal maintains the established character and appearance of the host property. Specifically, due to the acceptable scale of the extension and the use of render, the extension forms a sympathetic extension to no. 15.

While the neighbour has raised concerns in regards to the impact of the extension on the character of the surrounding area, it is noted that the surrounding estate consists of two-storey properties. As the proposal intends to extend the host property by means of a single-storey extension at the rear, it is considered that the two-storey character of the area is maintained.

In addition as detailed within the planning report, it is considered that the host property currently distinguishes itself from surrounding properties in that it is finished in pebble dash render while the remaining properties in the terrace (no. 13 and 14 Evesham Walk) 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'. Accordingly, in this context, the scale of the extension and use of render is considered acceptable.

3.13 Comment Paragraph 21

'The extension would not include flank windows facing no14 and accordingly would not impact the privacy of the adjoining neighbour.'

The loss of the tree between the two properties means residents in no. 15 will be able to look into the garden at no.14 from their bedrooms, sight of which, mostly, is presently impeded by the tree. Furthermore, the proposed use of the room in the extension adjacent the boundary with no.14 is that of a dining room; this will be situated directly adjacent and underneath the master bedroom at no.14, resulting in any noise etc, being audible from the dining room into the master bedroom. Therefore, the statement there will be no loss of privacy is at best subjective and not based on fact.

Furthermore, I note that the Sustainable Design and Construction SPD states:

12. Development standards for minor development

Indoor noise levels

• Residential development should be designed to so that noise levels for indoor spaces are below:

- LAeq 16hr 35dB (07:00-23:00) and LAeq 8hr 30dB**
- LAFmax 45dB (23:00-07:00)**

3.14 Officer Response

It is acknowledged that the removal of this tree would open some views between the adjoining properties into their respective rear gardens from upper floor windows. However, as the windows would be located within the rear elevation, views from these windows into the rear garden of no. 14 would be oblique and would not be significantly different from what is currently established by existing first floor rear facing windows.

The internal sound level standard within the Sustainable Design and Construction SPD (referenced by the neighbour) was intended to be applied for new housing rather than extensions to existing houses. However, it is considered that sound attenuation from the proposed dining room would be addressed during building approval stage in any event.

3.15 Comment Paragraph 23

'...it is not considered that the development will result in an increase of traffic generation or indeed the intensification of parking.'

This is at present a couple/family home, where it is reasonable to assume the two adult occupants would own one or two cars. As openly stated by the applicant, the number of occupants will rise to 6 young students/professionals, presumably all with different sets of friends and social circles. Given that it is again reasonable to assume that some or all of these tenants and/or their friends are very likely to own cars, please clarify on what grounds you state that trebling the number of occupants in the property would not result in an increase in traffic or parking.

3.16 Officer Response

The proposal would result in an additional bedroom to the existing dwellinghouse; providing four bedrooms in total. Accordingly, given the scale of the extension and the availability to surrounding public transport links, the proposal is not considered to give rise to a significant increase of traffic generation or an intensification of parking taking into account the potential traffic/parking generation with the present property.

3.17 Comments Paragraph 25, 26 and 27

'...officers have concluded that the scale and design of the extension relate satisfactorily to the host property.'

'While residents consider that the extension would not accord with surrounding properties...the proposed use of render and a mono-pitch roof is considered sympathetic to the existing appearance of the host property.'

Neither of these statements addresses the fact mentioned earlier, and namely that there is no extension as tall, as wide and as deep as the proposed development anywhere at all in any of the surrounding properties in Evesham Walk, Love Walk or Allendale Close. Therefore the statement that the extension is sympathetic to the surroundings is subjective and not based on fact.

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

This is another repetition of the same unsupported arbitrary statement: please clarify on what grounds an increase of 60% in ground floor space is considered to be subservient to the host property. If this is set in the regulations, please cite the relevant regulations and the definition of 'subservient'.

3.18 Officer Response

Officers note that each planning application is assessed individually on its merits. Accordingly, following inspection of the property and also a visit to the adjoining

property at no. 14 Evesham Walk, officers concluded that the scale of the extension is suitable given the characteristics of the application premises. Specifically, with a rear garden measuring approximately 10.0m in depth, the size of the plot is considered adequate to accommodate an extension of 3.6m in depth. Furthermore, while it is not unusual for a rear extension to span the entire width of a site, it is noted that the extension is also set back from the side boundary with Love Walk.

As the surrounding area is characterised by two-storey terrace properties and also considering that the application premises already distinguishes itself from the surrounding properties through the use of render, its wider plot and lower roof ridge, it is considered that this single-storey extension to the rear of the property would be subservient to the host dwelling and its plot and would not harm the character of the area.

3.19 Comment Paragraph 28

'...it is noted that the boundary of the Camberwell Green Conservation Area is located adjacent to the site along Love Walk. A review of the application site indicated that...the side property boundary with Love Walk includes a 2.15m high boundary wall (1.8m high when viewed from Love Walk...). Accordingly...the roof of the extension would be partially visible along Love Walk, the bulk of the extension would be obscured by the existing boundary wall. Accordingly, the proposed extension would not have an impact on the setting of the adjoining Camberwell green Conservation Area'

The height of the wall from inside No.15 is irrelevant to the case. The wall as measured from the pavement, and therefore from the point of view of any observer, is 1.8m high. Please explain how an elevation which is totally adjacent to the public road and a Conservation Area, and which measures 2.6m at its lowest point and 3.75m at its highest, can be obscured by a 1.8m wall and not be seen from the Conservation Area.

3.20 Officer Response

Due to the change in ground level between the application property and the pedestrian foot path on Love Walk, it was necessary to measure the boundary wall from Love Walk and also from the application site as this is where the height of the extension is measured from. Accordingly, due to the 350mm increase in height from the application premises to Love Walk, the 1.9m in set of the extension from this side boundary and the height of the existing boundary wall, it is noted that while the roof of the extension would be visible from Love Walk, the bulk of the extension would be obscured.

3.21 Comment Paragraph 29

'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.'

This is another incorrect statement. In my letter of objections I have in fact objected twice (points 3 and 6) to the removal of this tree due to loss of privacy (please see earlier comments under PARA 21).

3.22 Officer Response

While it is acknowledged that the neighbour at no. 14 Evesham Walk raised objection to the removal of the tree located adjacent their boundary, paragraph 29 of officers' report is stating that no objection has been raised by the Local Authority's Arboricultural officer in regards to the removal of this tree. This view takes account of the relatively modest size of the tree and its limited views from the public domain.

3.23 Comments Paragraph 33 and 34

'It is noted that the owner has the right to lease the property provided those renting the property... share the common facilities of the house.'

'If in the future it is apparent that...an internal reconfiguration of the property has been completed to convert the property into self contained units, an enforced investigation could be lodged at the time.'

***The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:
15EW L5A, 15EW L6***

Plans 15EW L5A are not available for inspection on the website and must have been submitted at a later date. I would be grateful if you could please make them available asap. Plan 15EW L5 contained a wall that ran across the length of the entire first floor, the result of which was to create a new, enclosed living space labeled 'living room'. This room was accessible only firstly via the kitchen and then the newly-created bedroom. If this layout is not rectified by plan L5A, please explain how a living room which is available only via somebody's bedroom is considered to be a shared facility. Moreover, the applicant herself has stated the installation of the downstairs bathroom is needed precisely so she would not have to share that room with the other occupants. Please clarify which and how many facilities have to be shared for the house not to be considered two units/a conversion.

3.24 Officer Response

The amended plans showing the removal of the internal wall enclosing the living space have been uploaded to the online case file.

The Department for Communities and Local Government define self-contained as follows:

'Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use'

(<https://www.gov.uk/definitions-of-general-housing-terms>; 14 November 2012)

Accordingly, as the proposal includes one living area, dining area and kitchen on the ground floor, the internal configuration of the property at no. 15 Evesham Walk is not considered to support two self-contained units.

3.25 Comment Appendix 2 - Number of objectors

Only 5 objectors are listed, when in fact the know number is at least 7, including 21 Allendale Close and another property in Love Walk (I am unsure of the house number but I can make enquiries and provide this if required).

3.26 Officer Response

Following release of the case officer report, an additional objection from no. 5 Love Walk has been registered against the application. This objection raised similar points to those previously raised, including the impact of the extension on the adjoining conservation area and the scale of the extension which is considered to be excessive and out of character with the surrounding properties.

The total number of objections received in regards to the proposal is 6.

3.27 **Item 7.3 - 109 KINGLAKE STREET, LONDON, SE17 2RD (13/AP/0979)**

Clarification regarding the number of flats within the building:

- 3.28 The lawful development certificate application ref: 11/AP/2210 established 12 flats within the building. This included two flats at basement level, one at ground floor level, and one at first floor level to the rear of the building, four at second floor level and four at third floor level.
- 3.29 10 flats are shown on the existing plans within this application as it does not include the two flats at basement level. The remainder of the flats are shown as approved by the abovementioned Lawful Development Certificate. These basement flats are not affected by the works subject to this application and are established as lawful units and thus are not required to form part of this application.
- 3.30 This application seeks to improve the layout of two existing flats (F8 and F9) which are situated to the rear element of the building and provide one additional storey for a new residential studio flat at third floor level. There are some minor internal alterations to some of the remaining flats, however these works do not constitute development requiring planning permission.
- 3.31 The proposed plans show that overall there will be 10 flats (not including the basement flats) as the rear ground floor flat is to be removed and replaced by an A5 take-away granted permission ref:12/AP/0101.
- 3.32 The previously refused scheme 12/AP/3573 is now subject of a planning appeal and is awaiting decision from the Planning Inspectorate.

REASON FOR LATENESS

- 4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

REASON FOR URGENCY

- 5. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this

meeting of the sub-committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications/enforcements and would inconvenience all those who attend the meeting

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|-------------------|--|--|
| Individual files | Chief Executive's Department 160 Tooley Street London SE1 2QH | Planning enquiries telephone: 020 7525 5403 |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Gary Rice, Head of Development Management | |
| Report Author | Sonia Watson, Team Leader, Majors Team | |
| Version | Final | |
| Dated | 1 October 2013 | |
| Key Decision | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Strategic Director of Finance and Corporate Services | No | No |
| Strategic Director of Environment and Leisure | No | No |
| Strategic Director of Housing and Community Services | No | No |
| Director of Regeneration | No | No |
| Date final report sent to Constitutional Team | | 1 October 2013 |