

<b>Item No.</b> 7.4	<b>Classification:</b> OPEN	<b>Date:</b> 22 July 2014	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/3477 for: Full Planning Permission  <b>Address:</b> 87 COURT LANE, LONDON SE21 7EF  <b>Proposal:</b> Retrospective application for a rear single storey extension to provide additional accommodation to dwelling house.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 27/11/2013		<b>Application Expiry Date</b> 22/01/2014	
<b>Earliest Decision Date</b> 01/01/2014			

## RECOMMENDATION

- 1 That Members consider this application due to a referral request made by ward councillors; and that Members grant planning permission subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

- 2 This application property relates to a detached single family dwelling house on the north side of Court Lane. The property is currently arranged over two floors and benefits from a two storey side extension and loft conversion. This property has a good size front garden to facilitate two vehicles and a large garden to the rear. This property is not listed, but is situated within the Dulwich Village Conservation Area.
- 3 The properties either side have been altered and extended, as well as other properties in the vicinity.

### Details of proposal

- 4 Planning permission is sought for the retention of a single storey rear/infill extension, providing additional living space. Permission was granted for a rear extension to the existing part of the house; however, it was clear from a site visit by the case officer that they were also building this additional extension without first waiting for planning permission. This application seeks to gain planning permission for the additional rear addition measuring 2.68 metres to the eaves and 3.24 metres to the top of the roof slope with a proposed depth of 1.18 metres and a width of 2.810 metres. Amended plans were submitted on the 28/11/13 – showing the depth to be 1.18 metres and the width at 2.81 metres, as stated above, after a discrepancy was highlighted by an adjoining occupier in respect to the original drawings.

## **Planning history**

- 5 Planning application (10-AP-0074) for the erection of a part single/part two-storey rear extension, two-storey side extension and rear dormer roof extension, involving the demolition of existing extensions; providing additional residential accommodation for dwelling was refused on 18 June 2006 for the following reason:
  - The proposed two-storey side extension, due to its massing, siting and design, would result in an incongruous and visually intrusive form of development, detrimental to the appearance of the host building, the visual amenity of the Court Lane streetscene and the character of the Dulwich Village Conservation Area, contrary to policies SP13 Design and Heritage, 3.2 Protection of Amenity, 3.11 Efficient Use of Land, 3.12 Quality in Design, 3.13 Urban Design, 3.15 Conservation of the Historic Environment and 3.16 Conservation Areas of the Southward Plan (UDP) July 2007 and the Residential Design Standards Supplementary Planning Document 2008.
- 6 Planning application (10-AP-2386) was granted on the 26/07/11 for the erection of a part single/part two-storey rear extension, two-storey side extension and rear dormer roof extension, involving the demolition of existing extensions; providing additional residential accommodation for dwelling.
- 7 Enforcement (13-EN-0388) for an alleged breach of planning control for the Construction of a single-storey rear extension contrary to approved plans associated with permission 10/AP/2386. Enforcement action held in abeyance pending determination of the current application.

## **Planning history of adjoining sites**

- 8 No 83 Court Lane  
Planning permission granted 26 June 2003 for the construction of a ground floor rear and first floor side extension. Alterations to existing ground floor rear and two storey rear extensions and construction of new roof with a rear dormer window.
- 9 No. 85 Court Lane  
Planning application (95-AP-0776) was granted on the 06/10/95 for the erection of garage in front of existing garage to side of dwelling house. Conversion of existing garage to provide additional living accommodation, together with ground floor extension at rear. Installation of Velux windows in roof at rear.
- 10 No. 89 Court Lane  
A completion certificate notice issued on the 16/08/1999 to certify that the works of the rear ground floor extension to breakfast and living room is in compliance with building regulations 1991 (as amended)

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 11 The main issues to be considered in respect of this application are:
  - a) The principle of the development in terms of land use and conformity with strategic policies;
  - b) The impact on amenity;
  - c) Design quality;

- d) The impact on Dulwich Village Conservation Area; and
- e) All other relevant material planning considerations

### **Planning policy**

- 12 Core Strategy 2011  
SP12 - Design and Conservation  
SP13 - High Environmental Standards
- 13 Southwark Plan 2007 (July) - saved policies  
The Council's cabinet on 19 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.  
  
Policy 3.2 'Protection of Amenity'  
Policy 3.12 'Quality in Design'  
Policy 3.13 'Urban Design'  
Policy 3.15 'Conservation of the historic environment'  
Policy 3.16 'Conservation areas'  
Policy 4.02 'Quality of residential accommodation'
- 14 Supplementary Planning Documents  
Residential Design Standards SPD (2011)  
Dulwich Village Conservation Appraisal (2006)
- 15 London Plan 2011 consolidated with revised early minor alterations October 2013  
Policy 7.4 Local character  
Policy 7.8 Heritage assets and archaeology
- 16 National Planning Policy Framework (NPPF)  
Section 7: Requiring good design.  
Section 12: Conserving and enhancing the historic environment.

### **Principle of development**

- 17 There is no objection in principle to the erection of a single storey rear extension to an existing residential property to provide additional living space, provided that the proposed extension is of an acceptable design and does not adversely impact upon the amenity of adjoining residents, the Dulwich Village Conservation Area as well as complying with the relevant saved development policies. These matters are addressed below.

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

- 18 No. 87 Court Lane is a large detached property and is separated by approximately 1.00 metres on the boundary of No. 85 and 89. However, the property most likely to be affected by the proposed works is No 85 as the application site as the applicant has extended further out than he had permission for.

- 19 The extension as built is single storey with a pitch roof and projecting approximately 1.18 metres from the approved rear building line of the property with the top of the pitched roof being lower in height to that of the approved rear extension. There are no windows proposed in the side elevation fronting no. 85 and as such the proposal will not have a visual impact on the neighbouring property.
- 20 Officers have visited the site to ascertain accurate measurements of the new extension and it was found that there is a discrepancy in relation to the depth of the extension submitted on drawing number CG Rev A. On measuring the depth on site, it would appear the true dimension to be 2.73 metres and not the 1.18 metres as suggested on the submitted plans. The total height of the pitch is approximately 3.41 metres.
- 21 The new extension would utilise the vacant space from the rear of the approved two storey extension. Concern has been expressed by a neighbour that the increase of the extension as built would impact sunlight and daylight within the adjoining property. As a result a report had been commissioned by the applicant to consider the impact on the adjoining occupier of 85 Court Lane SE21.

#### Daylight and Sunlight

- 22 A daylight and sunlight has been submitted in support of the application. The report states that due to the extension failing the 45 degree approach to assessing sunlight that an assessment of the Vertical Sky Component (VSC) was carried out in accordance with the BRE Report 2009 - Site Layout Planning for Sunlight and Daylight.
- 23 In terms of daylight the centre of the doors nearest the application property, providing light into the lounge would fall beyond the 45 degree line in both plan and elevation and therefore there would be no significant reduction in the amount of daylight received.
- 24 In respect to sunlight only windows that are within 90 degrees of due south should be assessed, in respect to this proposal the windows in No. 85 and 87 are 157 degrees due south and therefore there it is not necessary to conduct an assessment of annual probably sunlight hours as they will not be impacted.
- 25 In terms of sunlight to open spaces and gardens, the garden of No. 85 was assessed and was found that with the previously approved extension that the percentage of the garden area receiving 2 hours of direct average sunlight hours on the 21st March was 86.6% which changed to the 86.4% with the larger extension, which is the subject of this application, with a reduction of .04 hours of sunlight and a reduction of the Sunlight availability factor by .0% which at 0.99 is above the required 0.8. Therefore, there will be no conceivable impact on the garden.
- 26 Furthermore, the report highlights that 85 Court Lane has a similar rear extension to that completed at number 87 being built beyond the original dwelling curtilage and in close proximity to No. 83.

#### Sense of Enclosure

- 27 In terms of creating a sense of enclosure, officers have inspected the extension from the rear room closest to the extension and it is not considered to be an overbearing feature that creates a sense of enclosure. The adjoining neighbour considers that the existing drawing is inaccurate as it did not show the extension inset from the corner of the application property and their property. However, as this existing building line no longer exists this can not be clarified. However, the main consideration is the impact that this larger extension has on neighbouring properties which are considered in this section.

### Privacy

- 28 In terms of privacy there are no windows installed on the side elevation facing the neighbours and therefore the proposal will not impact on privacy, given it is a one storey extension. In addition, the extension would not take up more than half of the original size of the available garden area.
- 29 To conclude, it is not considered that the proposed addition of a larger single storey rear extension would have any detrimental impact on the adjacent properties in Court Lane to warrant a refusal of the application.

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

- 30 None envisaged

### **Transport issues**

- 31 Due to the nature of proposal and no increase in dwelling numbers, there are no significant transport issues arising.

### **Design issues**

- 32 The proposed extension is to be built in material to match the host property and consisting of a timber and UPVC glazed bi-folding doors to the rear. The size, bulk and scale of the proposed extension is considered acceptable and would remain subservient to the scale of the existing building and would not unduly dominate the application dwelling, nor appear out of scale in relation to surrounding properties. The new rear/infill extension would result in a satisfactory layout in relation to the approved extension and the host building. The addition is considered to be a congruent addition to this dwelling house.
- 33 Overall, the proposed extension, although not entirely in keeping with the architectural style of the building, provides a contemporary extension which is well designed and uses quality materials and therefore preserves the appearance and character of the conservation area.

### **Impact on character of the conservation area**

- 34 This property is located within a conservation area and the proposal would comply with Saved Policy 3.16 Conservation Area of the Southwark Plan, with the exception of part 4. Within conservation areas, development should preserve or enhance the character or appearance of the area. New development, including alterations and extensions, should:
- i. Respect the context of the conservation area, having regard to the content of Conservation Area Appraisals and other adopted Supplementary Planning Guidance / Documents; and
  - ii. Use high quality materials that complement and enhance the conservation area; and
  - iii. Do not involve the loss of existing traditional features of interest which make a positive contribution to the character or appearance of the Conservation Area; and
  - iv. Do not introduce design details or features that are out of character with the area, such as the use of windows and doors made of aluminium, uPVC or other non-

*traditional materials.*

- 35 It is noted that the proposed bi-folding doors are to be made of UPVC. The use of UPVC in conservation areas is not considered acceptable; however given that this material would be located to the rear of the dwelling, its use is not considered to harm the character and appearance of the conservation area.
- 36 The proposed extension will mainly use materials to match that of the existing property. The windows, doors and skylight though not entirely of a traditional material will be located at the rear of the property and not visible from the public domain. Therefore it is not envisaged that they would impact on the sensitive nature of the conservation area nor contribute negatively to the surrounding neighbourhood.

#### **Impact on trees**

- 37 No trees would be affected by the proposed works.

#### **Other matters**

- 38 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. Given the size of the proposed extension the application is not CIL liable.
- 39 It must be noted that number 83 Court Lane has a similar extension to that of the application site projecting from the rear existing building line approximately the same distance as the new extension at number 87 and at a similar height. However, being granted in 2003 this was before the adoption of the Saved Southward Plan 2007, Core Strategy 2010 and the Residential Design Standards SPD 2011, and therefore in policy terms can not be used as a precedent.

#### **Conclusion on planning issues**

- 40 On balance, given the context of the site, it is not considered that the new extension will have a detrimental impact on adjoining occupiers or the character and appearance of Dulwich Village Conservation area to warrant refusal. The proposal would not have a significant impact on adjoining occupiers in terms of its visual effect on amenity or in terms of its effect on the sunlight/daylight received by adjoining properties or overshadowing.
- 41 There will be no windows installed on the side elevation facing no. 85, the property most likely to be affected, and there would still be a reasonable separation between the two buildings to have any significant amenity issues. The proposed design, bulk and scale and use materials are considered appropriate and acceptable at this location. For these preceding reasons, the application is recommended for approval.

#### **Community impact statement**

- 42 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.

- 43 The impact on local people is set out above. Particular attention was given to the impact in terms of loss of sunlight and daylight on 85 Court Lane SE21

### Consultation

- 44 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1. Details of consultation responses received are set out in Appendix 2.

#### Summary of consultation responses

- 45 A letter was received from a member of the public objecting to the proposed scheme on the grounds of inaccurate drawings, extension being too large and intrusive and impacting on their amenity. That the extension was built without permission from the Council or the Dulwich Estate.

An email was received from Councillor Mitchell raising the issues of a member of his constituent.

Thames Water - No objection

The Skylight and Sunlight Impact Assessment was sent to residents in Court Lane.

### Human rights implications

- 46 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.
- 47 This application has the legitimate aim of providing new residential 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.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2563-87 Application file: 13/AP/3477 Southward 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: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5458 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>	Anthony Roberts, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	7 July 2014	
<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, Finance & Corporate Services	No	No
Strategic Director, Environment And Leisure	No	No
Strategic Director, Housing And Community Services	No	No
Director Of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	9 July 2014	



## APPENDIX 1

### Consultation undertaken

**Site notice date:** 05/12/2013

**Press notice date:** 05/12/2013

**Case officer site visit date:** 05/12/2013

**Neighbour consultation letters sent:** 09/12/2013

**Internal services consulted:**

None

**Statutory and non-statutory organisations consulted:**

None

**Neighbours and local groups consulted:**

14 EASTLANDS CRESCENT LONDON SE21 7EG

16 EASTLANDS CRESCENT LONDON SE21 7EG

12 EASTLANDS CRESCENT LONDON SE21 7EG

85 COURT LANE LONDON SE21 7EF

89 COURT LANE LONDON SE21 7EF

**Re-consultation:**

Skylight and Sunlight Impact Assessment sent to residents in Court Lane on 9.6.2014

## APPENDIX 2

### Consultation responses received

#### Internal services

Design and Conservation

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

#### Reply from adjoining occupier

Further to your letter re the above application, reference 13/AP/3477, we wish to make the following objection:

#### **Rear extension of the ground-floor Utility and Storage Area, shown on plan 82/872/11 of the application.**

We object to the extension marked in part in red and, in part shaded in grey, amounting to a depth of 2.7m and a width of 2.7m. The reasons for objection are that this part of the rear extension is too large, obtrusive and too close to our boundary, where it impacts adversely on our amenity. The side and rear walls of this extension had actually been built last summer to a height of 2.7m, in the absence of both planning permission from Southwark and a licence from the Dulwich Estate.

**Councillor Mitchell (Village ward)** - Concerned about the seriousness of the changes the applicant is proposing. Considers the applicant has flagrantly breached the terms of the original approval and is now trying to cover his tracks. The proposal has caused considerable distress to a neighbour and constituent of mine.