

Item No. 7.3	Classification: OPEN	Date: 9 September 2014	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 14/AP/2087 for: Full Planning Permission Address: 32 BYWATER PLACE, LONDON SE16 5ND Proposal: Erection of a single storey ground floor side extension; conversion of garage to living accommodation with associated external alterations; and insertion of 2 x front rooflights and 3 x rear rooflights		
Ward(s) or groups affected:	Surrey Docks		
From:	Head of Development Management		
Application Start Date	16/06/2014	Application Expiry Date	11/08/2014 (Time extension agreed until 12/09/2014).
Earliest Decision Date 20/07/2014			

RECOMMENDATION

- 1 That the application is referred to Members for consideration, and that Members grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The application property is located on the western side of Bywater Place and accommodates a three level, end of terraced residential dwelling house. A pedestrian right of way runs in between the application property and no. 31 Bywater, to the south.
- 3 Surrounding uses are residential with development comprising a similar architectural style to the host dwelling. Single family dwellinghouses appear to be the predominant use of the surrounding properties. A number of properties within the area have off street car parking spaces within the front yards, including the application property.
- 4 The property is not located within a Conservation Area.

Details of proposal

- 5 Permission is sought for the erection of a single storey ground floor side extension; the conversion of the garage to living accommodation with associated external alterations involving the replacing of the existing garage door with a window; and the insertion of 2 x front rooflights and 3 x rear rooflights.
- 6 The proposed single storey side extension would have a width of 3.0 metres with an eaves height of 2.4 metres and a ridge height of 3.0 metres. The extension would be finished in materials to match the host dwelling.

Planning history

- 7 None relevant.

Planning history of adjoining sites

- 8 33 Bywater Place
05-AP-0930: Permission approved for the formation of an additional floor and erection of a two storey rear extension.

03-AP-0973: Permission approved for a roof extension to provide additional residential accommodation.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 9 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 the amenity of the adjoining properties.
 - c) Design Quality
 - d) All other relevant material planning considerations.

Planning policy

- 10 National Planning Policy Framework (NPPF)
Section 7 - Requiring good design
- 11 London Plan July 2011 consolidated with revised early minor alterations October 2013
Policy 7.4 - Local Character
Policy 7.6 - Architecture
- 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 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 5.2 - Transport Impacts

Residential Design Standards SPD (2011)

Principle of development

- 14 There is no objection in principle to alterations to residential properties in established residential areas provided that development is of a high standard of design, respects and enhances the character of its surroundings including any designated heritage assets and does not adversely impact upon the amenity of adjoining properties or residents in accordance with above mentioned development policies.
- 16 The overwhelming theme in the majority of objection letters received by neighbouring occupiers is the concern that the property will be utilised as an HMO. The applicant has confirmed (in an email dated 12 August 2014), that the property will continue to be utilised as a single family dwelling. As such, there is no objection to the proposed use of the property once the extensions have been completed.

Summary of consultation responses

Neighbours

- 17 11 Letters of objection have been received from neighbouring residents within Bywater Place including 1 from the Bywater Management Company 'Bywater Place Limited' (BPL). The issues raised by these letters of objection are summarised below:
- Concern that the proposal would provide for the use of the property as an HMO which would be out of keeping with the character of the surrounding area;
 - Potential impacts on trees given the close proximity of trees to the proposed development;
 - Loss of garage would harm appearance of dwelling but also result in adverse car parking over spill;
 - Concerns with submitted application form and inconsistencies with this and the submitted supporting documentation including the ownership details and property description;
 - Concerns that the proposed dining room and study will be utilised as bedrooms;
 - The roof lights are not necessary to provide additional light to the second floor bedrooms and would be out of keeping with surrounding area;
 - The proposed brick extension is out of keeping with the character and appearance of the area;
 - Additional occupancy would strain existing refuse arrangements; and
 - Owners are showing complete disregard for planning process as works have already begun.
- 18 Officers response: These reasons are acknowledged with the majority of these aspects and any subsequent impacts been considered below. In relation to the concerns about the potential HMO use of the property, the applicant has confirmed in an email dated 12 August 2014, that the property would remain as a single family dwellinghouses and would not be utilised as an HMO.
- 19 Finally, while concern has been raised that the rooms at ground floor level would be used as additional bedroom, this has not been indicated by the application documents. However, for reasons relating to the potential of the site to flood (see assessment below), conditions will ensure these rooms are not used for additional sleeping accommodation.

20 Internal
Urban Forester: No trees of significant amenity value are affected by the proposed development. A condition is therefore not required.

21 External
Environment Agency: Householder development covered by the general advice. Please refer to this.

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

22 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers; Strategic Policy 13 High Environmental Standards requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems. The Council's Residential Design Standards SPD 2011 also sets out the guidance for rear extensions which states that development should not unacceptably affect the amenity of neighbouring properties. This includes privacy, outlook, daylight and sunlight.

23 The proposed single storey extension would be located on the southern half of the application property and would not extend beyond the front or rear elevation of the host building. As such, any impacts of this part of the development would be restricted to those residential occupiers to the south. However, it is considered, given the single storey scale, that the separation provided by the pedestrian walkway would be sufficient to ensure the proposal would not be detrimental to the residential occupier to the south, 31 Bywater. Further mitigation is provided by the proposed step in of 1.8 metres from the southern (side) boundary.

24 In respect of the proposed roof lights, along with the windows to replace the existing garage door, these would be orientated to the front and rear of the property and would not provide for any unacceptable overlooking.

25 It is therefore considered that the impacts of the proposal on the amenity of neighbouring occupiers would be acceptable.

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

26 None anticipated.

Transport issues

27 Saved Policy 5.2 seeks to ensure new development would not have a significant transport impacts and makes adequate provision for servicing, circulation and access to and from the site.

28 The proposal would result in the loss of the existing internal garage parking space. A number of objectors have raised concern that this would lead to unacceptable parking over spill which would be harmful to both road safety and the operation of the surrounding roads, particularly if the property is to be an HMO. However, as is outlined above, the applicant has confirmed that the property will not be utilised as an HMO. It is considered that there is sufficient capacity within the front garden to provide for one off street car parking space which is acceptable for a dwellinghouse in this location. The proposed loss of the internal garage space is therefore not anticipated to generate any adverse impacts in relation to parking pressure.

- 29 Neither parking demand nor vehicular activity to and from the site is anticipated to increase given no new residential units would be created. As such, any transport impacts are considered to be acceptable.

Design issues

- 30 Strategic Policy 12 of the Core Strategy (2011) seeks to achieve the highest possible standards of design for buildings. Saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design', together, seek to achieve high quality architectural and urban design which enhances the quality of the built environment. The Council's Residential Design Standards 2011 provides general guidance on residential extensions to harmonise their scale, impact and architectural style. Section 7 paragraph 56 of the NPPF states that good design is a key aspect of sustainable development while paragraph 58 goes on to states that *'planning policies and decisions should aim to ensure that developments... respond to local character and history and reflect the identity of local surroundings and materials'*.
- 31 The proposed side extension would be of a single storey and would be set back from the principle and rear elevations. This, coupled with the width of 3.0 metres (less than the width of the host dwelling and set in from the boundary) would ensure that the proposed side extension would appear subordinate to the host dwelling, this being desirable.
- 32 The windows within the extension to the front would be of similar proportions to those throughout the existing dwelling as would the windows replacing the existing garage door. This detail is considered acceptable. It is also noted that the proposed windows would align horizontally which is a positive element.
- 33 The proposed roof lights are considered acceptable as these would have very little impact on the appearance of the dwelling given their high level location within the roof slope.
- 34 Finally, the proposed extension and garage infill would be finished in materials to match the existing which is acceptable. This would be secured through conditions if it is minded to approve the application.
- 35 Given the above, it is considered that the proposal would be of an acceptable design and impacts on the character and appearance of the host dwelling along with the surrounding environment would be acceptable.

Other matters

Flooding

- 36 The application property is located within Flood Zone 3a however benefits from defence systems along the river Thames.
- 37 The applicant has submitted the required flood risk assessment document for a householder extension within the respective flood zone. Within this document, the applicant has confirmed that the floor levels within the proposed development would be set no lower than existing levels and that flood proofing will be incorporated, where appropriate. More specifically, the applicant has confirmed no fewer than eight measures that will be incorporated into the development in accordance with the government circular entitled 'improving the flood performance of new buildings' (2007). Conditions will ensure that these measures, contained within the submitted document entitled *"Flood Proofing/Resilience Measures"* will be incorporated.
- 38 In addition to this, the layout of the proposed development includes all sleeping

accommodation on the first and second floors with no sleeping accommodation at ground floor level. This is a desirable design element and in addition to the proposed flood resilience/proofing measures is considered to be sufficient to ensure that potential impacts of flooding would be acceptable. Again, to ensure that sleeping accommodation is not introduced at ground floor level, a condition will ensure that no sleeping accommodation is contained at ground floor level without further approval.

Trees

- 39 The proposal does not fall within close proximity to any trees of significant amenity value. Subsequently, it is not considered that there will be any detrimental impacts on trees.

Mayoral CIL

- 40 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. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

Community impact statement

- 41 The impacts of this application have been assessed as part of the application process with regard to local people in respect of the "protected characteristics", as set out in the Equality Act 2010, the Council's Community Impact Statement and Southwark Council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.
- 42 In assessing this application, the Council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.

Consultations

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

Consultation replies

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

Human rights implications

- 45 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.
- 46 This application has the legitimate aim of providing for extensions to the existing dwellinghouse. 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.

Conclusion on planning and other issues

- 47 The proposed works are considered to be of an acceptable design, one which would not result in significant harm to the character and appearance of the application property nor the surrounding environment. Impacts towards the amenity of neighbouring occupiers are not anticipated to be significant, the transport impacts of the proposal are also considered to be acceptable and the potential flooding risks of the site have been adequately addressed. In relation to the future use of the property, the applicant has confirmed that the unit would remain as a single family dwellinghouse. As such, it is recommended that planning permission is approved.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/504-32 Application file: 14/AP/2087 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: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 7708 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Jonathan Payne, Planning Officer	
Version	Final	
Dated	13 August 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director Of Regeneration	No	No
Date final report sent to Constitutional Team	27 August 2014	

APPENDIX 1

Consultation undertaken

Site notice date: 27/06/2014

Press notice date: None

Case officer site visit date: 27/06/2014

Neighbour consultation letters sent: 26/06/2014

Internal services consulted:

None

Statutory and non-statutory organisations consulted:

Environment Agency

Neighbours and local groups consulted:

26/06/2014	33 BYWATER PLACE LONDON SE16 5ND	26/06/2014
26/06/2014	32 BYWATER PLACE LONDON SE16 5ND	26/06/2014
26/06/2014	31 BYWATER PLACE LONDON SE16 5ND	26/06/2014

Re-consultation:

None

APPENDIX 2

Consultation responses received

Internal services

Urban Forester - No trees of significant amenity value are affected by the proposed development. A protection condition is therefore not required.

Statutory and non-statutory organisations

Environment Agency - application is covered by the standard floor risk advice. Please refer to this information.

Neighbours and local groups

11 Letters of objection received from residents of Bywater Place and Bywater Place Limited (BPL).