

<b>Item No.</b> 7.2	<b>Classification:</b> Open	<b>Date:</b> 20 January 2015	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/3316 for: Full Planning Permission  <b>Address:</b> 2 DARWIN STREET, LONDON SE17 1HB  <b>Proposal:</b> Construction of a part three-storey, part single-storey (ground-floor) rear extension and a part single-storey, part two-storey roof extension involving the raising of the roof ridge and the insertion of three roof lights into the enlarged front roof slope, in association with the conversion from a single-family dwelling house to five self-contained flats with associated refuse and cycle storage provision. (Retrospective Application)		
<b>Ward(s) or groups affected:</b>	Chaucer		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 01/11/2013		<b>Application Expiry Date</b> 27/12/2013	
<b>Earliest Decision Date</b> 02/01/2014			

## RECOMMENDATION

- 1 That planning permission be granted subject to conditions.

## BACKGROUND INFORMATION

- 2 Planning permission LBS ref. TP1119-E-AH was granted on 14 November 1988 for the conversion of a single-family dwelling house into 3 self-contained flats and 1 dwelling house, including the erection of a rear extension and roof alterations
- 3 Following the grant of this planning permission, a building control commencement notice was received by the council on 27 June 1989.
- 4 Seventeen years later, on 27 October 2006, the then owner of the site (not the current owner) wrote in, to inform the planning department that approximately 60% of the works had been completed in the 2 years following the grant of the 1988 permission and that due to personal ill-health the works then ceased but that it was now intended to complete the works and that it was understood that because a substantial start had been made on the development there was no requirement to re-apply for planning permission. Receipt of this letter was acknowledged but no record of a written response exists.
- 5 At some point thereafter the current owner acquired the site and began to make significant alterations to the approved development without seeking any further grant of planning permission. These unauthorised works were brought to the attention of the

planning department and an enforcement investigation was duly opened.

- 6 On 3 October 2013, while the unauthorised works were still proceeding, the current planning application was submitted in the hope of regularising the works, i.e. gaining planning permission in retrospect. The applicant having stated on the application form that he commenced making the significant alterations to the original scheme on 1 July 2013.
- 7 Negotiations with the applicant have resulted in a reduction in the number of flats in the conversion from six to five as well as other external and internal improvements to the scheme. These are discussed in further detail below.

### **Site location and description**

- 8 The application site is occupied by a three-storey, end-of-terrace dwellinghouse on the west side and northern end of Darwin Street, a cul-de-sac street terminating in a turning head, adjacent to the Bricklayer's Arms gyratory. The adjoining property at 4 Darwin Street is understood to be a house in multiple occupation which provides accommodation for six separate unrelated individuals/couples.
- 9 The site is located within the central activity zone, the urban density zone, the air quality management area, an archaeological priority zone and the Old Kent Road action area.
- 10 The site is not located within a conservation area nor is it located within the setting of any listed buildings.

### **Details of proposal**

- 11 Part of the dwelling's rear garden has been dug down by approximately 0.9m to create the private garden area for the north-side flat on the ground-floor.
- 12 In comparison to the original 1988 permission the three-storey part of the rear extension on the north side of the site is both 2.1m deeper and 0.75m wider. However, it is 8.8m high to the top of its flat roof and so is 1.05m lower than the 1988 version.
- 13 The single-storey (ground-floor) rear extension on the south side of the site is a further addition to the original 1988 permission and in comparison to it, projects a further 2.9m into the rear garden. It is 3.25m wide and has a mono-pitched roof extending from a maximum height of 3.1m down to rear eaves at a height of 2.5m.
- 14 A further significant deviation from the original 1988 permission is the addition of a part single-storey, part two-storey rear roof extension involving the raising of the original roof ridge.
- 15 At second floor level this appears as simply a rear infill extension as its rear elevation now aligns with the historically deeper rear elevation of the adjoining property at No.4 Darwin Street and is finished in smooth white render which is somewhat similar in appearance to the white-painted brickwork of No.4's rear wall.
- 16 Above this, the new third floor level is finished in hung synthetic slates and so takes on the appearance of a rear dormer, albeit a large flat-roofed rear dormer which extends

across the full width of the building and is neither set down from the new higher roof ridge nor set back from the new deeper rear eaves. Its dimensions are 3.4m high, 3.9m deep and approximately 8m wide.

- 17 A 2m deep roof terrace for the top floor 1-bed flat extends beyond the rear dormer element out over the flat roof of the three-storey rear extension beyond. The terrace would be bound by 1.1m high vertical metal railings.
- 18 The proposed accommodation comprises of two 1-bed flats on the ground floor, two 2-bed flats on the first and second floors and a further 1-bed flat on the third floor within the extended roof.
- 19 All of the five flats would be accessed through the dwelling's original front door onto Darwin Street.
- 20 A communal bin and cycle store is intended to be provided at the rear of the site, with a gated access in the north flank boundary wall facing Old Kent Road. To date however this element remains to be implemented.

### **Planning history**

- 21 13/EN/0321  
Unauthorised building works: Rear extension, second floor extension and full width dormer, without planning permission.  
Decision pending  
(Depending on the outcome of this planning application)

TP1119-E-AH

Conversion of a single-family dwelling house into 3 self-contained flats and 1 dwelling house, including the erection of a rear extension and roof alterations.

Granted: 14/11/1988

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

- 22 4 Darwin Street

99/AP/1368

Erection of conservatory to the rear of building.

Granted: 23/02/2000

#### 2 Old Kent Road

14/AP/3158

Change of use of a building with an established use as an outbuilding used for purposes incidental to the enjoyment of the dwelling house at No. 2 Darwin Street (Use Class C3) to separate self-contained offices (Use Class B1(a)).

Valid application received: 25/09/2014      Pending consideration

14/AP/0083

Certificate of lawful existing use: Use of building as a dwelling house.

Refused: 27/02/2014

Reason for refusal:

The existing development is not considered to be lawful because it is not in accordance with an earlier section 106 agreement dated 3/9/96 that is assessed as still being binding on the site and capable of enforcement, as at the date of this decision.

13/AP/3454

Erection of a study room and bedroom ancillary to the main building over existing lobby area.

Granted: 19/12/2013

**KEY ISSUES FOR CONSIDERATION**

**Summary of main issues**

- 23 The main issues to be considered in respect of this application are:
- a) principle of the proposed development in terms of land use and conformity with strategic policies;
  - b) impact on the amenities of occupiers of adjoining properties;
  - c) quality of accommodation for future occupiers;
  - d) design issues – impact on the character and appearance of the area;
  - e) transport and servicing issues – car and cycle parking and refuse facilities, and;
  - f) any other material considerations.

**Planning policy**

National Planning Policy Framework (NPPF) (Published 27 March 2012)

- 24 The following sections are of particular relevance:

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design.

The London Plan (Adopted 22 July 2011 and since consolidated with revised early minor alterations on 11 October 2013)

- Policy 3.3 Increasing housing supply
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.17 Waste capacity
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character

## Policy 7.6 Architecture

### Mayor of London Supplementary Planning Guidance (SPGs)

Housing (2012)

Sustainable Design and Construction (2006) (Saved)

Accessible London – Achieving an Inclusive Environment (2004) (Saved)

### Southwark Core Strategy (Adopted 6 April 2011)

Strategic Policy 1 - Sustainable development

Strategic Policy 2 - Sustainable transport

Strategic Policy 5 - Providing new homes

Strategic Policy 12 - Design and conservation

Strategic Policy 13 - High environmental standards

### Southwark Unitary Development Plan (Adopted 28 July 2007) (Saved Policies)

The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the NPPF. 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 3.1 - Environmental effects

Policy 3.2 - Protection of amenity

Policy 3.7 - Waste reduction

Policy 3.11 - Efficient use of land

Policy 3.12 - Quality in design

Policy 3.13 - Urban design

Policy 3.14 - Designing out crime

Policy 4.2 - Quality of residential accommodation

Policy 4.3 - Mix of dwellings

Policy 5.2 - Transport impacts

Policy 5.3 - Walking and cycling

Policy 5.6 - Car parking

### Southwark Supplementary Planning Documents (SPDs)

Sustainable Design and Construction (2009)

Residential Design Standards (2011)

### **Principle of development**

- 25 Planning permission LBS ref. TP1119-E-AH was granted on 14 November 1988 for the conversion of a single-family dwelling house into 3 self-contained flats and 1 dwelling house, including the erection of a rear extension and roof alterations.
- 26 The original dwelling house had a gross internal floor area of more than 130sqm therefore the principle of the conversion of this former single-family dwelling house into two or more flats still complies with saved policy 4.3 of the Southwark UDP (Mix of dwellings).
- 27 As such, there is no objection to the principle of extending and converting a dwelling

house to flats in this location provided that it would not have an adverse effect on neighbouring amenity, would provide a good standard of accommodation and is of a satisfactory design which responds appropriately to the character and appearance of the local area as required by relevant policies in the development plan for the borough (listed above) and the NPPF. These issues are addressed in detail further below.

### **Environmental impact assessment**

- 28 Applications where an environmental impact assessment (EIA) is required will either be mandatory or discretionary, depending on whether they constitute Schedule 1 (mandatory) or Schedule 2 (discretionary) development of the Town and Country Planning (EIA) Regulations 2011. In this case the development falls under Schedule 2, Category 10b 'urban development project' of the EIA Regulations where the threshold for these projects is a site area exceeding 0.5ha. The application site area is 0.019ha and therefore well below this threshold.
- 29 An EIA would only be required for this current application site if it is likely to generate significant (greater than local) environmental effects having regard to the criteria set out in Schedule 3 of the Regulations, which include:
- The characteristics of the development
  - The environmental sensitivity of the location
  - The characteristics of the potential impact

As this is not the case this application does not require an EIA.

### **Impact on the amenity of occupiers of adjoining properties**

- 30 Saved policy 3.2 (Protection of amenity) of the Southwark UDP (2007) states that planning permission for development will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site. Also, there is a requirement in saved policy 3.1 (Environmental effects) to ensure that development proposals will not cause material adverse effects on the environment and quality of life.
- 31 Strategic Policy 13 (High Environmental Standards) of the Core Strategy (2011) requires developments to avoid amenity and environmental problems that affect how we enjoy the environment in which we live and work.

### **Privacy - Relationship with 4 Darwin Street**

- 32 A site visit to the substantially complete development revealed that a degree of oblique overlooking of 4 Darwin Street to the south is possible from a rear bedroom window in the first-floor flat. However, the view is only over the semi-translucent roof of this property's rear conservatory and is only from a bedroom. Furthermore, having noted that 4 Darwin Street is a HMO rather than a single-family dwelling house, that it concerns a modestly sized conservatory rather than a principal habitable room in the adjoining property, and the fact that to overlook the neighbouring conservatory would require the occupant of the flat to purposefully stand at the bedroom window and look at an angle over the shared side boundary, is considered to be sufficient to indicate that any such perceptions of overlooking do not amount to a significant loss of privacy and hence the relationship is considered, on balance, to be acceptable in planning terms (without the need for a side privacy screen as the applicant proposes, as shown in the view of the south flank wall of the substantially complete development - drawing

no. 14010/005/3).

- 33 Initially a further area of concern for officers was the fact that the roof terrace serving the top floor flat had, at the outset, been proposed to occupy the entire flat roof of the completed three-storey rear extension. The concern here related to the ease at which users of the terrace could look down and back into several habitable room windows in the rear wall of No. 4 (as well as the habitable room windows of other flats within the proposed development) as well as over its rear garden, due to the combination of its height, the extent to which would have projected to the rear and its proximity to the shared side boundary with No. 4. However, through negotiation with the applicant the size of the terrace has been much reduced. Its depth has been reduced by approximately two-thirds to now be only 2m deep and it is also set back from the south-flank wall of extended three-storey rear outrigger element by approximately 850mm. These amendments are considered to have satisfactorily addressed the previous overlooking concerns and hence the extent of the roof terrace as shown in drawing no. 14010/004 Rev. B is considered to be acceptable in this regard. Its visual impact will be considered further below.
- 34 The only flank windows in the development are small obscure-glazed bathroom windows at first and second floor level in the south wall of the three-storey rear outrigger which as such do not cause any harmful overlooking.

#### Privacy - Relationship with other neighbouring dwellings

- 35 The development has also retained some tall Spruce trees within the site which sit in a row along the side boundary with No. 4. Their retention provides a natural screen partially obscuring more distant views from the roof terrace westward / southwestward towards Searles Road and beyond. However, it is approximately a distance of 20m to the rear garden boundary of the nearest dwelling to the west at 33 Searles Road and so, even without these trees, it is considered that the reduced roof terrace would not perpetuate a situation of a harmful degree of overlooking of this or any other neighbouring dwelling lying generally to the west or south-west of the site.
- 36 It has been noted that the owner of No.2 Old Kent Road (the former public lavatories at the rear of the site) is concerned that the development will result in a loss of privacy to this building due to what is stated as the proximity of two rear terraces which overlook the garden of 2 Old Kent Road. However, there is only one rear terrace (the roof terrace) and that has been substantially reduced in area and depth such that it is would not be possible to overlook any part of this neighbouring building.

#### Daylight and sunlight

- 37 At first-floor level, on the side next to No. 4, the development projects beyond this adjoining property's rear wall by 2m. The nearest edge of a first-floor bedroom window within the neighbour's rear wall is sited approximately 0.8m from the party boundary with No.2. The window itself is also approximately 0.8m wide and hence the vertical mid-point of the window is approximately 1.2m away from the projecting flank wall. This window is already partially enclosed by the property's original two-storey rear outrigger whose flank wall almost abuts the window's nearest south-side edge (save for a gap about the width of a brick) and which extends vertically two-thirds of the way up the window.
- 38 The first-floor part of flank wall of the extension at No. 2 is sited to the north of the window at No. 4 and hence it does not have any effect on the window in terms of access to sunlight. Whilst it has created a minor 'tunnelling effect' by siting a flank wall

on the north side of the window opposite the existing lower flank wall of the property's own rear outrigger, it does not result in a significant loss of daylight to this window because although it does not meet the 45 degree horizontal line test in the residential design standards SPD (due to the flank wall being 2m deep but being sited only 1.2m away from the vertical mid-point of the window), it does however meet the second component of this test in the SPD, that is, the 45 degree vertical line test, as the wall does not project above a line drawn upwards at a 45 degree angle originating from the window's horizontal mid-point. As the SPD requires that only one of the two 45 degree line tests need to be met in order to demonstrate that no significant loss of daylight would occur, the daylight relationship between the development and this neighbour's first-floor rear bedroom window is therefore considered to be acceptable.

- 39 The owner of No.2 Old Kent Road (the former public lavatories at the rear of the site) has expressed a concern that the garden of this building will be overshadowed. Officers consider that it is not unreasonable to assume that this site has experienced some loss of morning sunshine (i.e., when the sun is in the east and low in the sky) as a result of the subject development. However, the loss of some morning sunshine does not amount to significant overshadowing and/or loss of daylight in planning terms and furthermore the building in question only has consent to be used as a residential outbuilding (ancillary to the residential use of No.2 Darwin Street) and hence the open space that is referred to as a garden is not actually a separate private residential garden. Looking ahead, it is also considered that the impact of the development on No.2 Old Kent Road in terms access to sunlight and daylight would still be acceptable should a current planning application (ref. 14/AP/3158) be granted permission for its use as an office.
- 40 This same owner's concern that the development has caused an overbearing sense of enclosure to this adjoining building is not shared for the same reasons, i.e., it is not a dwelling house.
- 41 No other potentially harmful impacts on the amenity of neighbouring occupiers through loss of sunlight or daylight have been identified.

### **Quality of accommodation for future occupiers**

#### Internal space standards

- 42 Policy 3.5 (Quality and design of housing developments) of the London Plan states, inter alia, that, 'LDFs should incorporate minimum space standards that generally conform with Table 3.3. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards.'
- Table 3.3 sets out minimum space standards according to the type and 'maximum designed occupancy' of residential dwelling.
- 43 Saved policy 4.2 (Quality of residential accommodation) of the Southwark UDP (2007) states that planning permission will be granted for residential development where it achieves good quality living conditions and includes high standards of accessibility, outlook, privacy, natural daylight, ventilation, outdoor amenity space, safety, security and protection from pollution including noise and light.
- 44 The residential design standards SPD (2011) sets out guidance on what constitutes 'excellent' accommodation standards looking at factors such as exceeding minimum flat sizes, a preponderance of dual aspect units, and providing generous floor to



ceiling heights. It also largely echoes the minimum space standards set out in Table 3.3 of policy 3.5 of the London Plan.

- 45 The sizes of the five flats are set out in the tables which follow below. The first table shows the overall size of each flat and compares it to the relevant minimum standard in the London Plan (and the residential design standards SPD). The five tables further below look in more detail at the size of the individual rooms within each flat and compare these to the minimum standards in the council's adopted residential design standards SPD (2011). In many cases the standards in the SPD also match those in the Mayor's housing SPG (2012).

	Policy minimum size standard (sqm)	Actual Size (sqm)
Flat 1 (1b/2p)	50	<b>45.07</b>
Flat 2 (1b/2p)	50	<b>43.3</b>
Flat 3 (2b/4p)	70	<b>81.88</b>
Flat 4 (2b/4p)	70	<b>72.25</b>
Flat 5 (1b/2p)	50	<b>42.25</b>

<u>FLAT 1</u> 1-bed / 2-person flat on ground floor		
Kitchen/Living/Dining room	27	23.2
Bedroom	12	13.5
Shower-room/WC	3.5	4.37
Hallway	-	4
<b>TOTAL</b>	50	<b>45.07</b>

<u>FLAT 2</u> 1-bed / 2-person flat on ground floor		
Kitchen/Living/Dining room	27	29.64
Bedroom	12	11
Shower-room/WC	3.5	2.65
<b>TOTAL</b>	50	<b>43.3</b>

<u>FLAT 3</u> 2-bed / 4-person flat on first floor		
Kitchen/Living/Dining room	27	37.16
Bedroom 1	12	20
Bedroom 2	12	13.7
Bathroom	3.5	4.37
Hallway	-	4
Ensuite	-	2.65
<b>TOTAL</b>	70	<b>81.88</b>

<u>FLAT 4</u> 2-bed / 4-person flat on second floor		
Kitchen/Living/Dining room	27	31.64
Bedroom 1	12	12.7

Bedroom 2	12	13.7
Bathroom	3.5	5.5
Hallway	-	4
Utility	-	4.7
<b>TOTAL</b>	<b>70</b>	<b>72.25</b>

<u>FLAT 5</u> 1-bed / 2-person flat on third floor		
Kitchen/Living/Dining room	27	24.8
Bedroom	12	11.85
Bathroom	3.5	5.8
<b>TOTAL</b>	<b>50</b>	<b>42.45</b>

- 46 Within the consideration of internal space standards it is also noted that the flats all have good floor-to-ceiling heights (Ground-floor – 2.7m-2.95m; First-floor – 2.7m, Second-floor – 2.45m and Third-floor – 2.43m). Also not readily evident from the submitted plans but noted during the site visit were several examples of dedicated in-built storage space for each flat.

Internal layout and ‘stacking’

- 47 The development also demonstrates a high degree of stacking of like-for-like rooms in each of the flats above and below each other. The only exception to this is the relationship between Flat 2 on the ground-floor and the southern half of Flat 3 on the first floor. Although not a planning consideration to which any significant weight can be attached it is also noted that the applicant’s design and access statement refers to the fact that the current design is aimed at being able to demonstrate compliance with the current building regulations (Part E, 2003) standards for noise attenuation.

Outdoor amenity space

- 48 Saved policy 4.2(ii) of the Southwark UDP (2007) and Section 3.2 of the residential design standards SPD state that development should provide high standards of outdoor/green amenity space. The SPD advises that development should, as a minimum, meet and seek to exceed the following standards:
- 50m<sup>2</sup> of communal space per development;
  - For units containing 3 or more bedrooms, 10m<sup>2</sup> of private amenity space;
  - For units containing 2 or less bedrooms, ideally 10m<sup>2</sup> of private amenity space, and where this is not possible the remaining amount should be provided to the communal amenity space requirement.
- 49 In this flat conversion a private outdoor amenity space is provided to 3 out of the 5 flats; the two ground-floor 1-bed flats and the other 1-bed flat on the top floor. Therefore the only flats lacking private outdoor amenity areas are the two 2-bed units on the first and second floors of the development. The development does not provide a communal garden area.

	Private outdoor space provision (sqm)
Flat 1 (1b/2p)	18.5 (garden)
Flat 2 (1b/2p)	16.1 (garden)
Flat 3 (2b/4p)	-
Flat 4 (2b/4p)	-
Flat 5 (1b/2p)	7.4 (roof terrace)

- 50 On balance, while still representing a shortfall when measured against the guidance in the SPD the quantum of private outdoor space provided and its allocation within the scheme is considered to represent the optimum solution in this instance. It is also observed that private outdoor space is generally more likely to be regularly used and well-maintained than a communal garden and so where feasible the provision of the former is always more desirable than the latter in planning terms (and this priority is reflected in the wording of the guidance above).
- 51 In summary, although, as the first table above confirms, all of the 1-bed flats fall below the required minimum size of 50sqm, it is noted that all provide an outlook for their occupants in more than one direction (i.e., they are 'dual aspect' flats). In addition, all of these three 1bed units also benefit from having a private outdoor area, i.e., the two ground-floor flats each have their own private rear garden areas while the top floor flat has a roof terrace over part of the rear extension. It is also noted that the two 1bed flats on the ground floor still feel relatively spacious due to their generous floor-to-ceiling heights. As such, despite their sub-standard size in terms of gross internal floor space, it is considered that these 1bed units would still represent a good standard of accommodation.
- 52 Overall, therefore, considering the other benefits of the scheme, i.e., dual aspect, good 'stacking', in-built storage, good floor-to-ceiling heights throughout and not least the generous proportions of the two 2xbed flats at first and second floor level, it is considered that the quality of accommodation provided by the development is of a sufficiently high standard.

### **Design issues – impact on the character and appearance of the area**

- 53 The scheme is undeniably greater in bulk and massing (if not in terms of height alone) than the scheme granted planning permission in 1988, with the rear element in particular being wider and deeper as described above. However, what should be acknowledged is that, with the exception of the large 'rear dormer' part of the roof extension, the increase in the height of the roof and the position of the new higher ridge has merely brought the roof of the building into conformity with those of the other buildings in the terrace and in Darwin Street as a whole. The proportions and pitch of the new front roof slope therefore appears as though it were as originally designed and now forms a natural continuation of the existing roofscape in the street.
- 54 The rear dormer extension is also undeniably large. However, the host property was also always a substantial generously-proportioned double-fronted dwelling with a wide frontage onto Darwin Street and hence the dormer does not appear as excessive and overbearing as it might on a more modestly proportioned dwelling. Whilst it occupies the full area of (what one could have imagined to be) the original rear roof slope and hence does not comply with the guidance on roof extensions in the residential design

standards SPD, at the same time its visual impact on the surrounding area is lessened by a group of five large street trees within the wide pavement between the site and the carriageway of Old Kent Road as well as further street trees sited to the front (north) and west of the former public lavatory building to the rear of the application site. These are all deciduous trees and hence the degree of screening that they provide waxes and wanes with the seasons, but even during winter months their substantial branches partially screen the bulk of the extension at the rear and soften its appearance somewhat.

- 55 More distant views of the development from the north are also partially screened by the elevated section of the Old Kent Road which pass over the south side of the Bricklayer's Arms gyratory.
- 56 Any potential perception of the rear dormer extension as being overly large and overbearing is also mitigated by the fact that its north-east flank wall is sited between 20-25m back from the carriageway of Old Kent Road. This fact together with the fact that this part of Old Kent Road is particularly fragmented and visually incoherent (as a result of its highly-engineered, traffic-dominated design, the associated ramped walkways serving the north-south pedestrian underpass and the single-storey former public lavatory building to the rear of the site) mean that there is nothing in the immediate street scene that provides a visual reference to compare the rear dormer with in terms of either scale or design.
- 57 Although matching London stock brick (ideally using a proportion of reclaimed brick) would have been the preferred and obvious choice for the rear extensions, the choice and arrangement of materials used to complete the exterior surfaces of the development are nonetheless considered to be successful in appropriately ensuring that it harmonises with the character and appearance of the host building and the surrounding street scene.
- 58 Slate has been used for the extended front roof slope and the rear dormer extension and this sits well within the surrounding area where the vast majority of buildings are similarly covered with slate.
- 59 Up to second floor level, the rear-facing elevations of the rear extensions on the southern half of the building adjacent to No. 4 Darwin Street have been finished with a white render. This blends reasonably with the white painted brickwork on the main rear wall of No. 4, but this itself is an exception in the context of the predominance of rear elevations of original unaltered London stock brick between No.s 6 and 20 Darwin Street further to the south.
- 60 However, the larger, deeper three-storey part of the rear extension on the north side of the building has been finished in a light grey smooth render, finished in an 'ashlar block' effect. Although this represents the introduction of a new third wall material (in addition to the original London stock brick on the front wall and dormer flanks and the existing rough grey pebble-dash finish on the building's north flank), its neutral, recessive colour and smooth texture are considered to be quite successful in ensuring that this, the largest, most bulky, part of the development does not draw any further attention to itself but rather allows it to sit quite quietly in the background behind its screen of trees. Its scale and siting are also such that it obstructs views of the white-rendered parts of the rear of the building from Old Kent Road.

## **Transport and servicing issues – car and cycle parking and refuse facilities**

- 61 The application site has a public transport accessibility Level rating of 4 rating, meaning it has 'good' accessibility to public transport. There are tube and rail stations and many bus routes in the vicinity contributing to this rating. The site is located in the central activities zone and is within a controlled parking zone (CPZ).

### Car parking

- 62 Given that the site is located within a CPZ and in order to prevent possible over spill parking from the development, it is recommended that a condition is imposed preventing any occupiers of this development being eligible for on-street parking permits. Subject to this condition and the securing of adequate secure, covered cycle parking facilities through another condition the scheme is considered to be acceptable as a car-free development.

### Cycle parking

- 63 The applicant has shown a bin and cycle storage shed at the rear of the site (drawing no. 14010/003 Rev. B) that would be accessed via a side entrance. This arrangement is considered to be acceptable in principle as the store would appear to be sufficiently large to be capable of providing storage space for 5 cycles (1 space per flat in accordance the cycle parking minimum standards in the development plan). However, a condition is suggested to require further details of the store and the parking arrangement within it to be submitted for approval to ensure that it would be a sufficiently durable, secure and weather-tight structure as well as capable of accommodating the required 5 cycles.

- 64 Similarly, either this same condition or another condition shall require the creation of the side entrance to the store to be provided (as currently it is only proposed and has not yet been provided) within a reasonable period following any grant of permission, so as to ensure that this intended communal bin and cycle store actually comes into use as such for the benefit of future occupiers.

### Refuse / recycling facilities

- 65 The proposed bin storage arrangements of five 240 litre wheelie bins sat side by side against the east boundary of the store (two for refuse and three for recycling) is considered to be acceptable. There would also be sufficient space remaining to provide a third refuse bin if this deemed to be necessary in the future.

## **Planning obligations (S106 undertaking or agreement)**

- 66 None required for a development of this scale

## **Other matters**

- 67 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.
- 68 The application is CIL liable because it has involved the extension of a building to create additional dwellings. From the planning history it appears that more than 10

years has elapsed since the building was last in use as a single-family building and therefore any claim for exemption from CIL has been lost. Under the current CIL regulations (as amended since 2010) the applicant can off-set existing floor space (so that only the additional floor space created as a result of the extensions would be CIL liable), however this is dependent on the building having been lawfully actively used for 6 of the last 36 months which does not appear to be the case in this instance, hence it is considered that the whole building / floor space is CIL liable.

- 69 The CIL contribution based on the combined gross internal floor areas of the five areas is calculated as follows:  $284.75\text{m}^2 \times \text{£}35 = \text{£}9,966$ .

### **Conclusion on planning issues**

- 70 The development is not in strict accordance with the development plan in terms of its overall scale, bulk and massing and the sizes of three of the five flats. However, having said that, the development still provides a reasonably good standard of accommodation and amenity for future occupiers. While the size of the rear extensions are larger than would normally be considered appropriate, the particular site circumstances and the mitigation provided through the use of appropriate materials have combined to ensure that no significant harm has arisen either to the character and appearance of the area or to the amenity of neighbouring residents. More positively, the development has preserved the character and appearance of its Darwin Street frontage and has resulted in the provision of additional self-contained dwellings in a readily accessible part of the borough which therefore contributes to meeting the housing target set out in Policy 5 (providing new homes) of the Core Strategy.
- 71 As such, having taken all relevant policies, proposals and material considerations into consideration, officers recommend that the application be granted.

### **Community impact statement**

- 72 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.

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.

- a) The impact on local people is set out above.
- b) No issues specifically relevant to particular communities/groups likely to be affected by the proposal have been identified.
- c) No adverse or less good implications for any particular communities/groups have been identified in connection with the proposal.

## **Consultations**

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

## **Consultation replies**

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

### Summary of consultation responses

4 letters of objection from neighbours were received.

### Neighbouring residents at No.35 and No. 36 Searles Road

Object to the proposal on the grounds of:

- Loss of light to neighbouring properties
- Damage to the environment (no further details specified)
- Insufficient on-street parking capacity in Darwin Road, i.e., the development will greatly exacerbate existing levels of parking congestion.

### A resident in Darwin Street (address not supplied)

Object to the proposal:

- Concern expressed that the continued construction of this unauthorised development suggests that planning regulations are being ignored.
- Wish for it to be acknowledged that this development will have consequences for local residents in terms of putting additional pressure on already stretched local amenities and services such as parking, schools and local medical services.

### The owner of No.2 Old Kent Road

Object to the proposal on the grounds of:

- Over-development of the site
- Overbearing sense of enclosure and loss of privacy due encroachment to within less than 3m of the adjoining boundary wall of 2 Old Kent Road.
- Loss of privacy due to proximity of two rear terraces which overlook the garden of 2 Old Kent Road.
- Overshadowing of the garden of 2 Old Kent Road as well as neighbouring gardens – specifically loss of morning sunshine.

## **Human rights implications**

- 75 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.
- 76 This application has the legitimate aim of providing new commercial and housing. 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

77 None

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1119-E Application file: 13/AP/3316 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 5470 Council website: www.southwark.gov.uk

### APPENDICES

No.	Title
<b>Appendix 1</b>	Consultation undertaken
<b>Appendix 2</b>	Consultation responses received
<b>Appendix 3</b>	Recommendation

### AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Ciaran Regan, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	27 November 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 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
<b>Date final report sent to Constitutional Team</b>	<b>8 January 2015</b>	



**Consultation undertaken**

**Site notice date:** 10/12/2013

**Press notice date:** N/a

**Case officer site visit dates:** 21/01/2014, 24/01/2014 and 24/07/2014

**Neighbour consultation letters sent:** 28/11/2013

**Internal services consulted:**

Southwark Transport Planning Team  
Environmental Protection Team  
Design Surgery

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

**Neighbours and local groups consulted:**

Darwin Street: No.s 2, 3A, 4 (Flats 1-6), 5A, 6, 7A, 8, 9A, 10, 11A, 13A, 15A, 17A, 19A, 21A,

Mason Street: No.s 3B, 5B, 7B, 9B, 11B, 13B, 15B, 17B, 19B, 21B, 27, 31, 33

Old Kent Road: No.2

**Re-consultation:** None

## Consultation responses received

### Internal services:

#### Southwark Transport Planning Team:

The application supports the following policies:

5.2 – Transport Impacts

5.3 – Walking and cycling

5.6 – Parking

5.8 – Other parking

3.11 – Efficient use of land (protecting amenity, servicing, etc)

In terms of transport, we support the application in principle as it contributes to Southwark Council's sustainable transport policies; however, the number of cycle parking spaces should be provided prior to granting approval and the location of refuse and recycling bins should also be provided.

- No S106 required.
- No adverse transport impacts identified.
- Car-free development – the rights of residents or any members of staff to apply for CPZ permits should be removed.
- No environmental/streetscape improvements required.
- Cycle parking is not adequate on site.
- No Travel Plan required.
- No changes to traffic orders.

**Statutory and non-statutory organisations:** None

### Neighbours and local groups:

- The development has resulted in a loss of light to neighbouring properties.
- The development has caused overshadowing of the garden of 2 Old Kent Road as well as neighbouring gardens – specifically loss of morning sunshine.
- It causes an overbearing sense of enclosure and loss of privacy due to encroachment to within less than 3m of the adjoining boundary wall of 2 Old Kent Road.
- The development has caused a loss of privacy due to the proximity of two rear terraces which overlook the garden of 2 Old Kent Road.
- The development will exacerbate existing parking congestion levels in Darwin Street and surrounding residential roads.
- Wish for an acknowledged that this development will have consequences for local residents in terms of putting additional pressure on already stretched local amenities and services such as parking, schools and local medical services.
- The proposal is an over-development of the site.
- Concern expressed that the continued construction of this unauthorised development suggests that planning regulations are being ignored.