

Item No. 6.2	Classification: Open	Date: 10 March 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 13/AP/3316 for: Full Planning Permission Address: 2 DARWIN STREET, LONDON, SE17 1HB Proposal: 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)		
Ward(s) or groups affected:	Chaucer		
From:	Head of Development Management		
Application Start Date	01/11/2013	Application Expiry Date	27/12/2013
Earliest Decision Date	02/01/2014		

RECOMMENDATION

1. That the sub-committee grant full planning permission, subject to conditions.

BACKGROUND INFORMATION

2. The sub-committee will recall that this application was first presented for a determination to the Planning Sub-Committee B on 20 January 2015. At that meeting the sub-committee were initially minded to refuse the application on the grounds of the substandard size of three of the five flats and concerns were also expressed with regard to loss of light and noise attenuation measures. Ultimately however, the application was deferred on the understanding, as assured by the planning agent, that the plans would be revised to ensure that the development would be fully policy compliant.
3. The changes to the plans that have now been undertaken following the 20 January 2015 meeting can be summarised as follows; Flat 1 (ground-floor, north side) is proposed to be extended by a further 1m to the rear thus increasing its size from 45sqm to 51.3sqm. This is a single-storey rear extension only. Flat 2 (ground-floor, south side) is proposed to be extended by a further 1.53m to the rear thus increasing its size from 43.3sqm to 51.1sqm. This too is a single-storey rear extension only. These changes have inevitably reduced the private garden areas of these flats by the same amount.
4. At the top floor, Flat 5, is proposed to be changed from its existing layout as a 1xbed flat to create a studio flat. This would be done by removing a door and a partition wall to create a single open plan kitchen/living/dining/sleeping room and would mean that its 42.25sqm floor area would meet both the Council's minimum standard for studio flats

(36sqm) as well as the Mayor of London's minimum standard for studio flats with bathrooms (39sqm).

5. A summary of the background to this application now follows below:
6. Planning permission LBS ref. TP1119-E-AH was granted on 14 November 1988 for the conversion of a single-family dwellinghouse into 3 self-contained flats and 1 dwelling house, including the erection of a rear extension and roof alterations.
7. Following the grant of this planning permission, a building control commencement notice was received by the Council on 27th June 1989.
8. 17 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.
9. 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.
10. 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.
11. The configuration of accommodation in the original 1988 planning permission saw three 1xbed flats stacked one on top of the other within the northern half of the building with a communal access at the rear via a doorway in the north side boundary wall. The southern half of the building was to be occupied by a three-storey, three-bed dwelling house accessed through the building's original front door. The form of the rear cat slide roof slope on this half of the building (falling from a three-storey high ridge to a two-storey high eaves level at the rear) allowed only smaller mezzanine room at the front of the top / second- floor.
12. Since the submission of the application negotiations with the applicant have resulted in a reduction in the number of flats 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

13. 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.
14. 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.

15. The site is not located within a conservation Area nor is it located within the setting of any Listed Buildings.

Details of proposal

16. 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.
17. 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. (The additional changes proposed now would mean that it would now be 3.1m deeper than the original 1988 permission.)
18. 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. (The additional changes proposed now would mean that it would now be 4.43m deeper than the original 1988 permission and the rear eaves would now extend down to a height of 2.3m.)
19. 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.
20. 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.
21. 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.
22. A 2m deep roof terrace for the top floor studio 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.
23. 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 studio flat on the third floor within the extended roof.
24. All of the five flats would be accessed through the dwelling's original front door onto Darwin Street.
25. 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

26. 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 dwellinghouse into 3 self-contained flats and 1 dwellinghouse, including the erection of a rear extension and roof alterations.
GRANTED: 14/11/1988

Planning history of adjoining sites

27. 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 dwellinghouse 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 dwellinghouse.
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

28. 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

29. National Planning Policy Framework (Published 27 March 2012)
The following sections are of particular relevance:
- 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design.
30. The London Plan (Adopted 22 July 2011) (incorporating the Mayor's draft Further Alterations – publication version (December 2014))
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
31. Mayor of London Supplementary Planning Guidance (SPGs)
Housing (2012)
Sustainable Design and Construction (2006) (Saved)
Accessible London – Achieving an Inclusive Environment (2004) (Saved)
32. 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
33. Southwark Unitary Development Plan (Adopted 28 July 2007) (Saved Policies)
The Council's cabinet on 19th March 2013, as required by paragraph 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 3.1 - 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

34. Southwark Supplementary Planning Documents (SPDs)
Sustainable Design and Construction (2009)
Residential Design Standards (2011)

Principle of development

35. 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.
36. 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).
37. 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 National Planning Policy Framework. These issues are addressed in detail further below.

Environmental impact assessment

38. 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 (Environmental Impact Assessment) 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.
39. 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

40. 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.
41. 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.
42. *Privacy - Relationship with 4 Darwin Street*
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 dwellinghouse, 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. 14010/201 Rev.A).
43. 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. 14010/022 is considered to be acceptable in this regard. Its visual impact will be considered further below.
44. 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.

45. Privacy - Relationship with other neighbouring dwellings

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 / southwest-ward 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.

46. 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 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.

47. Daylight and sunlight

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.

48. 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.

49. Flat 2 on the south side would be extended to the rear by a further 1.53m. Its south flank wall runs adjacent to the shared side boundary with No. 4 Darwin Street and adjacent to this boundary on the opposite side lies this neighbouring property's conservatory. Its additional depth would approximately match the width of the first panel of the existing boundary fence and would end at approximately half the depth of the neighbour's conservatory (i.e., in line with the ridge of its shallow pitched roof).

50. With the continuation of its existing shallow mono-pitched roof down to a rear eaves of 2.3m (and the continuation of the existing shallow side parapet wall along the same trajectory, which sits only 150mm above the roofline) it is considered that this would be an acceptable relationship, bearing in mind that it is sited on the north side and that the conservatory is a fully translucent structure which receives most of any sunlight it receives from a south to southwest direction). It is also considered that the additional depth would not have any detrimental impact on the amenities of the occupiers of No. 4 Darwin Street in terms of sense of enclosure as, although this property's rear garden area is no deeper than that of the adjoining application site, the proposed further extension would only enclose half the depth of the garden and in any event the existing conservatory at No. 4 would still project even further rearward and arguably causes more of an enclosing effect upon the rear garden of No. 2 than any suggestion of the opposite as a result of the further rear extension now proposed. Above all it should also be remembered that it would only be single storey with a 2.65-2.45m high side parapet wall.
51. 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.
52. 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.
53. 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

54. Internal space standards
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.
55. 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.
56. 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.

57. 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 and Proposed* Size (sqm)
Flat 1 (1b/2p)	50	51.3*
Flat 2 (1b/2p)	50	51.1*
Flat 3 (2b/4p)	70	81.88
Flat 4 (2b/4p)	70	72.25
Flat 5 (studio)	36 / 39	42.25

<u>FLAT 1 - 1-bed / 2-person flat on ground floor</u>		
Kitchen/Living/Dining room	27	23.2
Bedroom	12	19.73
Shower-room/WC	3.5	4.37
Hallway	-	4
TOTAL	50	51.3

<u>FLAT 2 - 1-bed / 2-person flat on ground floor</u>		
Kitchen/Living/Dining room	27	37.45
Bedroom	12	11
Shower-room/WC	3.5	2.65
TOTAL	50	51.1

<u>FLAT 3 - 2-bed / 4-person flat on first floor</u>		
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
TOTAL	70	81.88

<u>FLAT 4 - 2-bed / 4-person flat on second floor</u>		
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
TOTAL	70	72.25

<u>FLAT 5 - Studio flat on third floor</u>		
Kitchen/Living/Dining room	27	24.8
Bedroom	12	11.85
Bathroom	3.5	5.8
TOTAL	36 / 39	42.45

58. As part of 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.
59. Internal layout and 'stacking'
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 layout has sought to maximise compliance with the current Building Regulations (Part E, 2003) standards for noise attenuation.
60. As already noted above, the existing 1xbed flat on the top floor would be modified by the removal of a partition wall and a door to become an open-plan bedsit studio. The layout would create a combined kitchen/living/dining/sleeping room which while open-plan would be comprised of two largely separate. However, the accommodation would at least all be located on a single floor and therefore different parts could still be used interchangeably to suit different needs over time. Together with the fact that it would exceed the minimum space standards for studios this top floor flat is considered to provide a good quality of accommodation for a studio.
61. Outdoor amenity space
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:
- 50m² of communal space per development;
 - For units containing 3 or more bedrooms, 10m² of private amenity space;
 - For units containing 2 or less bedrooms, ideally 10m² of private amenity space, and where this is not possible the remaining amount should be provided to the communal amenity space requirement.

62. 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 studio 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. The development does not provide a communal garden area.

	Private outdoor space provision (sqm)
Flat 1 (1b/2p)	14 (garden)
Flat 2 (1b/2p)	10.4 (garden)
Flat 3 (2b/4p)	-
Flat 4 (2b/4p)	-
Flat 5 (Studio)	7.4 (roof terrace)

63. While Flats 2 and 3 would not benefit from any private outdoor space, on balance looking at the scheme as a whole (and noting that, in terms of size, all the flats would now meet the relevant minimum space standards), the amount 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).
64. As noted above, Members also expressed concerns about traffic noise from the Old Kent Road / Bricklayer's Arms gyratory and its effect on the living conditions of occupiers of the subject flats. However, officers believe that the circumstances of the site are such that this is in fact not a significant issue. As stated elsewhere in this report, the site lies between 20-25m away from the Old Kent Road carriageway due to the fact that the footpath between the north end of Darwin Street and the Old Kent Road is unusually wide here. It is also observed that there are at least three dwellings on the opposite side of Darwin Street that are sited closer to the Old Kent Road than the application property. In addition to this, the property's north flank wall (which is largely windowless with the exception of a couple of narrow 'slit' windows (which are fixed shut), the existing high brick / masonry wall running along the site's northern boundary and indeed the several large mature London Planes just outside the site to the north, together act as an effective acoustic screen blocking out a significant amount of road noise. Ultimately, the case officer has visited the site on several occasions during daytime hours when traffic conditions were normal and having stood inside the flats, is satisfied that any discernible road noise was extremely limited and certainly not at a level than could be considered detrimental to residential amenity.
65. In summary, subject to the latest revisions to the proposed plans presented here, the sizes of all of the flats exceed the relevant minimum space standards. In addition, all have generous floor to ceiling heights, all provide an outlook for their occupants in more than one direction (i.e., all are at least 'dual aspect' and some are even 'triple-aspect'), all provide in-built storage areas and all demonstrate good 'stacking' of like-for-like living and sleeping rooms across party floors/ceilings and three out of the five flats would be provided with adequately-sized and relatively un-overlooked outdoor amenity space. For these reasons it is considered the scheme represents good quality accommodation.

The design of the development and its impact on the character and appearance of the area.

66. 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.

67. The further rearward extension of the building at ground-floor level would not been seen from any of surrounding public vantage point due to the high side boundary wall fronting Old Kent Road and the enclosure of the site at the rear by boundary walls and by the adjoining single storey buildings of the former public lavatories at No. 2 Old Kent Road, all of which are of at least an equivalent height to that of the further extensions now proposed.
68. The rear dormer extension is 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 (London Planes) 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.
69. 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.
70. 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.
71. 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.
72. 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.

73. 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.
74. 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 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.
75. Finally, since the application was last considered at the planning sub-committee meeting on 20 January 2015, proper, securely-affixed, metal (white finish) Juliet balcony railings (replacing all of the previous temporary timber Juliet balconies) have been installed as officer's had advised and have further improved the appearance of the development.

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

76. 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).
77. Car parking
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.
78. Cycle parking
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.
79. 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.

80. Refuse / recycling facilities

The proposed bin storage arrangements of five 240 litre wheeled 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)

81. None required for a development of this scale

Other matters

82. 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.

83. 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.

84. The CIL contribution based on the combined gross internal floor areas of the five flats is calculated as follows: $298.78\text{m}^2 \times \text{£}35 = \text{£}10,457.30$. This figure includes the additional 14.03sqm as a result of the additional rear extensions now proposed.

Conclusion on planning issues

85. While the overall scale, bulk and massing of the development is perhaps greater than what would normally be considered acceptable, in this particular instance no significant demonstrable harm either to the character and appearance of the local area or to the amenity of neighbouring residents is considered to have arisen. The scheme is now policy compliant in terms of the size of the flats and for the reasons stated above is considered to provide a good standard of accommodation and amenity for future occupiers. The development preserves 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.

86. As such, having taken all relevant policies, proposals and material considerations into consideration, officers recommend that the application be GRANTED.

Community impact statement

87. 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 Soutwark 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

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

Consultation replies

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

90. 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.

Southwark Transport Planning Team

No objection, subject to a condition preventing the issuing of residents parking permits to occupiers and subject to receiving clarification of the number of cycle parking spaces to be provided and the location of refuse/recycling storage.

Human rights implications

91. 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.
92. 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

93. There is no supplementary advice from other officers.

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
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ciaran Regan, Planning Officer	
Version	Final	
Dated	10 March 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance & 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		26 February 2015

APPENDIX 1

Consultation undertaken

Site notice date: 10/12/2013

Press notice date: N/a

Case officer site visit dates: 21/01/2014, 24/01/2014, 24/07/2014 and 23/02/2015

Neighbour consultation letters sent: 28/11/2013

Internal services consulted:

Southwark Transport Planning Team
Southwark Environmental Protection Team

Statutory and non-statutory organisations consulted:

Environment Agency

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:

A reconsultation on the changes to the proposed plans since the last Sub-committee B meeting on 20th January (outlined at the top of this report at paragraphs 3 and 4) was undertaken between 20/02/2015 and 08/03/2015 (14 days). Any comments received (and any required officer response) will be reported to the Committee via an Addendum.

APPENDIX 2

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.

Southwark Environmental Protection Team:

No comments received to date. However, should comments be received in due course they will be reported to the Committee via an Addendum.

Statutory and non-statutory organisations:

Environment Agency:

No comments received to date. However, should comments be received in due course they will be reported to the Committee via an Addendum.

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.