

Item No. 7.1	Classification: OPEN	Date: 7 September 2015	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/1363 for: Full Planning Permission Address: 197 MERROW STREET, LONDON, SE17 2NY Proposal: Retention of single storey rear extension to dwelling house		
Ward(s) or groups affected:	Faraday		
From:	HEAD OF DEVELOPMENT MANAGEMENT		
Application Start Date 15/04/2015		Application Expiry Date 10/06/2015	
Earliest Decision Date 23/05/2015			

RECOMMENDATION

1. That the application is referred to the Planning Sub-Committee for consideration at the request of members; and that planning permission is granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site refers to a two-storey terraced dwelling house located on the northern side of Merrow Street.
3. The site falls within the Liverpool Grove Conservation Area, however, the application property is not listed. The surrounding area is predominately residential.

Details of proposal

4. The current application is as a result of an enforcement case for an unauthorised extension that was not built in accordance with the approved plans under reference 14/AP/3267, and therefore this application seeks retrospective approval for the retention of the extension.
5. The approved scheme (14/AP/3267) was to erect a single storey rear extension which would extend out from the rear elevation of the site by 3.1m in depth and run the full width of the existing rear garden. The roof incorporated a pitched element as well as a flat roof with a maximum height of three metres reducing to 2.5 metres at the eaves. The flat element of the roof was 1.88 metres in length
6. The proposed materials were a tiled pitched roof to match existing, the flat roof was partly tiled and partly covered by a single ply membrane roof. The extension was and is built in London stock bricks, with a red soldier course brick detail to match the existing property with a timber framed window, timber framed doors, and 3

conservation type Velux windows.

7. The differences between the approved scheme and the unauthorised extension are:
 - A pitched roof sloping from 3.46m at its maximum height down to 2.41m in height to its eaves level
 - The rear elevation of the extension is 45 degrees angled towards No.195 Merrow Street, resulting in the projection on the boundary with No. 195 at 870mm in depth, instead of the approved depth at 3.1metres.
 - The materials used in carrying out of the structure differ from the approved materials in relation to the roof which is now covered in red clay tiles for the entire roof.
 - Installation of a duct for the central heating boiler, projecting 300mm beyond the roof slope of the extension.

Planning history

8. 14/AP/2978 Application type: Full Planning Permission (FUL)
Installation of 3 conservation Velux windows to rear roofslope.
Decision date 05/11/2014 Decision: Granted (GRA)
9. 14/AP/3267 Application type: Full Planning Permission (FUL)
Erection of single storey extension to rear of dwellinghouse
Decision date 18/11/2014 Decision: Granted (GRA)
10. 14/EN/0345 Enforcement type: Unauthorised building works (UBW)
Unauthorised works: The erection of a single storey rear extension without planning permission.
Sign-off date 19/11/2014 Sign-off reason: Final closure - miscellaneous reason (FCM)

Planning history of adjoining sites

11. 195 Merrow Street
No planning records
12. 199 Merrow Street
No planning records

KEY ISSUES FOR CONSIDERATION

Summary of main issues

13. The main issues to be considered in respect of this application are:
 - a) The principle of the development in terms of land use and conformity with strategic policies.
 - b) The impact of the development on the amenity of the adjoining properties.
 - c) Design Quality
 - d) Impact on the Liverpool Grove Conservation Area.
 - e) All other relevant material planning considerations.

Planning policy

14. National Planning Policy Framework (NPPF)
 - Section 7 - Requiring good design
 - Section 12 - Conserving and enhancing the historic environment
15. London Plan July 2011 consolidated with revised early minor alterations October 2013
 - Policy 7.4 - Local Character
 - Policy 7.6 - Architecture
16. Core Strategy 2011
 - Strategic policy 12 - Design and conservation
 - Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

17. The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
 - Policy 3.2 - Protection of amenity
 - Policy 3.12 - Quality in design
 - Policy 3.13 - Urban design
 - Policy 3.16 - Conservation areas
 - Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites
18. Residential Design Standards SPD (2011)

Principle of development

19. There is no objection in principle to alterations to residential properties in established residential areas provided that development is of a high standard of design, respects and enhances the character of its surroundings including any designated heritage assets and does not adversely impact upon the amenity of adjoining properties or residents in accordance with above mentioned development policies.

Summary of consultation responses

20. The owners of No.195 placed objections to the application, concerned:
 - The overall size of the extension covers more than 50% of the back garden area
 - the materials used are different from the approved scheme
 - reduction of sunlight and daylight
 - it would properly set an unwanted precedent for future developments that build first without planning consent and then apply after that – this point is not a material consideration in the determination of this application. The planning system allows for retrospective planning applications to regularise unauthorised development. As such, the determination of this application will not set a bad precedent. The fact

that a retrospective application has been submitted does not necessarily mean that planning permission would/should be granted. The Council, as the local planning authority, has therefore not in anyway fettered its discretion prior to the determination of this, or any other, application for planning permission. As such, this application must be considered in the normal way.

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

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

No. 195 Merrow Street

22. The extension projects 870mm in depth on the boundary with this adjoining property, instead of the approved 3.1m. The significant reduction in depth on the boundary would indeed generate less impact on a sense of enclosure to the occupiers of No.195 than the approved scheme.
23. With regard to impact on light, No.195 has an existing ground floor rear window adjacent to the fence with the application site. A site visit to No.195 confirmed that this opening is a primary source to receive light to the living room of No.195 and given the proximity to the development, it could therefore be affected by loss of light.
24. A 45 degree test conducted by the applicant on the floor plan (Ref: 14013-AB-002 Rev.B) via drawing a line at 45 degrees sideways from the centre of the affected window of No.195 states that the proposed extension would fall beneath this line.
25. According to the BRE guidance which states if the extension has a sloping roof, the height of the extension should be taken halfway along the slope of the roof. As such, a 45 degree test done on the elevation plan (Ref: 14013 PL-003) shows that this line would also go above the halfway of the pitched roof of the rear extension.
26. Both tests done on the plan and elevation demonstrate that daylight and sunlight levels received to the living room of No.195 are unlikely to be adversely affected by the development, because light will continue to be received either over the roof, or beyond the end of the extension.

No.197 Merrow Street

27. Like the application site, this adjoining property has an existing single storey rear extension set on the boundary with the application site. The proposal, although being higher than the approved scheme by 460mm, would not extend beyond the existing rear elevation of No.197. Therefore, the effect on neighbouring amenity to No.197 would be negligible.
28. It is considered that the extension that has been built on site would not materially harm the amenity of the adjoining properties, and on balance is acceptable in amenity terms.

Transport issues

29. None

Design issues

30. Strategic Policy 12 of the Core Strategy (2011) seeks to achieve the highest possible standards of design for buildings. Saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design', together, seek to achieve high quality architectural and urban design which enhances the quality of the built environment. The Council's Residential Design Standards 2011 provides general guidance on residential extensions to harmonise their scale, impact and architectural style. Section 7 paragraph 56 of the NPPF states that good design is a key aspect of sustainable development while paragraph 58 goes on to state that *'planning policies and decisions should aim to ensure that developments... respond to local character and history and reflect the identity of local surroundings and materials'*.
31. The council's Residential Design Standards SPD 2011 sets out the guidance for rear extension to a dwelling which should:
- not exceed 3m in depth and 3m in height, to preventing a feeling of enclosure
 - be of scale that is subordinate to the original building
 - not exceed 50% of the original outdoor amenity space
32. The structure built on site is 460mm higher than the approved scheme, resulting in its pitched roof projecting a height of 3.46m at maximum, which is not compliant with the guidance in the SPD. However, being single storey, the structure is not considered to dominate the host building.
33. The application site has a relatively small rear garden. The structure, as a result of its angled rear elevation, would have less floor space than the approved scheme and therefore would not exceed 50% of the original outdoor amenity space.
34. The red clay tiled roof, to replace the approved part tiled part single-ply membrane roof, are considered appropriate to its local context.
35. Based on the above assessment, the proposal is considered, on balance, acceptable in design terms.

Impact on character and setting of a listed building and/or conservation area

36. Saved Policy 3.16 'Conservation areas' asserts that within conservation areas, development should preserve or enhance the character or appearance of the area. Saved Policy 3.18 'Setting of listed buildings, conservation areas and world heritage sites', states that Permission will not be granted for developments that would not preserve or enhance:
- i. The immediate or wider setting of a listed building; or
 - ii. An important view(s) of a listed building; or
 - iii. The setting of the Conservation Area.
37. The site is situated within Liverpool Grove Conservation Area. The structure is located to the rear and is not visible from public viewpoints, and is constructed in materials to match the host building. Therefore the character and appearance of the Conservation Area would be preserved as a result of the development.

Impact on trees

38. None

Sustainable development implications

39. Not applicable

Other matters

40. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

Community impact statement

41. The impacts of this application have been assessed as part of the application process with regard to local people in respect of the "protected characteristics", as set out in the Equality Act 2010, the Council's Community Impact Statement and Southwark Council's approach to equality: delivering a fairer future for all, being age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex (a man or a woman), and sexual orientation.
42. In assessing this application, the Council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.
43. There are no protected characteristics or groups that have been identified as most likely to be affected by this proposal.

Consultations

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

Consultation replies

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

Human rights implications

46. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
47. This application has the legitimate aim of providing a rear extension to the dwellinghouse. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Conclusion on planning and other issues

48. The proposal would not result in a loss of amenity for the neighbouring properties to an extent to warrant refusal and it is also considered that the design is acceptable within its local context. On balance, it is recommended that the proposal should be granted permission.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1326-C Application file: 15/AP/1363 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 5403 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	Simon Bevan, Director of Planning	
Report Author	Marina Lai, Planning Officer	
Version	Final	
Dated	24 June 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		24 August 2015

APPENDIX 1

Consultation undertaken

Site notice date: 21/04/2015

Press notice date: 30/04/2015

Case officer site visit date: 08/05/2015

Neighbour consultation letters sent: 22/04/2015

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

197 Merrow Street London SE17 2NY
199 Merrow Street London SE17 2NY
195 Merrow Street London SE17 2NY

72 Aylesbury Road London SE17 2EH
74 Aylesbury Road London SE17 2EH
57 Longhurst Road London SE13 5NA

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

195 Merrow Street London SE17 2NY

197 Merrow Street London SE17 2NY