

Item No. 7.1	Classification: OPEN	Date: 7 October 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 15/AP/1426 for: Full Planning Permission Address: 7 COURT LANE, LONDON SE21 7DH Proposal: Construction of new basement; erection of rear, single-storey L-shaped extension; and erection of rear, dormer roof extension.		
Ward(s) or groups affected:	Village		
From:	Director of Planning		
Application Start Date 19/05/2015		Application Expiry Date 14/07/2015	
Earliest Decision Date 20/06/2015		Extension of Time 31/10/2015	

RECOMMENDATION

1. That planning permission is granted, subject to conditions.

Background information

This application is referred to the planning sub-committee following a referral request from Members.

Site location and description

2. The site is located to the northern side of Court Lane and comprises a semi-detached two storey dwelling.
3. The site sits within the Dulwich Village Conversation Area. The property is not listed. There are no listed buildings within close proximity.

Details of proposal

4. The erection of dormer roof extension to the rear elevation including two windows, one being obscured glazing. 'Conservation type rooflights would be used in the remaining parts of the attic which would sit flush with the respective roof slope; one rooflight positioned on the eastern slope would be partially visible from the front of the property. The dormer would be 1100mm in height sitting 300mm below the parapet, 6130mm in depth and 1915mm in width. It would be setback 3900mm from the end of the existing rear elevation. The new area created in the attic is to accommodate a bedroom and bathroom which measures 32.96sqm₂. Materials used would match existing. The original dormer extension was reduced in size following advice from officers.
5. At ground floor an extension would extend 2000mm in depth from the rear of the property, 5390mm wide and 3000mm in height. Bi-folding doors would be introduced to the rear extension leading on to a walk on rooflight measuring 1800mm in depth, 5390mm in width. Timber decking measuring 2700mm depth by 5390mm width would then follow. A retractable hatch measuring 1400mm in width and 2700mm in depth

provides access to a staircase leading to the basement. The staircase provides a secondary means of escape from the basement.

6. A side extension would extend back 7900mm from the existing extent of the kitchen, infilling around the existing storage rooms and effectively creating an L-shaped extension that wraps around the existing kitchen providing a new open plan living area. The side extension would be 1600mm wide.
7. The materials used on the ground floor side extension will include slate and bricks to match the existing, the rear extension would have a glazed roof measuring the same as the rear proposed extension of 2000mm in depth, 5300mm wide.
8. A flush metal grate measuring 1150mm depth by 1400mm wide would be inset into the ground adjoining the front elevation.
9. A new basement extension with lightwell to the front of the property and rear walk on rooflight would be provided. The front lightwell measures 1150mm depth by 1400mm wide with a metal grate at groundfloor level. The rear rooflight is 2000mm in depth, 5390mm wide and would sit flush at groundfloor level. The basement would measure 2700mm in height, 24800mm in depth and 5240mm in width. Part of the rear section of the basement will extend 6500mm under the existing rear garden. The basement would consist of amenity space including a cinema, playroom, laundry and store. The layout of the basement was also changed following advice from officers to remove a bedroom/kitchenette.

Planning history

10. None found

Planning history of adjoining sites

11. Granted. 02/AP/141. Address 1 Court Lane SE21. Description: Demolition of existing rear/side addition and construction of a single storey rear/side extension; construction of roof extension to rear projection.
12. Refuse. 03/AP/0683. Address 3 Court Lane SE21. Description: Construction of a timber garden shed at bottom of garden.
13. Granted. 07/AP/1564. Address 17 COURT LANE, London, SE21 7DHD. Description: Loft conversion with dormer window extensions to rear and side roof slopes of dwellinghouse, to provide additional residential accommodation.
14. Granted. 08/AP/1007. Address 11 Court Lane, London, SE21. Description: Construction of single storey side extension to dwellinghouse, to provide additional residential accommodation.
15. Refused. 07/AP/0377. Address 17 COURT LANE, LONDON, SE21 7DH. Description: Loft conversion with dormer window extensions to rear and side roof slopes of dwellinghouse, to provide additional residential accommodation .
16. Granted. 05/AP/2428. 19 COURT LANE, London, SE21 7DH. Description: Erection of a dormer roof extension on the roof of the existing rear addition, rooflight in side roof slope, and replacement of existing ground floor lean-to with ground floor extension to side of existing rear addition of dwellinghouse.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

17. 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 Listed Building(s)/Conservation Area.
 - e) All other relevant material planning considerations.

Planning policy

18. National Planning Policy Framework (NPPF) 2012
Section 7 - Requiring good design
Section 12 - Conserving and enhancing the historic environment
19. London Plan July 2015
Policy 7.4 - Local Character
Policy 7.6 - Architecture
20. Core Strategy 2011
Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards
21. Southwark Plan 2007 (July) - saved policies
The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 - Protection of amenity
Policy 3.12 - Quality in design
Policy 3.13 - Urban design
Policy 3.16 - Conservation areas
Policy 3.17 - Listed Buildings
Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites
Policy 5.2 - Transport Impacts

Residential Design Standards SPD (2011)
Dulwich Supplementary Planning Document (2013)

Principle of development

22. 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

23. Sixteen objections have been received over the proposed basement. The main issues were; the proposed basement extension would be harmful to the ground conditions, would create noise, dust, vibrations and disturbance during construction. Long-term structural damage and subsidence to neighbouring properties.
24. The remaining extension including dormer have caused concerns for being imposing, overbearing and not in keeping.
25. A separate matter regarding a crossover and the removal of a flower bed has been raised but this does not form part of the planning application.
26. Since the revised layouts were made public, 3 further objections have been received. This included comments on the basement impact assessment.
27. The above comments together with the additional comments received following revisions in the layout are addressed below.

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

28. 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. 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.
29. The dormer has been reduced in size significantly and is considered subservient to the main building. A bathroom is proposed in the rear element of the dormer, which is a non-habitable room. As such it would not give rise to any adverse impact on the occupiers of 1 Desenfans Road which is to the rear of the site. In addition the properties on Court Lane have relatively large rear gardens reducing the outlook impact. The side window facing 9 Court Lane is proposed as obscured glazing and as a result, would mitigate any potential overlooking. A condition is proposed to secure and retain this obscure glazing.
30. No adverse impact on the privacy of the occupiers of 5 Court Lane will occur as the dormer would be screened by the existing building.
31. Given the angles and materials used, the glazed roof over the extension at ground level would not significantly increase overlooking from any adjoining properties. Although the kitchen extension at its maximum depth is deeper than advocated in the Residential Design Standards, given its height and separation from the nearest windows at No. 9 next door it is not considered that it will create undue impact in terms of loss of outlook, light and privacy to this property. The depth of extension relative to No. 5, at 2m, is within the parameters recommended by the residential design standards and will not have an unreasonable impact.
32. The basement is significant in size extending 6500mm under the existing rear garden from the rear wall. The material fall back position in this regard is that basements under the original dwelling/house can be constructed as permitted development. Therefore in this instance, the majority of the basement extension could be construed as permitted development and only the protruding aspects underneath the rear garden

and lightwell to the front elevation would not constitute permitted development; and as such planning permission is required. As the property benefits from a large garden and the basement extension includes a lightwell and rooflight it would not increase overlooking into any adjoining properties, this aspect is considered acceptable.

33. Objectors also had concerns regarding noise and disturbance during construction. There are powers under environmental protection to deal with statutory nuisance including noise and disturbance, and detailed construction matters including subsidence and drainage are covered separately under the building regulations. However, to address concerns raised, the applicant provided supplementary information relating to the build-out of the basement, including any structural impacts upon neighbouring properties. The report considered the impact as acceptable and would not cause significant impact on neighbouring properties. The council's building control team reviewed in detail both the structural feasibility report and the basement impact assessment provided by the applicant and are satisfied that the structural impact from the proposed basement is acceptable and can be managed to protect the amenity of neighbouring properties.
34. In any case, if planning permission was granted, the applicant would have to comply with building regulations for the build out.
35. Thames Water placed no objections to the application.
36. It is therefore considered that the proposal will not adversely affect the amenity of adjoining occupiers, and is in compliance with the above policies.

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

37. None anticipated.

Design issues

38. Strategic Policy 12 of the Core Strategy (2011) seeks to achieve the highest possible standards of design for buildings. Saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design', together, seek to achieve high quality architectural and urban design which enhances the quality of the built environment. The Council's Residential Design Standards 2011 provides general guidance on residential extensions to harmonise their scale, impact and architectural style. Section 7 paragraph 56 of the NPPF states that good design is a key aspect of sustainable development while paragraph 58 goes on to states that *'planning policies and decisions should aim to ensure that developments... respond to local character and history and reflect the identity of local surroundings and materials'*.
39. The proposed dormer would be set in from gutterline by 1240mm and 300mm down from the roof ridge. Although the scales do not fully meet the guidelines within the SPD, given that the dormer would be set up from the outrigger significantly and is similar to the dormer at No.1 Court lane, in terms of appearance and the use of materials, the dormer is considered acceptable. In addition, unlike No.1 Court Lane the dormer is not visible from the front of the property so would not be noticeably to pedestrians on the highway. Given the modest sizes and conservation style the proposed rooflights are considered to be acceptable.
40. The proposed rear extension is proportioned well in relation to the host building; the footprint will incorporate the existing rear side store units. There will be no windows on the flank elevation facing the adjoining property. The materials used would match the existing building to help further reduce the prominence of the extension which faces

the neighbouring property.

41. On balance despite the large-scale basement extension it is considered that this element of the proposal satisfies the relevant criteria contained within the adopted Residential Design Standards SPD (2011) and Dulwich SPD. Sufficient headroom, natural light and ventilation will be provided. A new residential unit is not proposed.
42. Given the proposed size of the lightwell to the front of the property and its positioning underneath a metal grate it is considered that this element of the proposal is acceptable given the context of the site. The property is also sufficiently set back from the street so the lightwell will be masked by the grate, which itself will be disguised by vegetation. This will limit any adverse impacts upon the appearance of the wider streetscape and nature of the conservation area. Officers consider the grate should have vertical slats in design, which can be conditioned with the materials to be used.
43. The internal sliding door in the basement will need to be changed to a fire door following guidance from building control.
44. It is considered that the proposal is acceptable in design terms and accords with the relevant policies above.

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

45. 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.
46. The application site sits within the Dulwich Village Conservation Area. The proposed amendments would preserve the setting of this conservation area as the dormer is set well within the existing roofline. The ground floor extensions will be largely hidden from the public domain and the light well to the front will be partially hidden by a grate and vegetation, being set back from the footway by 4900mm.
47. The materials proposed are considered to be appropriate to the setting. Further, the proposed building alterations would not be seen from the street except the grate and single rooflight in attic. This will preserve the character of the Dulwich Village conservation area. It is recommended all materials used on the development proposal are conditioned.

Impact on trees

48. There is a tree in the neighbouring property at the rear of the site. It is within close proximity to the rear extension. The initial documents gave no information on the impact on existing vegetation. The applicant has subsequently provided additional information regarding the young mature holly tree. It has been identified that the significant roots are unlikely to be damaged as part of this proposal. However, to protect the tree during construction the urban forester has recommended a condition which will need to be met prior and during the build phase. The condition would also require the applicant to replace the tree if it was to be damaged or die. A replacement would have to be sited in the applicants' garden to the satisfaction of the Urban Forester.

49. In addition the Urban Forester has suggested an informative stating a S211 Conservation Order Notice could be sought by the neighbouring resident, which could potentially secure a replacement tree in their garden if it was to die as a result of this proposal.

Sustainable development implications

Other matters

50. 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).
51. As stated within the report many objections received relate to the structural integrity of adjoining building as a result of the basement proposal. The information provided has highlighted that the proposal would not cause significant impact on adjoining properties. However, as part of any works undertaken at the site the applicant would have to comply with Building Regulations, which would put the onus on the developer to protect the integrity of all buildings affected.

Community impact statement

52. 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.
53. In assessing this application, the Council has consulted those most likely to be affected as part of the application process and considered these protected characteristics when material to this proposal.

Consultations

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

Consultation replies

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

Human rights implications

56. 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.
57. This application has the legitimate aim of providing additional residential amenity space. 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

58. The proposed development would not give rise to unacceptable harm to the amenity of neighbouring occupiers. Furthermore it preserves the character and appearance of the Dulwich Village conservation area. It is therefore recommended that the application should be approved subject to conditions.
59. Proposed conditions would include:
- Tree protection and replacement,
 - Materials plus grate to be approved.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2563-7 Application file: 15/AP/1426 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 4004 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	Craig Newton, Transport Planner	
Version	Final	
Dated	18 September 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		25 September 2015

APPENDIX 1

Consultation undertaken

Site notice date: 28/05/2015

Press notice date: 28/05/2015

Case officer site visit date: 04/06/2015

Neighbour consultation letters sent: 22/05/2015

Internal services consulted:

Building Control

Statutory and non-statutory organisations consulted:

Thames Water - Development Planning

Neighbour and local groups consulted:

9 Court Lane London SE21 7DH
1 Desenfans Road London SE21 7DN
5 Court Lane London SE21 7DH
7 Court Lane London SE21 7DH
5 Desenfans Road London SE21 7DN
10 Desenfans Road London SE217DN
15 Court Lane London SE21 7DH
4 Desenfans Road London SE21 7DN
11 Court Lane Dulwich SE21 7DH
7 Druce Road Druce Road SE21 7DW

59 Dulwich Village Se21 7BJ
3 Desenfans Rd London SE21 7DN
3 Desenfans Rd London SE21 7DN
142 Burbage Road London SE21 7AG
13 Court Lane Dulwich SE21 7DH
7 Desenfans Road London SE21 7DN
13 Court Lane SE21 7DH
1 Desenfans Road London SE21 7DN
9 Desenfans Road Dulwich se21 7dn
5 Desenfans Road London SE21 7DN
9 Court Lane Dulwich Village SE21 7DH

Re-consultation: 24/08/2015

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

Thames Water - Development Planning

Neighbours and local groups

1 Desenfans Road London SE21 7DN
1 Desenfans Road London SE21 7DN
1 Desenfans Road London SE21 7DN
10 Desenfans Road London SE217DN
11 Court Lane Dulwich SE21 7DH
13 Court Lane Dulwich SE21 7DH
13 Court Lane SE21 7DH
13 Court Lane SE21 7DH
142 Burbage Road London SE21 7AG
15 Court Lane London SE21 7DH
3 Desenfans Rd London SE21 7DN
3 Desenfans Rd London SE21 7DN
4 Desenfans Road London SE21 7DN
5 Desenfans Road London SE21 7DN
5 Desenfans Road London SE21 7DN
59 Dulwich Village SE21 7BJ
7 Desenfans Road London SE21 7DN
7 Druce Road Druce Road SE21 7DW
9 Court Lane Dulwich Village SE21 7DH
9 Court Lane London SE21 7DH
9 Court Lane London SE21 7DH
9 Desenfans Road Dulwich SE21 7DN