

Item No.	Classification:	Date:	Meeting Name:
7.5	Open	11 November 2015	Planning Sub-Committee A
Report title:	Development Management planning application: Application 15/AP/2168 for: Full Planning Permission		
	Address: 114 BENHILL ROAD, LONDON SE5 7LZ		
	Proposal: Erection of first floor extension with roof terrace and greenhouse		
Ward(s) or groups affected:	Brunswick Park		
From:	Shanali Counsell		
Application Start Date 01/06/2015		Application Expiry Date 27/07/2015	
Earliest Decision Date 22/07/2015			

RECOMMENDATION

1. That planning permission be granted subject to conditions.

BACKGROUND INFORMATION

2. This application is reported to Planning Sub-Committee A following a referral request from members.

Site location and description

3. This application site comprises a two storey, 'L' shaped detached property located within a courtyard on the western side of Benhill Road. This property is accessed via a long narrow passage way before opening out to the courtyard where the property is located. The existing ground floor comprises a double height living/studio space, store room, bathroom and internal access to a small office/utility area. The main living/dinning/kitchen area is located at ground floor level however is accessed through doubled doors from the courtyard. The first floor comprises a small bedroom at mezzanine level above the double height studio, with a further two bedrooms and bathroom above the main living area at ground floor level. This property appears to have separate functioning space that does not interconnect. Following a site visit it was evident that the property functions as one residential unit (C3) despite its layout.

This site is orientated in such a way that it shares a common boundary with nine rear gardens. The surrounding area is characterised by rows of terraced housing, with the exception of a residential block to the north east of the site. This site is not listed nor is it located within a conservation area.

Details of proposal

5. This application proposes the erection of a first floor extension over the existing single storey element measuring 11500mm in total depth (8060mm in depth not including the glazed element) 6670mm in width and 5550mm in total height to eaves level and

7530mm total height to ridge.

6. The proposal would include a greenhouse bridging point between the main dwelling and the proposed extension. The glazing would be obscurely glazed allowing light into the studio space below. This element would also create a roof terrace situated within the two brick structures either side
7. The remainder of the extension would extend the existing small bedroom at mezzanine level.
8. A green roof is proposed to be installed to the existing flat roof of the utility area with a maintenance door at first floor level of the proposed extension.
9. **Planning history**

04/EN/0305 Enforcement type: Development (DEV) Erection of outbuilding in front of garden area Sign-off date 25/04/2006 Sign-off reason: Final closure - not expedient to enforce (FCNE)
13/AP/3639 Application type: Certificate of Lawfulness - proposed (CLP) The erection of single storey brick side extension to create a studio ancillary to the main building. Decision date 23/12/2013 Decision: Granted (GRA)

Planning history of adjoining sites

10. None of relevance.

Summary of consultation responses

11. Following consultation, 11 representations were received. The points raised have been summarised below and addressed in the main body of the application.
 - Overbearing
 - Overlooking, noise and loss of privacy
 - Impact on day/sunlight
 - Design
 - The greenhouse would be out of character with the existing building, destruction of butterfly wall parapet line
 - Construction hours.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
 - a) The impact of the development on the amenity of the adjoining properties.
 - b) Design quality
 - c) All other relevant material planning considerations.

Planning policy

13. National Planning Policy Framework (NPPF) 2012
Section 7 - Requiring good design

London Plan July 2015 consolidated with alterations since 2011

Policy 7.4 - Local Character
Policy 7.6 - Architecture

14. Core Strategy 2011
Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

15. The Council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the 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
Residential Design Standards SPD (2011)

Principle of development

16. No land use issues raised as this property will remain as a single family dwellinghouse (C3)

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

17. 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.
18. The application site is unusual in the fact that it is bounded by the rear gardens of nine buildings, although the area to be extended is limited to the southern side of the site and is therefore abutted by a smaller number of properties.
19. The proposal would be raising the height of the existing single storey element by 1750mm (eaves height) and would be raising the total height by 1650mm relative to existing ridge height, however would remain lower than the ridge height of the main building.
20. The western elevation shares a common boundary with numbers 3-11 Sansom Street. number 3 and number 5 Sansom Street share their common boundary with the

existing two storey building of number 114 Benhill Road, whereas numbers 7 -11 currently have a single storey building at the rear of the gardens. During a site visit to number 9 Sansom Street, an approximate measurement was taken to establish the distance from the rear outrigger to the common boundary with number 114 Benhill Road, which was 11m. The Residential Design Standards SPD stipulates that where development is proposed which faces affected windows in neighbouring properties, a 25 degree line should be drawn upwards from the centre of the affected window; if the proposed development is higher than this 25 degree line, there may be an unacceptable loss of daylight to the affected window. The submitted drawings (which actually state the separation distance to be only 10.4m from the rear of number 9 Sansom Street), demonstrate that the 25 degree test is not breached by the proposed development. This indicates that there would not be an unacceptable impact on daylight reaching number 9 Sansom Street, and those properties adjacent. It is acknowledged that the shadow cast by the proposal at the bottom of the garden of number 9 Sansom Road and those adjacent would marginally increase. However the afternoon sun would reach the rear gardens of the Sansom Road properties due to their orientation with the site. Given the separation distances to neighbouring properties, and taking into account the relatively modest increase in bulk resulting from this proposal, it is not considered that there will be an undue sense of enclosure through overbearing impact caused by the development on neighbouring properties.

21. The proposed greenhouse would be adjacent to number 7 Sansom Street. However as this element of the build would be lower in height than the main bulk of the proposed development, there would be no significant impact on daylight. The patent glazing would allow light into the studio below however not offer any views into the properties on Sansom Street as the glazing is angled away. The greenhouse would have obscure glazing, which would protect the amenity of the properties to the rear.
22. This application site also shares a boundary with numbers 116, 118 and 120 Benhill Road. Following similar daylight/sunlight tests it has been concluded that there would be no significant detrimental impact on the amount of daylight/sunlight reaching these properties. The windows to the second floor side elevation would allow views across the densely vegetated rear gardens however no direct view to the rear gardens would be possible from this position
23. The new bridging balcony would not result in any additional material impact on overlooking due to the set back from the neighbouring properties on Benhill Road. The existing screening from large trees and position of the proposed balcony in relation to these neighbouring occupiers would only allowed for limited views which would not materially impact on the privacy of these neighbours.
24. In summary, due to the juxtaposition of the site with neighbouring properties, an extension on number 114 Benhill Road would clearly have some impact on neighbouring properties. However, for the reasons set out above, the proposal will not have an undue impact on daylight and sunlight, nor will it result in an unreasonable sense of enclosure or overlooking.

Design issues

25. 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'.

26. The proposed works would result in an additional 1750mm in height to eaves level and an additional 1650mm in height to ridge level. Although this would be a discernible increase in bulk to the existing property, it is not considered detrimental to the host building or the surrounding area in design terms.
27. This site is bounded by several rear gardens as previously mentioned, and would be visible from these properties. However it is considered that the proposed design is sympathetic to the host building and to the surrounding area due to the use of materials and proportions in context with the site.
28. The raising of the roofline proposed would remain subservient to the main building. This property is a detached property, not within a terrace therefore there would be no impact on butterfly rooflines (which normally extend across the rear of multiple properties) and the dual pitched roof would be retained. The proposed use of material and glazing would be acceptable and would not detract from the host building.
29. The introduction of a green roof would be welcomed and encouraged by the council. This would warrant the access door from the first floor level. This however should not be used as a roof terrace and a condition to control this is recommended in the interest of neighbouring amenity. As a result of the above, it is anticipated that the proposed works would be in keeping with the form of the host building whilst remaining subservient.

Sustainable development implications

30. The proposed works would maximise the development potential within this residential site whilst remaining sympathetic to the surrounding area. The use of a green roof, coupled with the existing PV panels would be encouraged by the Council. The proposed development would provide high quality residential accommodation incidental to the main dwelling.

Other matters

31. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).
32. Construction impacts have been raised as a concern; however these are generally governed by separate environmental health legislation, which stipulate matters such as hours of work.

Community impact statement

33. 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.
34. 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 where material to this proposal.

Consultations

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

Consultation replies

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

Human rights implications

37. 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.
38. This application has the legitimate aim of providing additional residential accommodation. 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

39. The proposed development would be acceptable in terms of mass, scale and bulk and would not result in any significant harmful impacts on the amenity of the neighbouring occupiers or surrounding area. The works would remain subservient to the host building and would not detract from the character or appearance of the area. The use of materials is also acceptable, and as such it is recommended that planning permission is granted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2215-116 Application file: 15/AP/2168 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: 0207 525 1770 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	Shanali Counsell, Planning Officer	
Version	Final	
Dated	30 October 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		30 October 2015

APPENDIX 1

Consultation undertaken

Site notice date: 29/06/2015

Press notice date: n/a

Case officer site visit date: 30/06/2015

Neighbour consultation letters sent: 22/06/2015

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

112b Benhill Road London SE5 7LZ
Ground Floor Flat 120 Benhill Road SE5 7LZ
7 Sansom Street London SE5 7RD
9 Sansom Street London SE5 7RD
Flat 1 116 Benhill Road SE5 7LZ
Flat 4 116 Benhill Road SE5 7LZ
122 Benhill Road London SE5 7LZ
Flat 2 116 Benhill Road SE5 7LZ
Flat 3 116 Benhill Road SE5 7LZ
5 Sansom Street London SE5 7RD

First Floor Flat 120 Benhill Road SE5 7LZ
118 Benhill Road London SE5 7LZ
112a Benhill Road London SE5 7LZ
Second Floor Flat 120 Benhill Road SE5 7LZ
1 Sansom Street London SE5 7RD
15 Sansom Street London SE5 7RD
3 Sansom Street London SE5 7RD
11 Sansom Street London SE5 7RD
13 Sansom Street London SE5 7RD

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Email representation

Email representation

Flat 1 116 Benhill Road SE5 7LZ

Flat 1 116 Benhill Road SE5 7LZ

Flat 4 116 Benhill Road SE5 7LZ

Ground Floor Flat 120 Benhill Road SE5 7LZ

Ground Floor Flat 120 Benhill Road SE5 7LZ

11 Sansom Street London SE5 7RD

11 Sansom Street London SE5 7RD

118 Benhill Road London SE5 7LZ

118 Benhill Road London SE5 7LZ

13 Sansom Street London SE5 7RD

5 Sansom Street London SE5 7RD

5 Sansom Street London SE5 7RD

5 Sansom Street London SE5 7RD

7 Sansom Street London SE5 7RD

7 Sansom Street London SE5 7RD

7 Sansom Street London SE5 7RD

9 Sansom Street London SE5 7RD

9 Sansom Street London SE5 7RD