

Item No. 7.1	Classification: Open	Date: 19 January 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/3659 for: Full Planning Permission Address: LAND ADJACENT TO 3A FRIERN ROAD, LONDON SE22 0AU Proposal: Erection of a 6-bedroom two storey dwellinghouse including roof terrace at first floor level; bicycle store; vehicle crossover; x2 parking bays and landscaping		
Ward(s) or groups affected:	Peckham Rye		
From:	Director of Planning		
Application Start Date 14/09/2015		Application Expiry Date 09/11/2015	
Earliest Decision Date 24/10/2015			

RECOMMENDATION

1. That planning permission is granted subject to conditions.

BACKGROUND INFORMATION

2. This application is referred to Members for consideration due to the number of objections.
3. This application was presented to Planning Sub-Committee B on 8 December 2015. Members discussed the scheme after hearing representations from the applicant, objectors and a ward councillor. Members deferred determination of the application to allow the applicant to address members' concern that the proposed 40m² private amenity space to be retained for 3 Friern Road would not meet the standards set in the 2015 Technical Update to the Residential Design Standards (2011) SPD.
4. Subsequent to the Sub-Committee B meeting, the applicant provided revised drawings on 9 December 2015 to achieve compliance with the 2015 Technical Update to the Residential Design Standards (2011) SPD. The key change that was introduced is:
 - Moving the boundary between the application and 3 Friern Road to the north thereby increasing the amenity space of 3 Friern Road (see drawing ref: 4547/16C);

As a result of the above change, the scheme would provide 58m² private amenity space to the side and rear of neighbouring property at 3 Friern Road (previously 40m² was proposed); and the proposal site would have 122m² of private amenity space

(previously 123.82m² was proposed).

5. Neighbours were consulted on the revised scheme. A further 11 objections were received from neighbours as a result of the second round of consultations dated 14 December 2015, many referencing similar concerns.

Summary of consultation responses received during second round of consultations dated 14 December 2015

6. *A revised site plan has been submitted (4547/16C) which shows a revised site boundary. It is not legally possible to revise the site boundary during the determination of an application. This voids the current re-consultation process. To formally revise the site boundary, the applicant should follow correct procedures and withdraw the current application and re-submit.*
7. **Response:** It is the council's opinion that revision of site boundaries are lawful as it still falls within the original location plan (redline plan) submitted on 11 September 2015. Furthermore, the revision introduces a slight reduction in the application site which does not adversely impact on either the adjoining property (3 Friern Road) or nearby residents with regards to residential amenity. Neighbours were consulted on 14 December advising them of the change.
8. There is relevant case law to support the Council's position and interpretation of development control law and procedure in this regard. In *Britannia (Cheltenham) Ltd v Secretary of State for the Environment and Tewkesbury (1978)*, for example, it was recognised that it was acceptable for an applicant and the LPA to agree to a variation of an application at any time up to the determination of the application. It was said that to take any other view 'would fly in the face of everyday practice and make the planning machine even more complicated than it is.'
9. In *British Telecommunications PLC v Gloucester City Council (2001)*, the court specifically held it was acceptable for the site boundary to be amended provided that the interests of the public were fully protected. In order to protect the interests of the public, the key consideration is whether the changes are substantial or not and to carry out a public consultation.
10. *The submitted planning statement dated 9.12.15 calculates that, with an amended boundary line between the two dwellings, No. 3 will retain 58m² private amenity space plus 54m² front garden area.*
11. *Section 3.1 of the SPD states that houses should provide a minimum of 50 sqm private garden space. It further advises that the majority of space should be located at the rear of the property and should not be overlooked from public areas. Furthermore, the garden should be at least 10m in length and it should extend across the entire width of the dwelling.*
12. *We are deeply concerned that the applicants are treating the SPD figure of 50 sqm as a target to achieve and that this was also the impression given by officers at committee. (Section 5.0 of the planning statement states: "It was agreed that the proposed scheme would be acceptable if No. 3 Friern Road had 50m² private amenity space after the development for No. 3A"). Yet the wording of the SPD is absolutely clear – that the 50 sqm quoted is a MINIMUM standard for houses and the majority of the space should be located at the rear of the property.*

13. *It is not explicitly stated in sections 2.6 or 3.1 of the SPD; however it is best practice in planning policy that a family dwelling comprises 3 bedrooms or more. It can therefore reasonably be assumed that the 50 sqm minimum standard would apply to houses comprising 3+ beds and that the standard is worded as a minimum in order that it can be proportionately increased for larger dwellings. We believe the existing house at No. 3 has 8 bedrooms. The 2007 planning permission granted for extensions and alterations provided 6 bedrooms and we believe that further unlawful works completed subsequently at the property intensified the level of occupation by adding a further 2 bedrooms. As such, the existing property is more than double the size of the 3 bed unit for which the 50 sqm minimum standard could reasonably be expected to apply.*
14. **Response:** Section 3.1 (New Houses) of the 2015 Technical Update to the Residential Design Standards (2011) SPD requires that new houses should allow a minimum of 50m² of amenity space. The proposal complies with the requirement; however the application was deferred by members so that the proposal could be revised so that the amenity space for the existing dwelling (3 Friern Road) also comply with the SPD. Drawing ref: 4547/16C indicate 58m² of amenity space to side and rear and a further 54m² to the front of the existing dwelling (3 Friern Road). Objectors state that the section between the dwellings should not be counted as amenity space and should be assessed as a footpath. The objector goes further and state that if this space to the side is excluded, the remaining amenity space to the rear would equate to 31m².
15. The Residential Design Standard SPD states that ‘new houses’ should have a minimum of 50m² private garden space, and requires that ‘the majority of space should be located to the rear of the property’. As such, the 31m² equates to 62% of 50m², therefore it provides the majority of amenity space to the rear. The amenity space in this case relates to an existing dwelling, therefore site constraints must be considered and it is the officer’s opinion that the requirements of section 3.1 of the SPD have been met in this regard. Furthermore, the officer does not agree with objectors that the space between the two dwellings cannot be calculated as amenity space. Amenity space is defined as an important component in the layout and character of the built environment, ensuring not only a satisfactory standard of accommodation for occupiers but also in providing an appropriate setting for buildings, ensuring a satisfactory relationship between buildings and in making a positive contribution to the public realm. Amenity space can further be defined as land within the curtilage of a dwelling that is used exclusively for the day-to-day activities of a household, such as clothes drying, relaxation and gardening. It is therefore the Council’s opinion that the 58m² shown as amenity space in drawing 4547/16C *complies with the requirements of the SPD.*
16. Survey of private amenity space to the rear of properties in close proximity to the proposal site identified a pattern that it is not uncommon to find properties with small rear gardens in this area as shown in the table below.

Address	52 Upland	54a Upland	54 Upland	56 Upland	7 Friern	9 Friern	9 Piermont	3 Henslowe	5 Henslowe
Amenity space	27m ²	20.29m ²	31.49m ²	33.17m ²	19.12 m ²	24.06 m ²	39.4m ²	28m ²	36.2m ²

17. There are a number of appeal decisions relevant to this case where planning inspectors advised against the inflexible interpretations of standards set in supplementary planning documents. Planning inspectors in cases broadly similar to the application site have stated that SPD guidance should be applied flexibly having regard to the particular circumstances of each case.
18. Taking into account that the proposal provides a total of 112m² of amenity space to no. 3 Friern Road (back and front), previous appeal decisions, and the fact that there are a number of properties in close proximity to the site with gardens of a similar size; it is considered that the proposal complies with the requirements of the NPPF and London Plan 2015.
19. *In this regard, it is also significant that the submitted planning statement notes, "No. 3 will still have private amenity space that is bigger than No. 5, 7, 9, 11, 13, 15 and 17 Friern Road, and 52, 54a, 54 and 56 Upland Road". However most of these properties contain 3 bedrooms and are nowhere near as big as the 8 bedroom property at No. 3.*
20. **Response:** The council acknowledge that a large family is currently occupying No. 3 Friern Road; however there is no evidence that number 3 consists of 8 bedrooms. Furthermore, the application relates to the site adjacent to number 3.
21. *In addition to these factual errors in calculation, some of the site plans used as a base by the architects are also inaccurate as they show the original footprint of the garage, not the existing footprint after it was extended unlawfully in width and length. We therefore question the accuracy of the calculations and further clarification should be sought regarding the methodology.*
22. **Response:** Above objection was put to the applicant who confirmed that drawing ref: 4547/16C is accurate.
23. During reconsultation objectors, raised objections which are addressed in the body of this report and during the committee meeting on 8 December 2015. Furthermore the addendum addressing the late representations is attached as Appendix 2 of this report.
24. On the 22 December 2015 an enforcement case ref: 15/EN/0450 was registered for unauthorised development comprising: a brick and metal railing boundary wall 2 metres high and conservatory on the Friern Road entrance at 3 Friern Road. The enforcement case is not relevant to this application as it relates to the neighbouring property; however it appears that the works have been completed more than 4 years ago therefore the breach of planning control might be immune from enforcement action.

Site location and description

25. The site is located at a sharp corner between Friern Road and Upland Road. The existing site is currently part of the private open space of 3 Friern Road, entirely enclosed by a brick boundary wall with metal railings on top. It is currently used as a paved parking area with a capacity of 6 cars. The remaining space at the far northern corner is used as an additional garden area for 3 Friern Road.
26. The application site comprises a parcel of land measuring 326m². The site is directly accessible from either Friern Road. Friern and Upland Roads are predominantly

residential streets comprising of 2 storey terrace houses. At the northern end of the proposal site is a Grade II listed K2 telephone kiosk.

27. The site is located within an air quality management area and urban density as identified by the Development Plan. The proposal site is not within a conservation area nor is it listed; however it is in the setting of a Grade II listed K2 telephone kiosk. The site falls within a medium PTAL rating of 3.

Details of proposal

28. The proposed scheme is for the construction of a detached two storey 6-bedroom single family dwelling house with 2 off-street parking bays and covered bicycle store for 2 bicycles. The dwelling would have a right angle footprint and comprise a modern brick design with a flat roof with roof terraces on the first floor. The accommodation would comprise:

29. Ground floor:

<u>Description</u>	<u>Required size</u>	<u>Proposed size</u>
Living / Dining / Kitchen	30m ²	46.79m ²
Main Entrance Lobby and Staircase		10.19m ²
Bedroom 1	7m ²	13.47m ²
Bedroom 2	7m ²	15.07m ²
En-suite	3.5m ²	3.60m ²
En-suite	3.5m ²	3.60m ²
Terrace		6.32m ²
Amenity Space (Garden)	50m ²	123.82m ²

First floor:

<u>Description</u>	<u>Required size</u>	<u>Proposed size</u>
Landing		6.43m ²
Bedroom 3	7m ²	14.19m ²
Bedroom 4	12m ²	18.01m ²
Bedroom 5	7m ²	16.41m ²
Bedroom 6	7m ²	16.69m ²

Family bathroom	3.5m ²	3.60m ²
En-suite	3.5m ²	3.60m ²
En-suite	3.5m ²	3.60m ²
Terrace		6.56m ²
Terrace		5.19m ²
Storage	2.75m ²	5.07m ²

30. The external area of the application site comprises a parcel of land measuring 316m² with a gross internal floorspace of 191.25m² over two floors.

31. Proposed External Works

- Covered and secured bicycle store (for 2 bicycles);
- 2 parking bays finish with permeable block paving;
- Shared side access (timber garden gate) with permeable block paving;
- 2 paved external area directly outside living room;
- Roof terrace at first floor level;
- Lawn in the garden area;
- 5 new trees along the boundary wall.

32. Re-siting of vehicular access to front of building; installation of new dropped curb / cross-over.

33. **Planning history**

05/AP/2082 Application type: Full Planning Permission (FUL) Erection of ground-floor and first-floor rear extension to dwellinghouse. Decision date 28/11/2005 Decision: Refuse (REF)
06/AP/1779 Application type: Full Planning Permission (FUL) Erection of a two storey rear extension and a loft conversion including two separate rear dormer window extensions all to provide additional residential accommodation to dwellinghouse. Decision date 07/11/2006 Decision: Refused (REF)
07/AP/0048 Application type: Full Planning Permission (FUL) Erection of a single storey rear extension and construction of two rear dormers (facing Upland Road) to facilitate a loft conversion; rooflights to front elevation; all to provide additional residential accommodation to dwellinghouse. Decision date 29/03/2007 Decision: Granted (GRA)
14/EQ/0072 Application type: Pre-Application Enquiry (ENQ) New build single family house on an enclosed private land Decision date 15/08/2014 Decision: Pre-application enquiry closed (EQC)
Planning application 15/AP/0991 for the erection of a 6-bedroom two storey

dwellinghouse including landscaping, boundary treatment, and re-siting of vehicular access to front of building; installation of new dropped curb / cross-over was withdrawn on 21st July 2015 so that a revised scheme could be submitted addressing the objections raised in regards to this scheme.

The current application is this revised scheme. The following changes were introduced addressing previously raised concerns:

- Materials:
- Roof form:
Concerns were raised in 15/AP/0991 that the proposed pitched roof would be out of character in within the area and would result in the building being too high. It is proposed to change the roof form from a pitched roof to flat roof reducing the massing and total height of the building;
- Façade treatment:
Concerns were raised that the triangular footprint of the proposed dwelling would create two incredibly long façades for a two storey dwelling. It is proposed that the windows along the façade actively responded to the window heights next door. The proposed façade is changed to brickwork and has a combination of traditional stretcher bond, pattern and brick screen to break up the elevations.

These changes were introduced and are now being assessed in the current application 15/AP/3659.

34. **Planning history of adjoining sites**

71 Upland Road

02/AP/1006 for: Full Planning Permission granted for change of use from single terraced dwelling house into 2 flats.

52 Upland Road

14/AP/1549 for: Full Planning Permission granted for the construction of a part single, part double storey rear extension and a single storey side extension following the demolition of the existing rear extension and lean too garage.

7 Friern Road

11-AP-1767 for: Full Planning Permission granted for the demolition of single storey conservatory; part single storey, part two storey side/rear extension to dwellinghouse, providing additional residential accommodation.

30 Friern Road

05-AP-1709 planning permission granted for the conversion of existing house to form 3 self contained flats and construction of a part single storey part three storey side extension with first floor roof terrace to form two flats and involving raising the ridge of the existing house; installation of new entrance gates onto Upland Road.

12/AP/3324 for Certificate of Lawfulness – proposed granted for planning permission (05-AP-1709) granted for: the conversion of the existing house at 30 Friern road to form 3 self contained flats and the construction of a part single storey part three storey side extension with first floor roof terrace to form two flats; certificate to confirm this permission was lawfully implemented.

50 Friern Road

14/AP/0087 for Certificate of Lawfulness – proposed granted for the conversion of two flats into a single family dwellinghouse.

KEY ISSUES FOR CONSIDERATION

35. **Summary of main issues**

The main issues to be considered in respect of this application are:

- a) the design of the scheme and its relationship to the surrounding context
- b) impact on the amenity of adjoining and nearby occupiers
- c) quality of residential accommodation
- d) impact on the local transport network.
- e) impact on the setting of the Grade II listed telephone kiosk;
- f) all other relevant planning material considerations

Planning policy

36. National Planning Policy Framework (the Framework)

Section 1 – Sustainable development

Section 4: Promoting sustainable development

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

37. London Plan July 2011 consolidated with revised early minor alterations October 2013

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.9 Mixed and balanced communities

Policy 3.8 Housing choice

Policy 4.1 Developing London's economy

Policy 4.3 Mixed use development and offices

Policy 5.3 Sustainable design and construction

Policy 6.9 Cycling

Policy 6.10 Walking

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

Policy 7.8 Heritage assets and archaeology

Policy 8.3 Community infrastructure levy

38. Mayor of London: Housing SPG (2012)

Mayor of London: Accessible London: Achieving an Inclusive Environment (Saved

SPG, 2004)

The Mayor of London's Housing SPG (November, 2012)

39. Core Strategy 2011

Strategic Policy 1 - Sustainable Development

Strategic Policy 2 – Sustainable transport

Strategic Policy 5 – Providing new homes

Strategic Policy 6 – Homes for people on different incomes

Strategic Policy 7 – Family homes

Strategic Policy 12 - Design and Conservation

Strategic Policy 13 - High Environmental Standards

Strategic Policy 14 - Implementation and delivery

Southwark Plan 2007 (July) - saved policies

40. 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.

Saved policy 3.1 (Environmental Effects)

Saved policy 3.2 (Protection of amenity)

Saved policy 3.7 (Waste reduction)

Saved policy 3.11 (Efficient use of Land)

Saved policy 3.12 (Quality in Design)

Saved policy 3.13 (Urban Design)

Saved policy 3.18 Setting of listed buildings, conservation areas and world heritage sites

Saved policy 4.1 Density of residential development

Saved policy 4.2 (Quality of accommodation)

Saved policy 5.2 (Transport impacts)

Saved policy 5.3 (Walking and Cycling)

2015 Technical Update to the Residential Design Standards (2011) SPD

Dulwich SPD 2013

Summary of consultation replies (25)

41. A total of 25 objections have been received from neighbours for this application, many referencing similar concerns. Common reasons for objection include:
- Size and design of proposed build would be incongruous with the surrounding properties
 - Loss of privacy
 - Loss of daylight / sunlight
 - Impact on parking
 - Materials proposed
 - Loss of garden space
 - Highway safety
 - Noise.

Land use

42. The NPPF, (para 53) and the Dulwich SPD seek to resist inappropriate development of residential gardens where the development would cause harm to the local area. This proposal, however, would not represent a typical backland garden development, as it has two street frontages. It is not considered that the proposal would result in harm to the local area. As such, the principle of the development is considered acceptable.
43. The site lies in the suburban density middle zone, and SP 5 requires a density of 200-350hr/ha. The density of the proposed development would equate to 245hr/ha which would sit comfortably within this range.

Environmental impact assessment

44. Not required for a development of this scale and type.

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

45. Saved Policy 3.2 states that development will not be granted permission where it would cause loss of amenity to present and future occupiers in the surrounding area or on the application site.
46. The proposed development is not considered likely to result in a significant loss of amenity for the occupiers of adjoining sites. The proposed two storey detached dwelling would not generate noise levels which would be inappropriate / excessive and the development would not be overbearing upon or likely to result in overshadowing of any neighbouring rooms or gardens.

Loss of privacy or overlooking

47. The building distance between the proposed development at number 3a and number 3 is approximately 2.05m and echoes the rhythm of end on end separation along Friern Road. In terms of other adjoining properties, the development is approximately 24.235m away from the other properties on the opposite side of the road on Friern Road and 21.042m from those on Upland Road. This complies with section 2.8 'Privacy and security' of the Residential Design Standards 2011 which states that to prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve a minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway.
48. Concerns raised in regard to loss of privacy as a result of the proposed roof terraces at first floor level. Both these terraces are modest in size (5.19m² and 6.56m²), have a separation distance of more than 21m from the nearest neighbouring property and are located behind brick screen walls so that there is not direct overlooking of neighbouring sites.
49. Given the above, it is not considered that the proposed location of the development would result in any harmful loss of privacy or overlooking.

Loss of daylight/sunlight

50. The dwellings facing the site on Friern Road and Upland Road do not require daylight analysis, as the proposed building (3A Friern Road) falls beneath a 25 degree angle taken from a point 2m above ground level of the neighbouring properties. The BRE regulations states that no further analysis is required as there will be adequate skylight (i.e. sky visibility) available.
51. Based on the site layout and the proposed drawings, it is clearly shown that the existing buildings on Upland Road and Friern Road facing the site will retain access to daylight and sunlight.
52. The recommendation set down in the BRE report, 'Site layout for daylight and sunlight, a guide to good practice' would indicate, for residential properties, that a VSC value of greater than 27% is acceptable. The BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value.
53. The proposed dwelling (3A Friern Road) would not cause loss of daylight or sunlight to any of the neighbouring buildings, the only loss would be for the vertical sky component of the glazed door on the north East elevation of 3 Friern Road; however the annual probable sunlight hours was not below the recommended level.
54. The existing VSC for the glazed door is 37.52% and the proposed VSC is 10.96% which is below the recommended 27% as set out in the BRE guidance and a significant reduction proportionately. A mitigating factor is that the room served by the door benefits from a window which would not suffer any reduction in the VSC and the room would retain acceptable levels of light.
55. As a result of the site's location and its separation from neighbouring properties, it is considered that the proposed development would not result in a detrimental impact on the amenity of nearby neighbours in regards to loss of daylight / sunlight, loss of privacy or a sense of enclosure.

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

56. There will be no conflict of use detrimental to amenity such that neighbouring uses cannot co-exist with this development.

Transport issues

Car parking

57. The site is within an area with a Public Transport Accessibility Level of 3 which is moderate. The application site is not within a controlled parking zone. On site parking would be provided for two cars therefore it is not considered that the addition of the one residential unit would have an adverse impact upon parking in the local area.
58. It is proposed to remove the existing cross-over and reinstate the pavement. The proposed new cross-over would comply with the requirements of the Sustainable Transport (Southwark Council, 2010) Supplementary Planning Document and Southwark Streetscape Design Manual (SSDM).

59. *Refuse storage*
A suitable refuse storage area is shown adjacent to the cycle storage in close proximity to Friern Road. The storage area would provide storage for the following refuse containers: food and garden 240L, general waste 240L and dry recycling 240L.
60. All of the above issues are therefore considered to be satisfactory and in accordance with the relevant development plan policies set out above.

Design issues

Local Context

61. The site is located at a sharp corner between Friern and Upland Roads. Mainly two-storey high terrace houses can be found along this stretch of Friern Road and Upland Road. The proposal is for a contemporary 6-bedroom dwellinghouse, with 2 off-street parking bays and covered bicycle store for 2 bicycles with easy access from Friern Road.
62. The house would be detached, following the building line on Friern Road, and two storeys in height. The surrounding properties mainly consist of two storey developments with pitched roofs, and as the proposal are set back from the street. The proposed development will have a flat roof measuring 6.815m in height where No. 3 Friern Road measures 9.088m in height. The roof ridge of the properties down Friern Road steps down in height therefore there are no consistent ridge height within Friern Road.
63. *Site Layout and Design*
The proposed 6-bedroom single-family house is a 'bottom-up' design. The proposed flat roof reduces the massing and total height of the building. As such the height of the roof ridge is approximately 2.2m lower than the ridge of 3 Friern Road. The building gap between No. 3 and 3a is designed to have the same width as the gap between No. 5 and No. 3, echoing the massing and rhythm of the residential block. The dwellings would be appropriately sited on the land, and the dwellings are provided with an acceptable amount of private amenity space. The site is irregularly shaped, however, it appears that the site layout maximises the efficient use of the land.
64. While the design approach is quite different from the traditional Victorian dwellings along this street, it would not appear visually discordant with the surrounding area. The proposal does follow some elements of the neighbouring dwelling at No. 3 in terms of width, depth and following the building line of the street particularly that on Friern Road.
65. Furthermore the proposal include the re-siting of vehicular access to front of building on Friern Road, and the installation of new dropped curb / cross-over.
66. The architectural design is considered to be acceptable. Concerns have been raised by a neighbouring resident that the development will result in overdevelopment and that the design of the building would result in loss of privacy and overlooking of neighbouring properties and should be refused.
67. Whilst this is noted, given that the height, scale and massing of the development and the separation with neighbouring buildings (approximately 24.5m away from the

properties on Friern Road and 20.8m from those on Upland Road), it is not considered that concerns regarding the architectural design resulting in overlooking would be sufficient grounds for refusing planning permission. Furthermore, the proposed development would equate to 245 habitable rooms per hectare and would therefore comply with this policy.

68. Following the comments from neighbours submitted under planning reference 15/AP/0991, the proposed façade has been changed to brickwork and has a combination of traditional stretcher bond, pattern and brick screen to break up the elevations. The objector goes further and states that there is nothing traditional about this type of brickwork in this area. The traditional brickwork in this area is Victorian yellow stock brick.
69. It is considered that the brickwork with a combination of stretcher bond and patterns are appropriate for the proposed development as the site is not within a conservation area; however it is within the setting of a Grade II listed telephone kiosk.
70. A further objection was raised that the triangular footprint of the proposed dwelling would create two incredibly long façades for a two storey dwelling. The elevations have an uncomfortably strong horizontal feeling, which jars with the vertical rhythm of the traditional Victorian houses in the area. As a result of the objection raised under planning reference 15/AP/0991 at this site, the applicant designed a scheme with a flat roof which reduces the massing and total height of the building. Along the facade, proposed windows actively responded to the window heights next door at No. 3. Furthermore, brickwork with a combination of traditional stretcher bond, pattern and brick screen has been introduced to break up the elevations. Number 3 Friern Road is a detached dwelling with a rather large façade fronting the highway therefore it is considered that the contemporary design of the development at No. 3A Friern Road is acceptable.

Quality of accommodation

71. Saved policy 4.2 requires new residential developments to provide a good standard of accommodation.
72. The overall size and layout of the dwelling would be acceptable as it accords with the council's minimum room size and floorspace standards. The building as a whole is a dual-aspect would have good natural daylighting, generous floor-to-ceiling heights and would provide plenty of in-built storage space. The proposal would provide approximately 123.82m² private amenity space in the form of a garden for this development.
73. The existing house at no. 3 would be left with a private useable garden area of 40 sq metres, although significantly reduced it would still provide a reasonable amount of private amenity space for a single dwelling.

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

74. The application site is within the setting of a Grade II Listed Building namely; K2 telephone kiosk at the junction with Friern Road. It is considered that the proposed development through its careful design and detailing will preserve the special architectural or historic interest of the listed building and its setting.

75. The development is therefore acceptable in terms of design, scale, massing and materials.

Impact on trees

76. The development site is currently a residential property and garden that benefits a large corner plot. The garden edges have young / semi-mature trees, all of which have been subject to repeated reduction pruning. The site previously had 8 Lime Trees which was protected by TPO 64 (1979). These have all been removed over the years; however there are no Council records referring to the removal of these protected trees and the former TPO is not in effect.
77. The proposed development will require the removal of seven small fruit trees. These do not constitute a constraint on development due to their size and low amenity value. The proposal would provide 5 new trees along the site boundary; it is recommended that any permission should be conditioned to include a suitable hard and soft landscaping plan as well as details for the protection of the street tree on Friern Road which is proposed to be retained.

Other matters

CIL

78. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration; however the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
79. In Southwark the Mayoral CIL was established at a rate of £35 per sqm of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development. The Mayoral CIL in Southwark currently is calculated on the basis of £40.02 per sqm and this equates to **£7,884.46** and Southwark CIL amount is **£39,400**.

Density

80. Strategic Policy 5 (Providing New Homes) of the Core Strategy locates the site within the Urban Density Zone which has a density range of 200-700hr/ha.
81. The density of the proposed development would equate to 245hr/ha.

Back-land development

82. Dulwich supplementary planning document (July 2013) states that back-land development sites are those located predominantly to the rear of existing dwellings separated from the residential dwelling (e.g. not a conservatory or extension to the existing dwelling). The proposal is located at a sharp corner between Friern Road and Upland Road it is therefore not considered that this is a back-land development.

In-fill development

83. Dulwich supplementary planning document (July 2013) states that in-fill development occurs where there is development of sites located between existing property frontages, and where any new buildings should normally continue the lines of existing development to each side. Even though that this proposal is located at a sharp corner between Friern Road and Upland Road it can be assessed as an infill development
84. The proposed dwelling follows the building line on Friern Road; however as a result of the shape of the application site and the contemporary design it could not follow the building line at the rear on Upland Road. Furthermore the proposal makes efficient use of the land providing new housing within this residential area.

Conclusion on planning issues

85. On balance, the proposed development in terms of design, scale, massing and materials would be suitable for this development within the streetscape. In addition, the proposal will not affect the setting of the listed telephone kiosk which is in close proximity to the application site. The development will have no significant adverse impacts on the amenity of any adjoining occupiers or the surrounding area and will provide high quality accommodation and is acceptable in land use terms.
86. The scheme complies with the relevant saved policies of The Southwark Plan 2007 (July), The Core Strategy 2011 and the NPPF 2012. As such it is recommended that detailed planning permission be granted subject to conditions.

Community impact statement

87. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
 - a) The impact on local people is set out above.
 - b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: None
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

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.

Human rights implications

90. 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.
91. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2592-3 Application file: 15/AP/3659 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 5451 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation
Appendix 4	Pre-application advice
Appendix 5	Previous addendum
Appendix 6	Amended site plan

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Neil Loubser, Planning Officer	
Version	Final	
Dated	7 January 2016	
Key Decision	None	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		7 January 2016

APPENDIX 1

Consultation undertaken

Site notice date: 28/09/2015

Press notice date: 01/10/2015

Case officer site visit date: 28/09/2015

Neighbour consultation letters sent: 16/09/2015

Internal services consulted:

Highway Development Management

Statutory and non-statutory organisations consulted:

Thames Water - Development Planning

Neighbour and local groups consulted:

38 Friern Rd East Dulwich SE22 0AX
& 26 Friern Road SE22 0AT
2 Friern Road East Dulwich SE22 0AT
83 Upland Road London SE22 0DB
13 Friern Rd East Dulwich Se22 0au
27 Friern Road London SE22 0AU
77 Upland Road London SE22 0DB
75 Upland Road London SE22 0DB
79 Upland Road London SE22 0DB
73 Upland Road London SE22 0DB
46 Friern Road London SE22 0AX
44 Friern Road London SE22 0AX
71 Upland Road London SE22 0DB
69 Upland Road London SE22 0DB
34b Friern Road London SE22 0AX
34a Friern Road London SE22 0AX
Ground Floor Flat 83 Upland Road SE22 0DB
Ground Floor Flat 81 Upland Road SE22 0DB
48b Friern Road London SE22 0AX
85 Upland Road London SE22 0DB
48a Friern Road London SE22 0AX
87 Upland Road London SE22 0DB
Flat 4 30 Friern Road SE22 0AX
Flat 3 30 Friern Road SE22 0AX
1 Friern Road London SE22 0AT
Flat 5 30 Friern Road SE22 0AX
Flat 2 30 Friern Road SE22 0AX
First Floor Flat 83 Upland Road SE22 0DB
Upper Flat 81 Upland Road SE22 0DB

Flat 1 30 Friern Road SE22 0AX
71a Upland Road London SE22 0DB
38 Friern Road London SE22 0AX
36 Friern Road London SE22 0AX
42 Friern Road London SE22 0AX
40 Friern Road London SE22 0AX
5 Friern Road London SE22 0AU
3 Friern Road London SE22 0AU
32 Friern Road London SE22 0AX
55 Upland Road London se22 0da
12 Friern Road London SE22 0AT
50 Friern Road East Dulwich SE22 0AX
25 Upland Road London SE22 9EF
52 Upland Road London se22 0db
69 Upland Road London SE220DB
36 Friern Road London SE22 0AX
2 Friern Road East Dulwich SE22 0AT
75 Upland Road London SE22 0DB
27 Friern Road East Dulwich SE22 0AU
52 Upland Road East Dulwich SE22 0DB
81a Upland Road East Dulwich SE22 0DB
The Money Pitt 17 Friern Road SE22 0AU
60 Upland Road East Dulwich SE22 0DB
1 Friern Road London SE22 0AT
58 Upland Road London Se220db
76 Friern Road London SE220AX
54 Upland Road London se220db
56 Upland Road London Se220db
90 Upland Road London SE22 0DE
38 Friern Road London SE22 0AX

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

Thames Water - Development Planning

Neighbours and local groups

& 26 Friern Road SE22 0AT
& 26 Friern Road SE22 0AT
& 26 Friern Road SE22 0AT
Flat 2 30 Friern Road SE22 0AX
Ground Floor Flat 83 Upland Road SE22 0DB
The Money Pitt 17 Friern Road SE22 0AU
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38 Friern Rd East Dulwich SE22 0AX
38 Friern Road London SE22 0AX
38 Friern Road London SE22 0AX
38 Friern Road London SE22 0AX
44 Friern Road London SE22 0AX
44 Friern Road London SE22 0AX
5 Friern Road London SE22 0AU
50 Friern Road East Dulwich SE22 0AX
52 Upland Road East Dulwich SE22 0DB
52 Upland Road London se22 0db
54 Upland Road London se220db
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58 Upland Road London Se220db
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69 Upland Road London SE22 0DB
69 Upland Road London SE22 0DB
69 Upland Road London SE220DB
73 Upland Road London SE22 0DB
75 Upland Road London SE22 0DB
76 Friern Road London SE220AX
77 Upland Road London SE22 0DB
81a Upland Road East Dulwich SE22 0DB