

Item No. 7.6	Classification: Open	Date: 5 April 2016	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 16/AP/0312 for: Listed Building Consent Address: REAR OF 60 DULWICH VILLAGE, LONDON SE21 7AJ Proposal: Demolition of an existing garage in the property 60 Dulwich Village related with the Planning Application ref 15/AP/2957 (for the erection of two houses in the rear garden of the property)		
Ward(s) or groups affected:	Village		
From:	Director of Planning		
Application Start Date 28/01/2016		Application Expiry Date 24/03/2016	
Earliest Decision Date 05/03/2016			

RECOMMENDATION

1. To grant listed building consent.

BACKGROUND INFORMATION

Site location and description

2. This application for listed building consent relates specifically to the demolition of the curtilage listed garage at the end of the rear garden of 60 Dulwich Village. 60 Dulwich Village Grade II listed. It was first listed in 1972 along with the neighbouring house at 62 Dulwich Village. Together they form a pair of semi detached houses dating from the mid 18th Century. Both houses and the rear garage to which this application relates are in the Dulwich Village conservation area.

Details of proposal

3. This application for Listed Building Consent seeks approval for the demolition of a curtilage listed garage structure to rear of 60 Dulwich Village. Demolition is required to enable the construction of two new houses, for which Planning Consent is being sought separately under a concurrent application (ref. 15/AP/2957).

4. Planning history

10/AP/3755 Application type: Full Planning Permission (FUL)

Demolition of late 20th century additions to allow the construction of a new extension to the side and rear at ground and lower ground floor levels to provide additional living accommodation.

Decision date 20/09/2011 Decision: Refused (REF) Appeal decision date: 17/05/2012

Appeal decision: Planning appeal dismissed (DIS)

Reason for dismissal;

It is the conclusion of the inspector that the proposal would fail to preserve the special interest of the listed building and would have unacceptably affect its significance

10/AP/3756 Application type: Listed Building Consent (LBC)

Demolition of late 20th century additions to allow the construction of a new extension to the side and rear at ground and lower ground floor levels to provide additional living accommodation; internal alterations.

Decision date 20/09/2011 Decision: Refused (REF) Appeal decision date: 17/05/2012

Appeal decision: Planning appeal dismissed (DIS)

Reason for dismissal;

It is the conclusion of the inspector that the proposal would fail to preserve the special interest of the listed building and would have unacceptably affect its significance

11/AP/3246 Application type: Full Planning Permission (FUL)

Demolition of 20th Century additions, together with internal and external alterations including the provision of a new extension to the side and rear at ground and lower ground floor levels to provide additional living accommodation.

Decision date 24/11/2011 Decision: Refused (REF) Appeal decision date: 17/05/2012

Appeal decision: Planning appeal dismissed (DIS)

Reason for dismissal;

It is the conclusion of the inspector that the proposal would fail to preserve the special interest of the listed building and would have unacceptably affect its significance

11/AP/3247 Application type: Listed Building Consent (LBC)

Demolition of 20th Century additions, together with internal and external alterations including the provision of a new extension to the side and rear at ground and lower ground floor levels to provide additional living accommodation.

Decision date 24/11/2011 Decision: Refused (REF) Appeal decision date: 17/05/2012

Appeal decision: Planning appeal dismissed (DIS)

Reason for dismissal;

It is the conclusion of the inspector that the proposal would fail to preserve the special interest of the listed building and would have unacceptably affect its significance

12/AP/3013 Application type: Full Planning Permission (FUL)

Demolition of existing single storey 20th Century rear kitchen extension to allow the construction of a new enlarged single storey extension at garden level; providing additional residential accommodation for dwellinghouse.

Decision date 08/11/2012 Decision: Refused (REF)

Reason(s) for refusal:

The proposed single storey extension, by reason of its overall width which is further increased by the reflective pool would result in an incongruous addition, overwhelming to the existing built proportions of the dwelling. As such the proposal is considered out of character with the existing Grade II listed building and with the Dulwich Village Conservation Area contrary to The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of the Core Strategy 2011, Saved Southwark Plan 2007 policies 3.2 Protection of amenity, 3.12 Quality in design, 3.13 Urban design, 3.15 Conservation and the historic environment, 3.17 Listed buildings, and the Dulwich Village Conservation Area Appraisal.

12/AP/3014 Application type: Listed Building Consent (LBC)
Demolition of existing single storey 20th Century rear kitchen extension to allow the construction of a new enlarged single storey extension.
Decision date 09/11/2012 Decision: Refused (REF)

Reason(s) for refusal:

The proposed single storey extension, by reason of its overall width which is further increased by the reflective pool would result in an incongruous addition, overwhelming the existing built proportions of the dwelling. As such the proposal is considered out of character with the existing Grade II listed building contrary to The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of the Core Strategy 2011, Saved Southwark Plan 2007 policy 3.17 Listed buildings.

12/AP/4045 Application type: Full Planning Permission (FUL)
Demolition of the existing raised 20th Century side extension and single storey rear extension and construction of a new two storey side / rear extension together with other external works associated with the refurbishment of the existing dwelling.
Decision date 12/02/2013 Decision: Granted (GRA)

12/AP/4046 Application type: Listed Building Consent (LBC)
Demolition of the existing raised 20th Century side extension and single storey rear extension and construction of a new two storey side / rear extension, together with other internal and external works associated with the refurbishment of the existing dwelling.
Decision date 12/02/2013 Decision: Granted (GRA)

13/AP/1869 Application type: Listed Building Consent (LBC)
Alteration to the existing roof pitch, removal of render to side and rear of property, restoration and replacement of existing brickwork, alterations to entrance gate.
Decision date 16/10/2013 Decision: Granted (GRA)

13/AP/2181 Application type: Full Planning Permission (FUL)
Alteration to the existing roof pitch, removal of render to side and rear of property, restoration and replacement of existing brickwork
Decision date 16/10/2013 Decision: Granted (GRA)

14/EQ/0185 Application type: Pre-Application Enquiry (ENQ)
Infill under existing upper ground side extension to accommodate new kitchen. This is also to include an additional 3m rear extension. Existing rear extension (kitchen) to be demolished.
Decision date 20/10/2014 Decision: Pre-application enquiry closed (EQC)

15/AP/1208 Application type: Tree Works in Conservation Area (TCA)
T1: Cherry tree in front garden - Fell tree and replace with another Cherry or Weeping Cherry tree.
T2: Conifer in front garden - Remove
Decision date 07/05/2015 Decision: Works acceptable - no intervention (TCAA)

15/AP/2957 Application type: Full Planning Permission (FUL)
Erection of two three bedroom semi-detached three storey houses including basement; with associated off-street parking and private gardens.
Decision pending

Planning history of adjoining sites

5. There is no planning history of adjacent sites that is directly relevant to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

6. The main issue to be considered in respect of this application is the desirability of preserving the special architectural and historic interest of the Listed Building.

Planning policy

National Planning Policy Framework (the Framework)

7. Chapter 12: Conserving and Enhancing the Historic Environment.

London Plan 2015 consolidated with alterations since 2011

8. Policy 7.8: Heritage Assets and Archaeology.

Core Strategy 2011

9. Strategic Policy 12: Design and Conservation

Southwark Plan 2007 (July) - saved policies

10. 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. Of relevance to this application for Listed Building Consent are the following:

3.15 Conservation of the Historic Environment;
3.16 Conservation Areas and
3.17 Listed Buildings

Summary of Consultation Responses

11. There has been one objection received from a neighbour in relation to this application for Listed Building Consent. The objector states "I object to the demolition of the garage as it allows for the erection of two houses in the rear garden of the property; and I have already objected to that application." Of the statutory consultees, Historic England have responded stating that they do not consider it necessary for them to be notified in this case.
12. Six letters of objection and two letters in support have been received in response to the concurrent planning application for two new houses on the site of the existing garage. None of the objectors raised the demolition of the garage as a concern. The letters of support did however state that the removal of the garage and the creation of a more positive frontage on Boxall Road would be beneficial.

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

13. The garage structure to which this application relates is certainly not contemporaneous in age with the 18th century house. It is difficult to date the construction of the garage precisely, but a structure of its scale and in its current location can be seen on a historic map dated 1939. As such, it has to be assumed that it was constructed prior to the inception of the Town and Country Planning Act in 1948 and is therefore considered to be curtilage listed.

14. The demolition of the lean-to garden shed to the rear of the garage is also proposed. The garden shed does not appear in the 1939-1952 historic maps. It is therefore not considered to be curtilage listed by virtue of the date of its construction. It is in also state of disrepair. There is no objection to its demolition.
15. The existing garage is constructed from yellow London stock brick. It has timber side hung doors to the front and the roof structure is of timber joists with a felt roofing finish. The front elevation of the garage, facing onto Boxall Road has a stepped Dutch style gable wall above the garage doors. On the side elevation facing the garden is a timber casement window. The garage is set back off of Boxall Road by approximately an allowing parking for a car in front of the garage.
16. Paragraph 129 of the NPPF requires Local Planning Authorities to identify the heritage significance of a heritage asset and take this into consideration when determining applications. Whilst the front elevation is somewhat flamboyant for a garage structure, it is not considered that the building is of any particular architectural or historic significance. Furthermore, it is not considered to be of importance to the setting of the Grade II listed house or the character and appearance of the Conservation Area. It is therefore not considered to be of any heritage significance above and beyond its status as a curtilage listed structure, by virtue of having been built prior to 1948. It is therefore not considered that its demolition would result in any harm to the heritage significance of the listed building or conservation area.
17. The principle of truncating the rear garden for the proposed development of two new houses and the design quality of the proposals is discussed in greater detail in the associated report on planning application ref 15/AP/2957. In summary, this report concludes that the reduction of the current garden size would not harm the setting of the listed house and that the design of the proposed houses would strike an appropriate balance between the historic character of surrounding area and the creation of a contemporary addition to the immediate street scene. The proposed development is considered to be subservient to the listed buildings and the materials proposed would sympathetic to their heritage significance and the character and appearance of the wider conservation area.
18. A condition is recommended to require the submission of evidence of a valid construction contract under which one of the parties is obliged to carry out and complete the development proposed under planning application 15/AP/2957 (should permission be granted) prior to the commencement of any demolition works. This is recommended in order to ensure that the site is redeveloped in accordance with any permission granted following demolition of the curtilage listed garage.

Local Policies

19. Strategic Policy 12, 'Design and Conservation' of the Southwark Core Strategy, Saved Policy 3.15, 'Conservation of the Historic Environment' and Saved Policy 3.17, 'Listed Buildings' of the Local Plan all expect development to conserve or enhance the special architectural or historic interest of listed buildings.
20. It is considered that the proposals under consideration would comply with the requirements of these local policies as the special architectural and historic interest of the listed building would be preserved. There would be no loss of important historic fabric and the proposed design (considered under 15/AP/2957) would relate sensitively to its period, style, detailing and context.
21. Southwark's local policies are reinforced by London Plan Policy 7.8, 'Heritage Assets and Archaeology'. It is considered that the works proposed would comply/ would fail to comply

with London Plan Policy 7.8.

Planning obligations (S.106 undertaking or agreement)

22. This application for Listed Building Consent is not CIL liable. The CIL liabilities of the associated application for planning consent are considered in the relevant officer's report.

Conclusion on planning issues

23. It is considered that the proposed works would preserve the special architectural and historic interest of the listed building and that no harm would be caused to its heritage significance. As such, it is recommended that listed building consent should be granted.

Community impact statement

24. 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. Specific actions to ameliorate these implications are : NONE

Consultations

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

Consultation replies

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

Human rights implications

27. 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.

28. This application has the legitimate aim of demolishing a curtilage listed building. 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: TAP/2292-60 Application file: 16/AP/0312 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 7194 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Sarah Parsons, Team Leader	
Version	Final	
Dated	15 March 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of 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		18 March 2016

APPENDIX 1

Consultation undertaken

Site notice date: 03/02/2016

Press notice date: 11/02/2016

Case officer site visit date: n/a

Neighbour consultation letters sent: 04/02/2016

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

Ancient Monuments Society
Council for British Archaeology
English Heritage Ancient Scheduled Monuments
Historic England
The Georgian Group
The Society for the Protection of Ancient Buildings
The Victorian Society

Neighbour and local groups consulted:

21b Boxall Road London SE21 7JS
21c-21d Boxall Road London SE21 7JS
21a Boxall Road London SE21 7JS
15a Boxall Road London SE21 7JS
17a Boxall Road London SE21 7JS
52 Dulwich Village London SE21 7AJ
64 Dulwich Village London SE21 7AJ
First Floor Flat 266 Turney Road SE21 7JP
62 Dulwich Village London SE21 7AJ
54 Dulwich Village London SE21 7AJ

60 Dulwich Village London SE21 7AJ
15 Boxall Road London SE21 7JS
17 Boxall Road London SE21 7JS
13 Boxall Road London SE21 7JS
11 Boxall Road London SE21 7JS
23 Boxall Road London SE21 7JS
11a Boxall Road London SE21 7JS
13a Boxall Road London SE21 7JS
9 Boxall Road London SE21 7JS
25 Boxall Road London SE21 7JS
27 Boxall Road London SE21 7JS

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

Council for British Archaeology
Historic England

Neighbours and local groups

54 Dulwich Village London SE21 7AJ