

COMMUNITY COUNCILS
A voice for your community



Dulwich Community Council Agenda Planning Meeting

Date: Thursday 07 May 2009

Time: 7.00 PM

Place: Herne Hill Baptist Church, Half Moon Lane, London SE24 9HU

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1. Introduction and welcome [*Chair*]
 2. Apologies
 3. Disclosure of Members' interests and dispensations
 4. Items of business that the Chair deems urgent
 5. Minutes of the previous meeting held on 9 April 2009
(See pages 5 – 8)

6. Development Control Items:

Item 6.1 – Recommendation: Grant – 21 Frank Dixon Way, London SE21 7ET (See pages 15 – 20)

Item 6.2 – Recommendation: Grant – 11A Fountain Drive, London SE19 1UW (See pages 21 – 31)

Item 6.3 – Recommendation: Grant – 120 Barry Road, London SE22 0HP (See pages 32 – 40)

7. Closing comments by the Chair

ADDITIONAL INFORMATION

Dulwich Community Council Membership

Cllr Nick Vineall - Chair
Cllr Robin Crookshank Hilton - Vice Chair
Cllr James Barber
Cllr Toby Eckersley
Cllr Michelle Holford
Cllr Kim Humphreys
Cllr Lewis Robinson
Cllr Jonathan Mitchell
Cllr Richard Thomas

Carers' Allowances

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For information on deputations please ask the clerk for the relevant hand-out.

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The following motion should be moved, seconded and approved if the Community Council wishes to exclude the press and public to deal with reports revealing exempt information.

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraphs 1-15, Access to Information Procedure Rules of the Constitution.”

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Wheelchair access to the venue is through the entrance to Dulwich Library and there is a disabled toilet and passenger lift at the venue.

For further information, please contact the Dulwich Community Council clerk:

Beverley Olamijulo

Phone: 0207 525 7234

E-mail: beverley.olamijulo@southwark.gov.uk

Council Website: www.southwark.gov.uk

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French

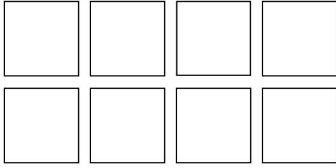
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Yoruba



COMMUNITY COUNCILS
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Dulwich Community Council Planning Meeting

(Minutes to be formally agreed at the next meeting)

Minutes of Dulwich Community Council Planning meeting on Thursday April 9 2009 at 7.00pm held at Dulwich Library, 368 Lordship Lane, London SE22 8NB

Present

Councillor Nick Vineall (Chair)
Councillors, Robin Crookshank Hilton (Vice Chair), Toby Eckersley, Kim Humphreys, Michelle Holford, Jonathan Mitchell and Lewis Robinson.

1. Introduction and welcome by the Chair

The Chair introduced himself and welcomed those present at the meeting and asked officers and members to introduce themselves.

2. Apologies for absence

Apologies for absence were submitted on behalf of Cllrs, James Barber, Lewis Robinson and Richard Thomas

3. Disclosure of Members' interests and dispensations

None were disclosed.

4. Items of business that the Chair deems urgent

There were no urgent items however the chair agreed to accept the addendum report for Members to note and consider the late observations, consultation responses information and revisions.

5. Minutes of the previous meeting (see pages 4 – 7)

Minutes of the planning meeting held on March 19, 2009 was agreed as an accurate record of the proceedings which the chair signed.

Recording of Members' votes

Council Procedure Rule 1.9 (4) allows a Member to record her/his vote in respect of any Motions and amendments.

Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Community Council considered the items set out on the agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

6. DEVELOPMENT CONTROL (see pages 9 – 31)

RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

Item 6/1 – Recommendation: grant – Chapel Cottage, 14 Gallery Road, London SE21 7AD (see pages 15 – 21)

Proposal: Change of use from residential to B1 office accommodation associated with the Dulwich Picture Gallery.

The planning officer introduced the report and drew Members' attention to the addendum which made to alterations to paragraph 22 of the officer's report and to the alteration of condition 2.

The planning officer responded to questions from Members.

No objectors were present.

Neither the applicant or applicant's agent were in attendance.

A representative from the Dulwich Society spoke with the chair's agreement to say that he was in favour of the application and he hoped the development would be brought up to an acceptable standard.

The Chair expressed concern around the loss of residential accommodation, other Members felt that given the increased work currently been undertaken by the Gallery provided wider benefits to the community and that the loss of this ancillary residential accommodation would be justified.

It was agreed that the suggested condition which would require the applicant to either cease operation after 5 years or reapply would be the best way to allow the Council to retain control over the future use of the building.

RESOLVED: That planning permission be granted subject to alteration to Condition 2.

Item 6/2 – Recommendation: grant – 39 Alleyn Road, London SE21 8AD
(see pages 22 – 31)

Proposal: Demolition of an existing two storey single family home and the selective removal of trees and landscaping, to facilitate the construction of a new 2 storey dwelling, with 3 storey rear projection and accommodation in the roof, with two rear dormers and roof lights, accommodating 5 bedrooms, rear balcony and double garage, to be utilised for a family dwelling.

The planning officer introduced the report, addendum and circulated plans of the scheme. It was noted that a further letter was submitted by an objector reiterating an earlier objection.

The planning officer responded to questions from Members.

Representations were heard from three objectors – a representative from the Dulwich Society and local residents who both live in Alleyn Park.

The objectors' concerns related to the increased bulk of the building and the impact upon the privacy of adjoining residents due to the position of a large first floor rear balcony.

Members felt that the proposed building was overly large for the plot that it sat in and had some sympathy with the objectors concerns over the loss of privacy despite the proposed screening.

RESOLVED: That planning permission be refused for the

following reason:

The proposed dwelling by reason of its continuous height, extensive depth and overall bulk and mass would result in a loss of visual amenity and is considered inappropriate to the local context. Further the expanse of glazing and balcony to the rear would result in a loss of privacy to the adjoining residential properties. As such the proposal is considered contrary to Policy 3.2 Protection of Amenity, 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007 and the Residential Design Standards Supplementary Planning Guidance (2008).

The meeting closed at 8.45 p.m.

CHAIR:

DATE:

Item No. 6	Classification: Open	Date: 7 May 2009	Meeting Name: Dulwich Community Council
Report title:		Development Control	
Ward(s) or groups affected:		All within [Village, College and East Dulwich] Community Council	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the Council on May 23 2007 and amended on January 30 2008. The matters reserved to the planning committee and community councils Exercising Planning Functions are described in part 3F of the Southwark council constitution 2007/08. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. Members are asked to determine the attached applications in respect of site(s) within the borough.
6. Each of the following items is preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. The draft decision notice will detail the reasons for any approval or refusal.

7. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the Council's case.
8. The sanctioning of enforcement action can also involve costs such as process serving, Court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal involving a public inquiry or informal hearing the inspector can make an award of costs against the offending party.
10. All legal/Counsel fees and costs as well as awards of costs against the Council are borne by the Regeneration and Neighbourhoods budget.

EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED

11. Equal opportunities considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Legal and Democratic Services

12. A resolution to grant planning permission shall mean that the Head of Development Control is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the Committee and issued under the signature of the Head of Development Control shall constitute a planning permission. Any additional conditions required by the Committee will be recorded in the Minutes and the final planning permission issued will reflect the requirements of the Community Council.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Head of Development Control is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the Strategic Director of Legal and Democratic Services, and which is satisfactory to the Head of Development Control. Developers meet the Council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Strategic Director of Legal and Democratic Services. The planning permission will not be issued unless such an agreement is completed.

14. Section 70 of the Town and Country Planning Act 1990 as amended requires the Council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
15. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. The enlarged definition of “development plan” arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. Section 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
 1. restrict the development or use of the land;
 2. require operations or activities to be carried out in, on, under or over the land;
 3. require the land to be used in any specified way; or
 4. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

17. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligations must also be such as a reasonable planning authority, duly appreciating its statutory duties, can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement Members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda May 23 2007 and Council Assembly Agenda January 30 2008	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	[Beverley Olamijulo, Community Council officer] 020 7525 7234
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE17	The named case Officer as listed or Gary Rice 020 7525 5447

APPENDIX 1

Audit Trail

<u>Lead Officer</u>	Deborah Collins, Strategic Director of Legal & Democratic Services	
Report Author	Nagla Stevens, Principal Planning Lawyer Constitutional Support Officer	
Version	Final	
Dated	April 27 2009	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Legal and Democratic Services	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Control	No	No

ITEMS ON AGENDA OF THE DULWICH CC
on Thursday 07 May 2009

Appl. Type Full Planning Permission
Site 21 FRANK DIXON WAY, LONDON, SE21 7ET

Reg. No. 09-AP-0033
TP No. TP/2218-21
Ward Village
Officer Germaine Asabere

Recommendation GRANT PERMISSION

Item 1/1

Proposal

Addition of 75cm to rear of side extension, addition of skylight and addition of door: amendment to planning permission 07-AP-1036 granted at appeal on 9th July 2008 for ground floor extension to provide additional residential accommodation.

Appl. Type Outline Planning Permission
Site 11A FOUNTAIN DRIVE, LONDON, SE19 1UW

Reg. No. 08-AP-1267
TP No. TP/2345-1
Ward College
Officer Ronan O'Connor

Recommendation GRANT

Item 1/2

Proposal

Redevelopment of site to provide a detached dwellinghouse with access from Fountain Drive (application for outline planning permission with Access and Scale to be determined at this stage). Illustrative plans show a 3 storey building with undercroft parking for 2 cars.

Appl. Type Full Planning Permission
Site 120 BARRY ROAD, LONDON, SE22 0HP

Reg. No. 09-AP-0242
TP No. TP/2596-120
Ward East Dulwich
Officer Victoria Lewis

Recommendation GRANT PERMISSION

Item 1/3

Proposal

Erection of rear extension at lower ground and ground floor level (Use Class C3).



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Item 1.1	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 07/05/09
From HEAD OF DEVELOPMENT MANAGEMENT		Title of Report DEVELOPMENT MANAGEMENT	
Proposal (09AP0033) Addition of 75cm to rear of side extension, addition of skylight and addition of door: amendment to planning permission 07-AP-1036 granted at appeal on 9th July 2008 for ground floor extension to provide additional residential accommodation.		Address 21 FRANK DIXON WAY, LONDON, SE21 7ET Ward Village	
Application Start Date 16/01/2009		Application Expiry Date 13/03/2009	

PURPOSE

- 1 For Members of the Dulwich Community Council to consider the above application due to the level of objections received.

RECOMMENDATION

- 2 Grant planning permission

BACKGROUND

3 Site location and description

The proposal concerns a large detached dwellinghouse on the eastern side of Frank Dixon Way. The surrounding area is characterised by detached properties of a similar style to the application site. They are all set back from the road and vary in design and detailing from property to property.

The application site is located within the Dulwich Wood Conservation Area. The building is not listed.

4 Details of proposal

The proposal seeks the addition of 0.75m to rear of the side extension which was approved by the planning inspector in July 2008. Additionally, a skylight is proposed on a rear roof slope and the replacement of a window with a door on the approved scheme.

5 Planning history

07AP1036 - Single storey side and rear extensions to dwellinghouse, to provide additional residential accommodation – Granted appeal on 09/07/08

06AP1414 - Erection of single storey side extensions and alterations to windows of dwellinghouse, to provide additional residential accommodation – Application withdrawn

06AP0230 - Demolition of existing outbuilding and construction of single storey side extension to dwellinghouse to provide additional residential accommodation – Planning permission refused.

Planning history of adjoining sites

None of relevance to this application

FACTORS FOR CONSIDERATION

6 Main Issues

The main issues in this case are:

- a] the principle of the development in terms of land use and conformity with strategic policies.
- b] the impact of the proposal on the Conservation Area
- c] the impact on residential amenity.

Planning Policy

- 7 Southwark Plan 2007 [July]
3.2 - Protection of Amenity
3.12 - Quality in Design
3.13 - Urban Design
3.15 - Conservation of the Historic Environment
3.16 - Conservation Areas

SPD - Residential Design Standards

Consultations

- 8 Site notice date:
30 January 2009

Press notice date:
29 January 2009

Neighbour consultation letters sent:
30 January 2009

Case officer site visit date:
25 February 2009

Internal consultees
Design and Conservation Team

Statutory and non-statutory consultees
N/A

Neighbour consultees
Lukyns, Frank Dixon Way
Cypress Tree House
Richmond Lodge

11, 12, 13, 19, 20, 22, 23 Frank Dixon Way

Re-consultation

N/A

Consultation replies

9 Internal consultees

Design and Conservation Team

'The proposal to extend the consented side extension by 750mm to the rear of the property poses no further harm to the Character of the Conservation Area than the current consented scheme.

The proposed additional space is located to the side and rear of the ground floor, is no taller than the consented side extension, will not be visible from the street, and aligns the proposed extension with an existing adjacent side extension.

Design & Conservation Officers raise no objections to this proposal.'

Statutory and non-statutory consultees

N/A

Neighbour consultees

3 responses received

23 Frank Dixon Way - objection

-the proposal would infill the detached properties (21 and 22)

22 Frank Dixon Way - objection

- the proposed will have a detrimental cumulative effect on the amenity of 22 in terms of the loss of privacy.

21 Frank Dixon Way - objection

- the proposal is contrary to the Council's policy on the protection of amenity.

- the proposal does not preserve the character of the conservation area.

Re-consultation

N/A

PLANNING CONSIDERATIONS

10 **Principle of development**

The principle of extending a residential property to increase residential accommodation is acceptable in principle provided the proposed development is in accordance with all relevant Council policies.

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

The proposed amendment would not have a detrimental impact on the amenity of neighbouring properties through increased visual intrusion or loss of sunlight/daylight. Any overlooking resulting from the change of the window to a door and the skylight would be to no greater degree than that already experienced from the existing.

In line with the planning inspector's decision on the previous scheme; the third condition did set out that the roof of the approved scheme must not be used as a balcony, roof garden or for a similar amenity purposes without approval. It is

considered that although the proposed skylight may qualify as an amenity use for residents of 21 Frank Dixon Way; it is not considered that this alteration would not cause the loss of amenity to neighbouring residential users, as there would be no overlooking or significant visual intrusion to the adjoining property.

12 **Design issues and impact on character and setting of a listed building and/or conservation area**

The proposed alterations have been carefully designed to follow the original building line and respect the original architectural form of the building. Both are subservient to the original structure with proportions to match the current approved scheme.

The alterations cannot be seen from the public domain this is not considered to be detrimental. The conservation area street scene would therefore be preserved.

13 **Conclusion**

The proposed amendment is in line with Council policy and supplementary guidance and would not have a detrimental impact on the amenity of neighbouring properties or the character and appearance of the surrounding conservation area. It is therefore recommended that planning permission be granted subject to conditions.

COMMUNITY IMPACT STATEMENT

14 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.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

None

LEAD OFFICER	Gary Rice	Head of Development Management
REPORT AUTHOR	Germaine Asabere	Planning Officer [tel. 020 7525 5452]
CASE FILE	TP/2218-21	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Mr P. Woof
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 09-AP-0033

Case Number TP/2218-21

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Addition of 75cm to rear of side extension, addition of skylight and addition of door: amendment to planning permission 07-AP-1036 granted at appeal on 9th July 2008 for ground floor extension to provide additional residential accommodation.

At: 21 FRANK DIXON WAY, LONDON, SE21 7ET

In accordance with application received on 09/01/2009

and Applicant's Drawing Nos. WOOF/SWK/E01, WOOF/SWK/E02, WOOF/SWK/P01, WOOF/SWK/P02, WOOF/SWK/R0, Design and Access Statement

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

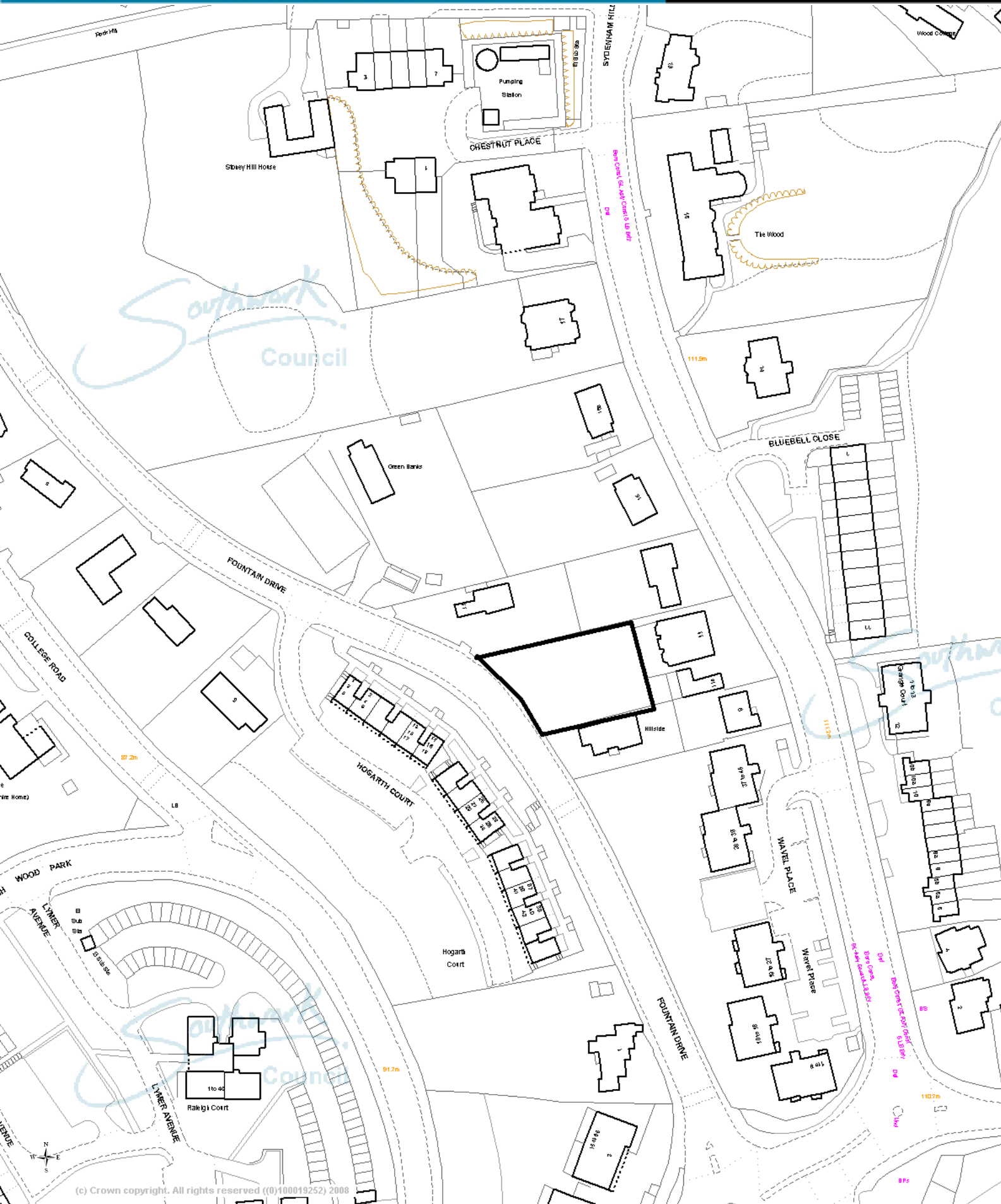
To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policies 3.2 'Protection of amenity', 3.12 'Quality in Design' and 3.16 'Conservation areas' of The Southwark Plan 2007.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a) Policies [3.2 'Protection of amenity', 3.12 'Quality in design' and 3.16 'Conservation areas'] of the Southwark Plan [July 2007].

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.



Item Number 2	Classification OPEN	Decision Level Dulwich CC	Date 07/05/09
From Head of Development Management		Title of Report DEVELOPMENT MANAGEMENT	
Proposal (08-AP-1267) Redevelopment of site to provide a detached dwellinghouse with access from Fountain Drive (application for outline planning permission with Access and Scale to be determined at this stage). Illustrative plans show a 3 storey building with undercroft parking for 2 cars.		Address 11A FOUNTAIN DRIVE, LONDON, SE19 1UW Ward College	
Application Start Date 25/06/08		Application Expiry Date 20/08/08	

1. PURPOSE

To consider the above application, which has been brought before Dulwich Community Council at Member's request and due to the level of objection received from local residents.

2. BACKGROUND

2.1 Site location and description

0.106ha site located on the eastern side of Fountain Drive in the College area of the borough. The site subject would originally have formed the large rear garden of 11 Sydenham Hill, which is located to the east; this property has recently been converted to flats. The land is currently vacant and is situated between 11 Fountain Drive and a property known as Hillside, both of which are detached dwellinghouses. The site has a moderate slope, and although much of the area is grassed, there are numerous mature trees located around the site boundaries.

The surrounding area is characterised by a combination of large detached dwellinghouses located on individual sites, with some more recent terraced housing located opposite on Fountain Drive. The subject site is not located within a Conservation Area and there are no statutory listed buildings in the vicinity.

2.2 Details of proposal

This application seeks outline planning permission for the redevelopment of the site to provide a detached dwellinghouse with access from Fountain Drive. Scale and Access only are to be determined at this stage with all other matters reserved. The Design and Access Statement indicates that this would be a 6 bedroom dwelling with double height spaces throughout.

Illustrative plans show a three-storey building with a maximum height of 9m to be sited centrally within the site. The building would have a maximum depth of 18.5m on its northern elevation and would be set back from the road by approximately 12m. The frontage of the building would be slanted to follow the curve of the road and would be 13.5m wide. Overall the building would have a footprint of 218sqm.

Car parking has been illustrated in the form of an undercroft parking area to accommodate 2 vehicles which 3 cycle parking spaces would be provided.

2.3 Planning history

The application site has been subject to the following relevant planning applications:

07-AP-1328

Planning permission **refused** under delegated powers for the erection of a two-storey detached house with double garage, 2 parking space and 6 bike parking spaces (outline application) for the following reasons:

1. The siting and layout of the dwellinghouse due to its extensive footprint, in particular the 18 metre frontage parallel to the road, is considered to have a harmful visual impact upon the character of the local area, which is for buildings to be more subservient to the mature gardens. The development would therefore be contrary to policies 3.2 'Protection of Amenity' , 3.11 'Efficient Use of Land' and 3.12 'Quality in Design' of The Southwark Plan [UDP] July 2007.

2. The development would require the removal of mature vegetation, the extent of clearance and impact on the health and vitality of retained vegetation has not been assessed, and likewise there is no detail of avoidance, protection or mitigation measures. There are potentially significant adverse effects on the natural environment, habitat, streetscene and public amenity from these works, and therefore it is considered that the development would be contrary to policies 3.1 'Environmental Effects' and 3.2 'Protection of Amenity' of The Southwark Plan [UDP] July 2007.

3. There is an overall lack of detailed information provided in support of the outline planning application, and therefore it is not possible to assess accurately the likely impacts on privacy, overlooking, character of the area, streetscape, transport, waste, and general amenity of the site and wider neighbourhood. Therefore it has not been demonstrated that the development would have acceptable impacts and as such it is considered to be contrary to policies 3.1 'Environment Effects', 3.2 'Protection of Amenity', 3.11 'Efficient Use of Land', 3.12 'Quality in Design', 4.2 'Quality of Residential Accommodation', 5.2 'Transport Impacts', 5.3 'Walking and Cycling' and 5.6 'Car Parking' of The Southwark Plan [UDP] July 2007.

4. The proposed building height shown on the plans has been taken from the top of the boundary fence rather than at true ground level. This combined with the lack of a topographical survey or heights shown on other (side) elevations results in an inaccurate building height, in particular the height relationship with the adjacent buildings along Fountain Drive. Insufficient information has been provided to demonstrate that the indicated height of the building would not cause harm to the amenity of the neighbouring properties or to the streetscape, therefore the development is considered to be contrary to policies 3.2 'Protection of Amenity' and 3.12 'Quality in Design' of The Southwark Plan [UDP] July 2007.

07-AP-1303 (11 Sydenham Hill)

Planning permission **granted** at Dulwich Community Council for the Conversion of main house to form 8 flats, with alterations to the windows and doors in all elevations and the provision of two new front dormers, a new dormer to each side roof plane and three new rear dormers, creating new accommodation within the basement, ground, first and second floors. Single storey rear extension and refurbishment of lodge (to remain a single dwelling), removal of rooflights from side roof plane and the replacement / provision of new doors and windows to side elevations. Provision for landscaping, 6 car parking spaces, 9 cycle parking spaces and refuse store to front. All in association with the creation of additional residential accommodation.

3. FACTORS FOR CONSIDERATION

3.1 Main Issues

The main issues in this case are:

- a] The principle of the development in terms of land use and conformity with strategic policies.
- b] Scale, massing and impact on the character of the Fountain Drive streetscene.
- c] Residential amenity.
- d] Neighbour amenity.
- e] Access, Transportation and Parking.

3.2 Planning Policy

Southwark Plan 2007 [July]

SP11- Amenity and Environmental Quality

SP13 - Design and Heritage

SP14 - Sustainable Buildings

SP17 - Housing

SP18 - Sustainable Transport

SP19 - Minimising the Need to Travel

3.2 - Protection of Amenity

3.11 - Efficient Use of Land

3.12 - Quality in Design

3.13 - Urban Design

3.14 - Designing Out Crime

4.1 - Density of Residential Development

4.2 - Quality of Residential Accommodation

5.2 - Transport Impacts

5.3 - Walking and Cycling

5.6 - Car Parking

London Plan 2004

3A.1 - Increasing London's supply of housing

3A.2 - Borough housing targets

4B.1 - Design principles for a compact city

4B.3 - Maximising the potential of sites

4B.6 - Sustainable design and construction

4B.7 - Respect local context and communities

4C.8 - Sustainable drainage

6A.5 - Planning Obligations

3.3 Consultations

Site Notice: 31/07/08

Site Visit: 31/07/08 - unaccompanied

Internal Consultees

Arboriculturalist

Access Officer

Transport Group
Waste Management

Neighbour Consultees
As list in Acolaid.

3.4 Consultation replies

Internal Consultees

Access Officer:

Raises no objections to the proposed development.

Transport Planning:

Raise no objections to the principle of providing an additional dwelling in this location. Note that 2 parking spaces is considered over provision however do not feel that it would be expedient to object due to the provision of just 1 additional space.

Neighbour Consultees

The Council has received 3 objections from the neighbouring residents at 11 Fountain Drive (2 letters and e-mail), 5 Fountain Drive and 'Hillside', Fountain Drive raising the following planning concerns:

- lack of detail in the proposals
- Overlooking, loss of privacy and overshadowing of existing neighbouring properties.
- A three-storey building would have a harmful impact on the character of the road. The height should not exceed the adjacent properties.
- Unacceptable increase in population density.
- Loss of trees.

In addition the Council has received 5 letters of support from the neighbouring residents at Flats 2, 5 & 7 - 11 Sydenham Hill, 'Woodside Lodge', Sydenham Hill and 13 Sydenham Hill citing the following reasons:

- The site is currently empty and the area would benefit from new family housing.
- The scheme is low impact with a high quality design.
- The development would be shielded by trees and shrubs.
- A condition should be that all the trees must be retained and the height of the building should not exceed the adjacent buildings.

Dulwich Society:

Object to the proposed development and raise concerns over the lack of detail contained within the application. In particular concerns are raised with regard to the following issues:

- The height and footprint would be out of scale with the surrounding properties.
- Highway safety.
- Loss of amenity to neighbouring properties, in particular loss of garden from 11 Sydenham Hill.
- Impact on trees.

4. PLANNING CONSIDERATIONS

4.1 Principle of development

The London Plan requires that provision should be made to accommodate 1480 new households yearly within the borough and reiterates this need for housing to be provided within London as a whole. Although the proposed development is only for a

net increase of 1 additional unit of accommodation this will go towards the required housing provision and will provide additional diversity in the housing stock in the surrounding area. The new unit would also not be developed at the expense of other important land uses thereby meeting the requirements of Policies SP14 and SP17.

Concern has been raised by the Dulwich Society with regard to the loss of amenity space for the existing property at 11 Sydenham Hill as the application plot of land would have originally formed the rear garden for the house. Planning permission was granted in 2007 for the conversion of this property into flats, this was granted on the basis of the reduced plot size and did not include the application site. The level of amenity space was therefore considered acceptable and will not be affected as a result of the current application.

The lack of detail contained within the application has also been questioned. It should be noted however that this application seeks outline planning permission with only scale and access to be considered at this stage. If planning permission were granted all other matters, including appearance, landscaping and layout, would be considered at the reserved matters application stage, which would require further public consultation and consideration by the Council.

4.2 Design, Appearance and Impact on Streetscene

Development proposals are expected to achieve high standards of design and urban design objectives by responding to and reinforcing locally distinctive patterns of development. As previously noted this application is in outline form and the Council is only able to consider the scale and massing of the development in the context of the surrounding area.

The previous application cited inappropriate impact on the streetscene as a reason for refusal with the width and height of the building considered overly dominant and out of character. The current application has been reduced in width to 13m and would be set back from the road by 12m. The building line now more closely follows that of the adjoining properties by creating a stagger as the road bends.

The height has been reduced to a maximum of 9m to the top of the set back third floor. This would be approximately the same height at 11 Fountain Drive and would be lower than Hillside to the south. As the building is set centrally within the site this has also allowed the retention of the majority of the trees, which would greatly shield the property from the road and the neighbours.

The pattern of development in the surrounding area is made up of a wide variety of building types with no one form of development prevailing. Therefore although the width of the building would be larger than the adjoining properties, this not considered to be detrimental to the character and appearance of the streetscene given the variety of development in the area. The width of the building is in proportion with the width of the plot and appropriate gaps are maintained between the new building and adjoining houses. 13m would be maintained to the north between the application building and 11 Fountain Drive, while 9m would be maintained to the south between the application building and Hillside.

The Design and Access Statement indicates a contemporary style of building would be provided, and it is considered that a suitable design within the massing indicated could appropriately sit within the context of the streetscene. The immediate vicinity is characterised by the two 1960s dwellings either side of the application site, whereas the wider area is a mixture of both modern and period buildings. Number 11 Fountain Drive and Hillside offer no particular form of architectural merit or historical significance that should dictate future construction on the application site. They were themselves secondary buildings constructed in the contemporary style of the time in

the large rear gardens of those properties on Sydenham Hill to the east. Therefore provided that the scale and proportions are respected, which has been demonstrated as acceptable, and subject to detailed design consideration, a contemporary building is considered appropriate in this location.

Maintaining the character and appearance of the area would be subject to the retention of the existing trees within the site, which are significant within the streetscene. This could be ensured through the imposition of an appropriate condition. See section 5.3 below for further evaluation of impact on trees.

4.3 Trees

The submitted tree appraisal details one tree for removal, this is an apple tree in poor condition. The other trees located along the perimeter of the site would be retained subject to appropriate tree and root protection methods during construction and by the use of suitable construction methods. The Tree Appraisal concludes that this could be achieved, within the context of the scale and massing, and should permission be granted this could be ensured through the imposition of appropriate conditions.

Subject to those trees being protected and retained as detailed, it is considered that the proposed development would not have a detrimental impact on the character of the surrounding area. Should permission be granted this would be on the basis that landscaping be considered at the reserved matters stage where an appropriate landscaping and planting plan be considered which would seek to enhance and improve the existing site.

4.4 Standard of Accommodation and Amenity Space

The footprint of the building is proposed at 218sqm; split over 3 storeys as proposed this would give an approximate floor area of 600sqm. The Design and Access Statement indicates that this would provide a luxury and unique 6 bedroom dwelling with double height voids and facilities such as a private cinema and a pool/spa. It is considered that the development could provide an appropriate standard of internal accommodation, with generous room sizes to meet the needs of future occupants.

Amenity space would be provided in the form of a private garden surrounding the application building and taking advantage of the mature vegetation on the site. To the rear of the building a level area of approximately 10 m in depth would be provided with this then sloping upwards to the rear boundary of 11 Sydenham Hill. It is considered that this, combined with the wider garden, would be more than adequate to meet the needs of future residents, while appropriately relating to the scale of the building and the size of the application plot.

4.5 Neighbour Amenity

The proposed building could be appropriately designed to ensure the development would not have a detrimental impact on the amenity of neighbouring residential properties through loss of sunlight/daylight, visual intrusion or loss of privacy.

The building would be to a no greater height than those buildings located on either side of the application premises. While appropriate separation gaps of 13m would be maintained to the north between the application building and 11 Fountain Drive, and 9m maintained to the south between the application building and Hillside as previously mentioned. Furthermore both boundaries are currently screened by mature vegetation which would be maintained as part of the proposed development.

Due to the curve in the road and the substantial set back from the front of the site the front elevation of the building is set-back to a level beyond that of the rear elevation of no. 11 Fountain Drive. Outlook from the side windows of this dwelling would therefore continue to look straight along Fountain Drive without interruption from the proposed

building. Hillside to the south of the application building also has its principle outlook south and away from the application site.

The orientation of the site and the siting of the building ensures that there would be no loss of sunlight or daylight experienced as a result of the proposed development.

Any potential for overlooking being experienced at a result of the building and any roof terraces could be carefully controlled at the detailed design stage when the appearance is considered through a reserved matters application.

4.6 Access, Transportation and Parking

The application site is located within an area of medium access to public transport with a PTAL of 3. The subject development proposes the provision of 2 parking spaces which is considered an over provision in this location. It is not considered reasonable however to refuse permission on this basis as it relates only to the addition of 1 additional space on a very large plot of land for a substantial property. Any future areas of parking within the site could be restricted at the reserved matters stage through detailed consideration of landscaping.

The principle of the access arrangements to the site are considered acceptable and would not have a detrimental impact on the safe operation of the surrounding highway or road network. This is subject to the detailed consideration of landscaping at the reserved matters stage.

4.7 Planning obligations [S.106 undertaking or agreement]

It is recognised that new housing developments create increased pressure and demand on local services. However the provision of just 1 additional unit of accommodation would not meet those thresholds outlined within the SPD. As such should permission be granted the applicants would not be required to enter into an agreement.

4.8 Conclusion

The Council would welcome the redevelopment of the application site for residential purposes. The applicant has demonstrated that a development of this scale and with this access could be effectively accommodated without detriment to the surrounding residential properties or road network.

Subject to the imposition of appropriate conditions and the submission of reserved matters applications for appearance, landscaping and layout there is no reason to withhold outline planning permission in this instance.

5. COMMUNITY IMPACT STATEMENT

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.

6. SUSTAINABLE DEVELOPMENT IMPLICATIONS

No details of materials or other matters around the sustainability of the proposed building have been provided with the application. However as this is an outline

application to establish the principle of a house on the site it is considered that conditions could be added to deal with the energy efficiency measures to be provided within the proposed dwelling.

LEAD OFFICER	Gary Rice	Head of Development Management
REPORT AUTHOR	Amy Lester	Senior-Planner- [tel. 020 7525 5461] Development Management

CASE FILE	TP/2345-1
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]

RECOMMENDATION LDD MONITORING FORM REQUIRED

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Akuma Ltd
Application Type Outline Planning Permission
Recommendation Grant

Reg. Number 08-AP-1267

Case Number TP/2345-1

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Redevelopment of site to provide a detached dwellinghouse with access from Fountain Drive (application for outline planning permission with Access and Scale to be determined at this stage). Illustrative plans show a 3 storey building with undercroft parking for 2 cars.

At: 11A FOUNTAIN DRIVE, LONDON, SE19 1UW

In accordance with application received on 19/05/2008

and Applicant's Drawing Nos. 019_039; 019-040; 019-041; 019-043; 019_047 (received 19/05/08)

Tree survey info and tree survey plan (received 28/5/08)

Tree appraisal & protection (received 08/07/08)

019-037; 019-038 rev A; 019-042; 019-044 rev D; 019-048 (received 10/11/08)

019-045 rev A; 019-051 rev D; 019-052 rev A; 019-053 rev A (received 29/12/08)

Subject to the following condition:

- 1 Details of the appearance, landscaping and layout, (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Details including samples where appropriate of the materials to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the appearance of the building in accordance with Policy 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

- 3 Details of the means of storage of refuse and recycling waste shall be provide prior to occupation of the dwelling. Such details shall be submitted to (2 copies) and approved by the local planning authority and the facilities approved shall be made available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.7 Waste Reduction of the Southwark Unitary Development Plan 2007

- 4 Details of the means of enclosure for all site boundaries shall be submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with any approval given. The development hereby permitted shall not be occupied until the works approved pursuant to this condition have been carried out.

Reason

In order that the amenity of the adjoining properties are not compromised and in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 5 The tree protection methods detailed within the ACS Consulting Arboricultural Implications Report shall be implemented in accordance with the details therein. Prior to the commencement of works a site meeting should be held between the developers arboricultural consultant the and Local Authority Arboriculturist to ensure that the protective tree fencing has been properly erected and affords adequate protection to the root protection zones.

Reason

In order that the Local Planning Authority may be satisfied with the details of the scheme in accordance with Policy 3.12 'Quality in Design' and 3.2 'Protection of Amenity' of the Southwark Plan 2007

- 6 Details for the arrangements for the parking of vehicles associated with the dwelling shall be submitted to and approved prior to occupation and the scheme, the approved details shall be implemented prior to occupation of the dwelling.

Reason

To ensure the permanent retention of the parking spaces, to avoid obstruction of the surrounding streets by waiting vehicles and to safeguard the amenities of the adjoining properties in accordance with Policy 5.2 Transport Impacts of The Southwark Plan 2007.

- 7 Details of a scheme to demonstrate what energy efficiency measures including water reduction and grey water recycling would be incorporated within the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. Such details to be implemented as approved.

Reason

To ensure the new dwelling includes energy efficiency measures within the design in compliance with Policies 3.4 Energy Efficiency and 3.9 Water of the Southwark Plan 2007.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Policies SP11 'Amenity and Environmental Quality', SP13 'Design and Heritage', SP14 'Sustainable Buildings', SP17 'Housing', SP18 'Sustainable Transport', SP19 'Minimising the Need to Travel', 3.2 'Protection of Amenity', 3.11 'Efficient Use of Land', 3.12 'Quality in Design', 3.13 'Urban Design', 3.14 'Designing Out Crime', 4.1 'Density of Residential Development', 4.2 'Quality of Residential Accommodation', 5.2 'Transport Impacts', 5.3 'Walking and Cycling' and 5.6 'Car Parking' of the Southwark Plan [July 2007].

b] Policies 3A.1 'Increasing London's supply of housing', 3A.2 'Borough housing targets', 4B.1 'Design principles for a compact city', 4B.3 'Maximising the potential of sites', 4B.6 'Sustainable design and construction', 4B.7 'Respect local context and communities', 4C.8 'Sustainable drainage' and 6A.5 'Planning Obligations' of the London Plan' [2004].

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.



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3	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 09/05/09
From HEAD OF DEVELOPMENT MANAGEMENT		Title of Report DEVELOPMENT MANAGEMENT	
Proposal: Erection of rear extension at lower ground and ground floor level (Use Class C3).		Address 120 BARRY ROAD, LONDON, SE22 0HP Ward East Dulwich	
Application Start Date 17/02/2009		Application Expiry Date 14/04/2009	

PURPOSE

- 1 For consideration by the Dulwich Community Council due to the number of objections received.

RECOMMENDATION

- 2 Grant, subject to conditions.

BACKGROUND

Site location and description

- 3 The application site is a mid terrace property with basement which makes it 4 levels from the rear elevation but 3 storeys when viewed from the front. It is located on the western side of Barry Road, approximately 25 metres from the junction with Underhill Road.
- 4 The site is bounded by properties of similar character and the area is predominantly residential in nature. The property has an existing single storey lean-to extension which goes up to the boundary of No 122 but set back from the boundary of No 118 by approximately 2.5m.
- 5 The site forms part of the urban density zone and an air quality management area.

Details of proposal

- 6 Full planning permission is sought for the erection of a part single, part 2-storey rear extension at lower ground and ground floor level, following demolition of the existing structures at the rear of the site. At lower ground floor level the extension would span the full width of the rear elevation and would measure 6.680m deep and 3.7m high with a flat roof. At ground floor level it would be L-shaped and would measure 3.5m wide, 1.1m deep and 3.1m high, and would then turn the corner and project 4.2m along the boundary with 122 Barry Road and would measure 3.1m high with a flat roof.

7 Materials proposed are as follows:

- Render to the external walls;
- metal framed windows;
- sedum and glazed roofs.

8 Amended plans

The following amendments have been made to the plans:

1. Side door at ground floor level onto flat roof omitted.
2. Sliding ventilation panel shown on the right hand side of the rear window at ground floor level (with clarification that there is a void on the inside of this panel).
3. Balustrade to flat roof omitted;
4. Flat roof amended to a green roof.

Planning history

9 08-AP-2193 - Extension at rear basement (garden) level to single family dwelling house to provide additional residential accommodation - Lawful development certificate GRANTED in November 2008.

10 08-AP-0237 - Extensions at rear basement and ground floor levels to dwellinghouse to provide additional residential accommodation - Lawful development certificate GRANTED in March 2008.

11 07-AP-2723 - Extensions at rear basement and ground floor levels to dwellinghouse to provide additional residential accommodation - Lawful development certificate REFUSED in January 2008 for the following reasons:

1. The proposed extension is not considered to be lawful because it exceeds 4 metres in height within 2 metres of the boundary contrary to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995.

2. The proposed development is not considered to be lawful because the rear boundary wall with no. 122 Barry Road measures 4 metres high contrary to Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995.

Planning history of adjoining sites

No relevant history.

FACTORS FOR CONSIDERATION

Main Issues

12 The main issues in this case are:

- a] the principle of the development in terms of land use and conformity with strategic policies;
- b] amenity;
- c] design.

Planning Policy

Southwark Plan 2007 [July]

- 13 3.2 - Protection of amenity
3.12 - Quality in design
3.13 - Urban design

Residential Design Standards SPD (September 2008)

14 **Consultations**

Site notice date: 25/02/09

Press notice date: N/A.

Neighbour consultation letters sent:03/03/09

Case officer site visit date: 16/03/09

15 Internal consultees

N/A.

16 Statutory and non-statutory consultees

N/A.

17 Neighbour consultees

Notification letters have been sent to properties on Barry Road and Hindmans Road.

18 Re-consultation

No re-consultation undertaken.

Consultation replies

19 Internal consultees

N/A.

20 Statutory and non-statutory consultees

Thames Water

Request that the applicant incorporates a non-return valve within their proposal (informative recommended).

21 Neighbour consultees

Three representations have been received objecting to the proposals on the following grounds:

- Design out of keeping with the remainder of the terrace;
- Extension overly large and contrary to section 3.4 of the SPD;
- Loss of light and tests set out in the SPD not applied properly;
- Use of flat roof as a terrace;
- Noise and disturbance from use of flat roof as terrace;
- Loss of privacy from use of flat roof as a terrace;

- Loss of view (not a material planning consideration);
- Sense of enclosure / tunnel effect;
- query why the garden boundaries need to be extended;
- impact upon the structural stability of the adjoining properties (not a material planning consideration, covered separately under the Building Regulations);
- query the length of time it will take to complete the development (not a material planning consideration).

22 Re-consultation

N/A.

PLANNING CONSIDERATIONS

Principle of development

- 23 The proposal is to extend an existing house to provide additional living accommodation and this does not raise any landuse issues.

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

- 24 Policy 3.2 of the Southwark Plan seeks to ensure that developments provide an acceptable standard of amenity.
- 25 Concerns have been raised that the size of the proposed extension would result in loss of light, loss of outlook, a sense of enclosure and loss of privacy to 118 Barry Road, and would be contrary to guidance within the Residential Design Standards SPD.
- 26 118 Barry Road essentially mirrors the application site, having a 2-storey rear projection at lower ground and ground floor level, located approximately 3m off the boundary. There is a reception room window facing down the rear garden and a kitchen window in the side return, directly facing the site; there is also a half-glazed door to the kitchen, facing down the rear garden.
- 27 The proposed lower ground floor extension would bisect a 45 degree line taken from the centre point of the reception room window and a 25 degree line taken from the centre of the kitchen window, therefore it is likely that both rooms would experience some loss of light. They would certainly experience an increased sense of enclosure, and the orientation of the site is such that shadow from the extension would be cast in the direction of number 118 throughout the day.
- 28 However, the most recently approved lawful development extension would extend 5.8m along the boundary and measure 3m high. It too would bisect the 25 and 45 degree lines and would therefore potentially result in some loss of light to these windows, an increased sense of enclosure and additional shadow (reference: 08-AP-2193). This LDC application was determined under the October 2008 permitted development regulations.
- 29 The extension for which planning permission is now sought would only measure 0.7m deeper than permitted development extension, and 0.7m higher. It is not considered that the increase in depth would have a significant impact above and beyond what would be built under permitted development, although the 0.7m increase in height would be discernible to the occupiers of 118. However, given that the permitted development regulations would allow for a structure measuring 4m high on the boundary (0.3m higher than the extension for which permission is sought), it is not

considered that planning permission could be refused on this basis. It is however, recommended that a condition be attached to any forthcoming planning permission that the render to side elevation facing number 118 be painted a light colour, in order to reflect more light.

- 30 The proposed extension at ground floor level would be modest in size, measuring only 1m deep and would therefore have a very limited impact upon levels of light to ground floor windows at the rear of number 118. The ground floor window in the side return is understood to serve a bathroom and is obscure glazed, and the proposed ground floor extension would not extend in front of this window.
- 31 In terms of overlooking, concerns have been raised regarding use of the roof of the extension as a terrace, and potential noise, disturbance and loss of privacy. To overcome this, the plans have been amended to omit a door leading directly onto the flat roof, to remove a balustrade around the edges, and to sedum plant it. The only door onto the roof would be accessed from a void at lower ground floor level, and could likely only be reached by a ladder for maintenance purposes. However, a condition preventing use of the roof as a terrace is recommended, together with a further condition preventing the insertion of any windows or doors in the side elevation of the extension at ground floor level facing number 118, to ensure no loss of privacy.
- 32 122 Barry Road has a 2-storey rear extension at lower ground and ground floor level with terrace over, located on the boundary with the application site. The extension at lower ground floor level would not project beyond the main rear wall (containing windows) of this extension. It would be 0.8m higher on the boundary than the existing structure but given that it would not project beyond the rear windows to number 122, no significant loss of light would occur; shadow from the extension would be cast away from this property throughout the day.
- 33 In terms of privacy, the removal of general access onto the flat roof of the extension ensures that no loss of privacy would occur to this property. There may be views from number 122's rear terrace down through the glazed roof into the extension, but the extension itself would not reduce privacy to the roof terrace or rear windows at number 122.

Design issues

- 34 Policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments achieve a high standard of design.
- 35 Concerns have been raised that the design and size of the proposed extension would be out of keeping with the remainder of the terrace.
- 36 The proposed extension would sit comfortably below the existing first floor windows and although large in footprint, would appear as a clearly subservient addition to the rear of the building, in accordance with SPD guidance. It would adopt a simple, contemporary design and the use of render would help the structure to blend in with the original building. A condition requiring all work of making good to match existing is recommended, to ensure a satisfactory finish.

Other matters

- 37 There are no other matters arising from the proposal.

Conclusion

38

The size of the lower ground floor extension is such that it would undoubtedly impact upon the amenities of 118 Barry Road, but not to a significant extent over and above what could be built under permitted development rights, and the ground floor level extension would be modest in size therefore, on balance, it is recommended that conditional planning permission be granted.

COMMUNITY IMPACT STATEMENT

39 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.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

40 The flat roof of the lower ground floor extension will be planted which will help to absorb some of the rainwater.

LEAD OFFICER	Gary Rice	Head of Development Management
REPORT AUTHOR	Victoria Lewis	Senior-Planner- [tel.020 7525 5410] Development Management
CASE FILE	TP/2596-120	
Papers held at:	Regeneration and neighbourhoods dept., 160 Tooley Street SE1 2TZ tel.: 020 7525 5403 email:planning.enquiries@southwark.gov.uk	

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Mr & Ms S. Packer
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 09-AP-0242
Case Number TP/2596-120

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Erection of rear extension at lower ground and ground floor level (Use Class C3).

At: 120 BARRY ROAD, LONDON, SE22 0HP

In accordance with application received on 06/02/2009

and Applicant's Drawing Nos. 4162/LP-01A, PH-01, 01-01A, 01-02A, 01-03A, 01-04A, 01-05A, 01-08A, 01-09A, 01-10A, 01-11A, 01-12A, 02-01D, 02-02E, 02-03D, 02-04D, 02-05D, 02-06E, 02-07E, 02-08D, 02-09D, 02-10E, 02-11E, 02-12D, Design and Access Statement.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason
As required by Section 91 of the Town and Country Planning Act 1990 as amended
- 2 The roof of the extensions hereby permitted shall not be used other than as a means of escape or for maintenance purposes, and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Reason
In order that the privacy of 118 Barry Road may be protected from overlooking from use of the roof area in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and / or re-enacting that Order) no windows or doors shall be inserted in the north elevation (facing 118 Barry Road) of the ground floor extension hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason
In order that the privacy of 118 Barry Road may be protected from overlooking, in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.
- 4 Unless otherwise specified on the drawings, the facing materials used in the carrying out of this permission shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

Reason
To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan 2007.
- 5 The side elevation of the extension on the boundary with 118 Barry Road shall be painted a light colour and shall be retained as such hereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To reflect additional light towards the rear elevation of 118 Barry Road, in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Policies 3.2 - Protection of amenity, 3.12 - Quality in design and 3.13 - Urban design of the Southwark Plan [July 2007].

Particular regard was had to the impact upon the amenities of 118 Barry Road that would result from the proposed development, but given the size of extension that could be constructed under permitted development rights and for which a lawful development certificate has been obtained, it was not considered that there would be any demonstrable harm over and above the impact of a permitted development extension. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Informative

Thames Water requests that the property be protected by installing, for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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