

COMMUNITY COUNCILS
A voice for your community

Dulwich Community Council Agenda Planning Meeting

Date: Wednesday 9th November 2005

Time: 7.00 PM

Place: Christ Church, 263 Barry Road, SE22

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 meeting of 13th July 2005 (pages 5-7)
6. Development Control Items

Item 1/1- Full Planning Permission – Rear of 19 Village Way SE21

Construction of a new boundary wall

Item 1/2 – Listed building consent – Rear of 19 Village Way SE21

Construction of a new boundary wall

Item 1/3 – Full Planning Permission – 19 Village Way, London SE21 7AN

Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.

Item 1/4 - Listed Building Consent - 19 Village Way, London SE21 7AN

Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.

7. **Closing Comments by the Chair**

ADDITIONAL INFORMATION

Dulwich Community Council Membership

Cllr Toby Eckersley - Chair

Cllr Lewis Robinson - Vice Chair

Cllr David Bradbury

Cllr Norma Gibbes

Cllr Kim Humphreys

Cllr Michelle Pearce

Cllr William Rowe

Cllr Charlie Smith

Cllr Sarah Welfare

Carers' Allowances

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Deputations

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 facilities

Wheelchair access to the venue is through the main entrance to Christ Church and there is a disabled toilet at the venue.

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

Julian Bassham

Phone: 0207 525 7234

E-mail: julian.bassham@southwark.gov.uk

Council Website: www.southwark.gov.uk

Language Needs

If you want information on the Community Councils translated into your language please telephone 020 7525 57514

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Si aad noogu sheegto haddii aad leedahay baahi gaar ama wax gooni kuu ah sida gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 7514

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如果你需要有關社區委員會的訊息翻譯成中文，請致電提出要求，號碼：020 7525 0640

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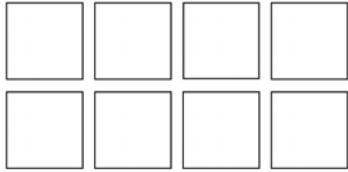
Si tiene necesidades o requisitos específicos, como es transporte especial o un intérprete, por favor llame al número de teléfono 020 7525 7514

Spanish

Lati bẽre fun itumọ irohin nipa Council agbegbe re (Community Council) ni ede abini rẹ, jọwọ pe telifoonu 020 7525 7514.

Lati jẹ ki a mọ nipa iranlọwọ tabi idi pato, gegẹbi ọkọ (mọto) tabi olutumọ, jọwọ pe telifoonu 020 7525 7514.

Yoruba



COMMUNITY COUNCILS
A voice for your community



Dulwich Community Council

Planning Meeting

Draft Minutes of Dulwich Community Council
Planning meeting held on Wednesday 13 July 2005
at 7.00pm at Christ Church, 263 Barry Road, SE22

Present

Councillors Toby Eckersley (Chair), David Bradbury, Kim Humphreys and Michelle Pearce and Lewis Robinson (Vice Chair).

1. Introduction and welcome by the Chair

Cllr Eckersley introduced himself, Members of Dulwich Community Council, officers and welcomed people to the meeting.

2. Apologies

Apologies were received from Cllrs Norma Gibbes, William Rowe, Charlie Smith and Sarah Welfare.

3. Disclosure of Members' interests and dispensations

Cllr Eckersley said that the scheduled Item 2 regarding Advertisement Consent at the Streatham & Marlborough Cricket Club should be referred up to the main Planning Committee. That was to avoid any possible conflict of interest as Dulwich Community Council had previously awarded a grant to the cricket club.

RESOLVED: Members agreed that Item 2 be referred to the Main Planning Committee.

Cllr Eckersley said that an addendum report had been submitted for the item now not being considered.

4. Urgent Items

There were none.

5. Minutes of meeting of 21st June 2005

These had been previously circulated and agreed as an accurate record; they were signed by the Chair.

Recording of Members' votes

Council Procedure Rule 1.17 (5) 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 Committee 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

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.

7. Development Control Items

Item 1/1- Full Planning Permission – 56-62 Lordship Lane London SE22

Proposal: Erection of a rooftop telecommunications radio base station comprising of three panel antennas and three dish antennas and associated shrouding and six equipment cabinets and ancillary development including new handrails and ladder.

Alison Brittain, Planning Officer, introduced the report and circulated plans.

The application was recommended for approval, subject to accompanying conditions listed in the draft recommendation.

Members asked questions and sought clarification on certain aspects of the application.

The Planning Officer answered questions.

Spencer Sutcliffe spoke on behalf of the objectors.

Members asked questions of the objector.

The applicant was not present.

Cllr Eckersley read out a letter he had received from Cllr Sarah Welfare objecting to the proposal. The letter was attached to another letter from a local school also objecting.

Members debated the application.

Cllr Eckersley moved that the application be granted with conditions.

Cllr Bradbury seconded the motion.

RESOLVED: to grant planning permission -

As on paper subject to an additional request that samples of proposed shrouding materials be submitted and approved 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.

7. Closing Comments by the Chair

The Chair thanked everyone for attending and closed the meeting at 8:10pm.

Chair:

Date:

Item No.	Classification Open	Date: 31 July 2003	Meeting Name: Dulwich Community Council
Report title:		Development Control	
Ward(s) or groups affected:		East Dulwich and College wards in Dulwich Community Council area	
From:		Strategic Director of Regeneration	

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 committee business detailed in Article 8 under Role and Functions of the Committee were agreed by the Constitutional Meeting of the Council on 24th February 2003. This function was 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 Community Council boundaries.
6. Each of the following items are 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. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to the Secretary of State for the Environment 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. The employment of Counsel is generally limited to complex inquiries or for very major proposals.

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 budget.

EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED

11. **Equal opportunities considerations are contained within each item.**

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor & Secretary

12. A resolution to grant planning permission shall mean that the Development & Building Control Manager 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 Development & Building Control Manager shall constitute a planning permission.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Development & Building Control Manager 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 Borough Solicitor and Secretary, and which is satisfactory to the Development & Building Control Manager. 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 Borough Solicitor and Secretary. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 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 54A of the Town and Country Planning Act 1990 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Unitary Development Plan adopted by the Council in July 1995.

15. 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.

16. Government policy on planning obligations is contained in the Department of the Environment's circular 1/97. Provisions of legal agreements must fairly and reasonably relate to the provisions of the Development Plan and to planning considerations affecting the land. The obligation 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 29 th May 2002	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	Beverley Olamijulo 020 7525 7222
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE27 3ES	The named case Officer as listed or John East 020 7525 5437

APPENDIX 1

Audit Trail

<u>Lead Officer</u>	Deborah Holmes, Borough Solicitor & Secretary	
Report Author	Glen Egan, Acting Head of Legal Beverley Olamijulo, Constitutional Support Officer (Executive)	
Version	Final	
Dated	11/02/03	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBERS		
Glen Egan Acting Head of Legal	No	Yes
Paul Evans Strategic	No	No
Director of Regeneration		
John East Development & Building Control Manager	No	Yes

**ITEMS ON AGENDA OF THE DULWICH CC
on Wednesday 09 November 2005**

Appl. Type Full Planning Permission
Site Rear of 19 Village Way SE21

Reg. No. 05-AP-1578

TP No. TP/2076-19

Ward Village

Officer Karli Flood

Recommendation GRANT

Proposal

Construction of a new boundary wall

Item 1/1

Appl. Type Listed Building Consent

Site Rear of 19 Village Way SE21

Reg. No. 05-AP-1580

TP No. TP/2076-19

Ward Village

Officer Karli Flood

Recommendation GRANT

Proposal

Construction of a new boundary wall

Item 1/2

Appl. Type Full Planning Permission
Site 19 VILLAGE WAY, LONDON, SE21 7AN

Reg. No. 05-AP-2052

TP No. TP/2076-19

Ward Village

Officer Karli Flood

Recommendation GRANT

Proposal

Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.

Item 1/3

Appl. Type Listed Building Consent
Site 19 VILLAGE WAY, LONDON, SE21 7AN

Reg. No. 05-AP-2053

TP No. TP/2076-19

Ward Village

Officer Karli Flood

Recommendation GRANT

Proposal

Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.

Item 1/4

Insert Map 1 here

Item No. 1	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 09/11/2005
From DEVELOPMENT & BUILDING CONTROL MANAGER		Title of Report DEVELOPMENT CONTROL	
Proposal (05-AP-1578) Construction of a new boundary wall		Address Rear of 19 Village Way SE21 Ward Village	

PURPOSE

- 1 To consider the above application.

RECOMMENDATION

- 2 Grant Planning Permission.

BACKGROUND

- 3 The application site comprises a parcel of vacant land that is to the rear of No. 19 Village Way. The site (including No. 19) is located on the corner of Village Way and Red Post Hill Road. No. 19 Village Way comprises a large detached, two storey dwelling. There is a detached garage located approximately 10.0 metres north of the dwelling. The building is a Grade II Listed building that is located within the Dulwich Village Conservation Area. A Listed building application has also been submitted for this proposal (05-AP-1580).
- 4 A 2m (approx) high front wall runs around the Red Post Hill and Village Way property boundary. Parts of this fence have been removed over time due to various reasons.
- 5 The entire site has recently been subdivided, hence creating a vacant parcel of land to the rear of the main site where the listed building is located. Presently, no fence formally separates the two parcels of land.
- 6 A number of different alterations to the dwellinghouse on 19 Village Way have been made over time, however there are no records of planning permission being granted for the site to the rear. It should be noted, however, that a proposal (planning permission and listed building consent) is currently being considered for a new front boundary wall and access point.
- 7 This particular scheme refers to the construction of a brick wall that runs through the site in order to create a physical separation between the existing garden of No. 19 Village Way and the adjacent land, (formerly part of the original garden). The

proposed wall does not run in a straight line, due to the need to avoid a large Willow tree that is located near the middle of the property.

FACTORS FOR CONSIDERATION

Main Issues

- 8 The main issues in this case are the appearance and design of the proposed wall and its impact on the garden trees, the Dulwich Village Conservation Area, the Listed Building at 19 Village Way and surrounding the properties.

Planning Policy

- 9 Southwark Unitary Development Plan 1995 [UDP]:
E.2.3 'Aesthetic Control'
E.3.1 'Protection of Amenity'
E.4.3 'Proposals Affecting Conservation Areas'
E.4.4 'Protection of Buildings of Special Architectural or Historical Interest'
E.4.6 'Proposals Affecting Listed Buildings'
E.6.2 'Trees Subject to Tree Preservation Orders and Trees in Conservation Areas'
Supplementary Planning Guidance 1997 - No. 7 - Tree Preservation Order (TPO) and No. 9 - Conservation Area - A Guide to Law and Policy
- 10 The Southwark Plan [Revised Draft] February 2005
3.2 'Protection of Amenity'
3.11 'Quality in Design'
3.16 'Development in Conservation Areas'

Consultations

- 11 Site Notice: 25/08/05 Press Notice: 18/08/05
- 12 Consultees:
Arboricultural Officer
1 Dulwich Village SE21 7BU
90 Dulwich Village SE21 7AQ
22, 23 Pond Mead SE21 7AR
Nos 1-9 (cons) Red Post Hill SE21 7BX
19, 21 Village Way SE21 7AN

Replies from:

- 13 Arboricultural Officer: did not object to the proposal but stated the following:

'The wall will pass within 2 metres of a mature Willow and within cms of a Yew tree. Sections of the wall with therefore need to be constructed on piles and piers, not strip foundations. A method statement will need to be received and agreed upon before any works start.'
- 14 Peter Flaherty of Lydenhurst, 19 Village Way SE21 objected to the proposal for the following (summarised) reasons -
- *'No permission should be granted to applicant until the existing front boundary wall or sufficient funds are deposited with Southwark Council to enable them to carry*

out reconstruction.

- *The proposed wall is shown partly on my land*
- *The wall lies very close to three protected trees and detailed drawings should be submitted showing how the wall would be constructed to ensure that no damage is done to the tree roots. A method statement on how the trees will be protected during construction should also be submitted.*
- *The document 'The Dulwich Village Conservation Area. The Character and Appearance of the Area' refers to Lydenhurst and the garden (i.e. application site) and states that 'The garden setting positively enhances the listed building. It is important for the proper preservation of the character of the conservation area that the open setting is preserved, and that both parts of the garden remain undeveloped'.*

15 Simon Pimblett of 9 Red Post Hill objected to the application for the following (summarised) reasons:

- *'The proposed boundary wall contains no access points. This would have the effect of creating an enclave contained by the new and existing boundary wall that could not be maintained and would quickly become overgrown and derelict. Residents overlooking this land do not wish to see the peaceful nature of the environment spoiled.*
- *A new boundary wall across the existing garden of Lydenhurst would destroy the special character of the sizeable walled garden that is rare in London.*
- *The site is located within a conservation area and its original features, including the land that it sits upon, should be preserved intact'.*

16 Caroline Pimblett of 9 Red Post Hill objected to the application for the following (summarised) reasons:

- *'Dulwich is a Conservation Area and the walled garden of Lydenhurst is unique. There can be no justification for breaking up the Lydenhurst Estate by building the proposed wall.*
- *The proposed fence would radically alter the character of Lydenhurst, which is a listed building.*
- *Ownership of the land is defined by the law and plans, rather than a physical boundary. I see no need to now destroy this important estate by driving a wall across it, particularly when the two properties have been owned by different owners for many years now.*
- *Once the necessary repairs are made to the current boundary wall, if the proposed wall were to be built there would be no access to the strip of land north of the wall, which would be a ludicrous situation'.*

17 Adam Robinson of 3 Red Post Hill SE21 objected to the proposal for the following (summarised) reasons:

- *'The proposed boundary wall has no access points, which would result in the land to the rear becoming overgrown and derelict. My house overlooks this land and I do not want to see the current peaceful nature of the environment spoiled.*
- *The existing front boundary wall creates a walled garden at the back of the property. An additional wall through the middle of the garden would negatively affect the character of the piece of land in question.*
- *The original features of Lydenhurst, which is located within a conservation area should be kept intact'.*

18

EMB Robinson of 3 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *'The emphasis should be on mending the existing, damaged (listed) wall rather than constructing another wall.*
- *The remaining garden will become a derelict wilderness, creating enormous security risks for the properties around its borders.*
- *The peaceful and well kept nature for this environment and the special character of the Lydenhurst garden would be spoiled.*
- *The site is located in a Conservation Area and therefore the original features of Lydenhurst and its garden should remain intact'.*

PLANNING CONSIDERATIONS

19 Following an assessment of the application the following considerations are offered:

Appearance of wall and its impact on the Dulwich Village Conservation Area and the Listed Building at 19 Village Way

20 The proposed boundary wall will match the existing listed boundary wall on Red Post Hill. The applicant has confirmed that there is no predominant bonding pattern to this wall and therefore they are proposing Flemish garden wall bond with flush pointing, which is acceptable. However, in order to fully ensure that the wall is to Council's satisfaction, as a condition, the applicant would be required to submit samples of the bricks and pointing to be used. The bricks would need to match the dimension, colour and texture of the boundary wall to 19 Village Way, which affronts Red Post Hill.

21 Given the above, it is considered that the proposed boundary wall would not significantly impact on the Conservation Area or the Listed Building. A significant amount of land still surrounds the Listed Building and it is therefore considered that the subdivision of the land by way of a wall will not have a detrimental impact on the character of the Listed Building.

Impact on amenity.

22 The proposed boundary wall should not significantly impact on the amenity of adjoining residents in any way. Some objections mentioned that the garden at the rear that would be separated from garden of the listed building would become an eyesore as it would be unkept. This is not a planning consideration as it cannot be assumed that the garden would not be maintained. If in the future the garden is left unkept and may have the potential to threaten the amenity of surrounding properties etc. Council do have powers under Section 215 of the Town and Country Planning Act 1990 to enforce such matters if it is considered necessary.

Future use of the site

23 This application is for the consideration of a boundary wall within the site and not for any other development. It is acknowledged that several schemes have already been refused on this site and like in the past, any other future proposals received will be considered in accordance with the full planning process.

Existing trees

- 24 It is considered that provided that suitable construction methods are undertaken, the fence should not impact upon the health of the existing trees that are in close proximity to the fence (particularly the large Willow tree), which would result in their retention and contribution to the existing garden area.

Conclusion:

- 25 On balance, the proposed boundary wall is considered to be acceptable in terms of design and appearance. It will respect the existing listed building on the site and Dulwich Village Conservation Area and should not cause any adverse amenity issues to surrounding residents or the existing Willow and Yew trees. Consequently, the application should be recommended for approval.

EQUAL OPPORTUNITY IMPLICATIONS

- 26 None

LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

- 27 None

LEAD OFFICER	Anne Lippitt	Interim Head of Development & Building Control
REPORT AUTHOR	Karli Flood	Planning Officer Development Control [tel. 020 7525 1137]
CASE FILE	TP/2076-19	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5402]	

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 R.L. Hughes	Reg. Number	05-AP-1578
Application Type	Full Planning Permission	Case Number	TP/2076-19
Recommendation	Grant		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Construction of a new boundary wall

At: Rear of 19 Village Way SE21

In accordance with application received on 01/08/2005

and Applicant's Drawing Nos. WD103, WD104

Subject to the following conditions:

- 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 Samples of the bricks and pointing to be used in the carrying out of this permission shall be submitted to and approved 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 details of bricks and pointing in the interest of the appearance of the building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.

- 3 A method statement detailing the foundations of the wall shall be submitted (2 copies) to and approved by the Local Planning Authority before any work is begun.

Reason

In order that the Local Planning Authority may be satisfied as to the construction methods to be employed in the interest of the protection of the trees located within close proximity of the proposed wall in accordance with Policy E.6.2 'Trees Subject to Tree Preservation Orders and Trees in Conservation Areas of the Southwark Unitary Development Plan.

- 4 Details of the means by which the existing trees on the site are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment shall be submitted (2 copies) to and approved by the Local Planning Authority before any work is begun, and such protection shall be installed and retained throughout the period of the works.

Reason

In order that the Local Planning Authority may be satisfied that the trees on the site are protected and retained in accordance with Policy E.6.2 'Trees Subject to Tree Preservation Orders and Trees in Conservation Areas of the Southwark Unitary Development Plan.

Reasons for granting planning permission.

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

- a] Policies E.2.3 'Protection of Amenity', E.3.1 'Protection of Amenity', E.4.3 'Proposal Affecting Conservation Areas', E.4.4 'Protection of Buildings of Special Architectural or Historical Interest', E.6.2 'Trees Subject to Tree Preservation Orders and Trees in Conservation Areas' of the Southwark Unitary Development Plan 1995
- b] Policies 3.2 'Protection of Amenity', 3.11 'Quality in Design', 3.16 'Development in Conservation Areas' of The Southwark Plan [Revised Draft] February 2005.

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.

Informative

You are advised to consult the Council's Arborculturalist, Council Offices, 151 Walworth Road, London SE17 telephone (020) 7525 5000 with regard to how best comply with the terms of Condition 3 of this permission.

Item No. 2	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 09/11/2005
From DEVELOPMENT & BUILDING CONTROL MANAGER		Title of Report DEVELOPMENT CONTROL	
Proposal (05-AP-1580) Construction of a new boundary wall		Address Rear of 19 Village Way SE21 Ward Village	

PURPOSE

- 1 To consider the above application.

RECOMMENDATION

- 2 To grant Listed Building Consent.

BACKGROUND

- 3 The application site comprises a parcel of vacant land that is to the rear of No. 19 Village Way. The site (including No. 19) is located on the corner of Village Way and Red Post Hill Road. No. 19 Village Way comprises a large detached, two storey dwelling. There is a detached garage located approximately 10.0 metres north of the dwelling. The house named 'Lydenhurst' is a Grade II Listed building that is located within the Dulwich Village Conservation Area.
- 4 A 2m (approx) high front wall runs around the Red Post Hill and Village Way property boundary. Parts of this fence have been removed over time due to various reasons.
- 5 The entire site has recently been subdivided, hence creating a vacant parcel of land to the rear of the main site where the listed building is located. Presently, no fence formally separates the two parcels of land.
- 6 A number of different alterations to the dwellinghouse on 19 Village Way have been made over time, however there are no records of planning permission being granted for the site to the rear. It should be noted, however, that a proposal (planning permission and listed building consent) is currently being considered for a new front boundary wall and access point.
- 7 This particular scheme refers to the construction of a brick wall that runs through the site in order to create a separation between the two parcels of land at No. 19 Village Way. The fence does not run in a straight line, due to the need to avoid a large Willow tree that is located near the middle of the property.

FACTORS FOR CONSIDERATION

Main Issues

- 8 The main issues in this case are:
- if the proposal would affect the character or setting of the Listed Building and Conservation Area

Planning Policy

- 9 Southwark Unitary Development Plan 1995 [UDP]:
Policy E.4.3 'Proposals Affecting Conservation Areas'
Policy E.4.6 'Proposals Affecting Listed Buildings'
Policy E.2.3 'Aesthetic Control'
Policy E.4.4 'Protection of Buildings of Special Architectural or Historical Interest'.

Supplementary Planning Guidance:

No. 1 'Design and Layout of Developments': Complies

- 10 The Southwark Plan [Revised Draft] February 2005
3.11 'Quality in Design'
3.16 'Development in Conservation Areas'
3.17 'Listed Building Consent'

Consultations

- 11 Site Notice: 25/08/05 Press Notice: 18/08/05

- 12 Consultees:

1 Dulwich Village SE21 7BU
90 Dulwich Village SE21 7AQ
22, 23 Pond Mead SE21 7AR
Nos 1-9 (cons) Red Post Hill SE21 7BX
19, 21 Village Way SE21 7AN

Replies from:

- 13 Peter Flaherty of Lydenhurst, 19 Village Way SE21 objected to the proposal for the following (summarised) reasons -
- *'No permission should be granted to applicant until the existing front boundary wall or sufficient funds are deposited with Southwark Council to enable them to carry out reconstruction.*
 - *The proposed wall is shown partly on my land*
 - *The wall lies very close to three protected trees and detailed drawings should be submitted showing how the wall would be constructed to ensure that no damage is done to the tree roots. A method statement on how the trees will be protected during constructed should also be submitted.*
 - *The document 'The Dulwich Village Conservation Area. The Character and Appearance of the Area' refers to Lydenhurst and the garden (i.e. application site) and states that 'The garden setting positively enhances the listed building. It is important for the proper preservation of the character of the conservation area that the open setting is preserved, and that both parts of the garden remain*

undeveloped'.

14 Simon Pimblett of 9 Red Post Hill objected to the application for the following (summarised) reasons:

- *'The proposed boundary wall contains no access points. This would have the effect of creating an enclave contained by the new and existing boundary wall that could not be maintained and would quickly become overgrown and derelict. Residents overlooking this land do not wish to see the peaceful nature of the environment spoiled.*
- *A new boundary wall across the existing garden of Lydenhurst would destroy the special character of the sizeable walled garden that is rare in London.*
- *The site is located within a conservation area and its original features, including the land that it sits upon, should be preserved intact'.*

15 Caroline Pimblett of 9 Red Post Hill objected to the application for the following (summarised) reasons:

- *'Dulwich is a Conservation Area and the walled garden of Lydenhurst is unique. There can be no justification for breaking up the Lydenhurst Estate by building the proposed wall.*
- *The proposed fence would radically alter the character of Lydenhurst, which is a listed building.*
- *Ownership of the land is defined by the law and plans, rather than a physical boundary. I see no need to now destroy this important estate by driving a wall across it, particularly when the two properties have been owned by different owners for many years now.*
- *Once the necessary repairs are made to the current boundary wall, if the proposed wall were to be built there would be no access to the strip of land north of the wall, which would be a ludicrous situation'.*

16 Adam Robinson of 3 Red Post Hill SE21 objected to the proposal for the following (summarised) reasons:

- *'The proposed boundary wall has no access points, which would result in the land to the rear becoming overgrown and derelict. My house overlooks this land and I do not want to see the current peaceful nature of the environment spoiled.*
- *The existing front boundary wall creates a walled garden at the back of the property. An additional wall through the middle of the garden would negatively affect the character of the piece of land in question.*
- *The original features of Lydenhurst, which is located within a conservation area should be kept intact'.*

17 EMB Robinson of 3 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *'The emphasis should be on mending the existing, damaged (listed) wall rather than constructing another wall.*
- *The remaining garden will become a derelict wilderness, creating enormous security risks for the properties around its borders.*
- *The peaceful and well kept nature for this environment and the special character of the Lydenhurst garden would be spoiled.*
- *The site is located in a Conservation Area and therefore the original features of*

Lydenhurst and its garden should remain intact'.

PLANNING CONSIDERATIONS

Listed Building and Conservation Area Issues:

- 18 The proposed boundary wall is considered acceptable as it would be in keeping with the character of the area and the design and materials of the fence would be considered to be sympathetic to the listed dwelling house and the Dulwich Village Conservation Area. Prior to the construction of the wall, however, samples of the brick and pointing would need to be submitted to ensure that the bricks match the dimension, colour and texture of the boundary wall to 19 Village Way, which affronts Red Post Hill.
- 19 Given the above, it is considered that the proposed boundary wall would not significantly impact on the Conservation Area or the Listed Building. A significant amount of land still surrounds the Listed Building and it is therefore considered that the subdivision of this property by way of a fence will not have a detrimental impact on the character of the Listed Building.

Impact on amenity.

- 20 The proposed boundary wall should not significantly impact on the amenity of adjoining residents in any way. Some objections mentioned that the garden at the rear that would be separated from garden of the listed building would become an eyesore as it would be unkept. This is not a planning consideration as it cannot be assumed that the garden would not be maintained. If in the future the garden is left unkept and may have the potential to threaten the amenity of surrounding properties etc. Council do have powers under Section 215 of the Town and Country Planning Act 1990 to enforce such matters if it is considered necessary.

Future use of the site

- 21 This application is for the consideration of a boundary wall within the site and not for any other development. It is acknowledged that several schemes have already been refused on this site and like in the past, any other future proposals received will be considered in accordance with the full planning process.

Conclusion:

- 22 On balance, the proposed boundary wall is considered acceptable in terms of design and appearance and will respect the existing listed building on the site and Dulwich Village Conservation Area. Consequently, the application should be recommended for approval.

EQUAL OPPORTUNITY IMPLICATIONS

- 23 None

LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

- 24 None

LEAD OFFICER

Anne Lippitt

Interim Head of Development & Building

REPORT AUTHOR Karli Flood Control
Planning Officer Development Control
[tel. 020 7525 1137]

CASE FILE TP/2076-19

Papers held at: Regeneration Department, Council Offices, Chiltern, Portland Street
SE17 2ES [tel. 020 7525 5402]

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 R.L. Hughes	Reg. Number	05-AP-1580
Application Type	Listed Building Consent	Case Number	TP/2076-19
Recommendation	Grant		

Draft of Decision Notice

Listed Building CONSENT was given to carry out the following works:

Construction of a new boundary wall

At: Rear of 19 Village Way SE21

In accordance with application received on 01/08/2005

and Applicant's Drawing Nos. WD103, WD104

Subject to the following conditions:

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

Reason

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

- 2 Samples of the bricks and pointing to be used in the carrying out of this permission shall be submitted to and approved 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 details of bricks and pointing in the interest of the appearance of the building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.

- 3 **Reasons for granting listed building consent.**

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

- a] Policies E.4.3 'Proposals Affecting Conservation Areas', E.4.6 'Proposals Affecting Listed Buildings, E.2.3 'Aesthetic Control' and E.4.4 'Protection of Buildings of Special Architectural or Historical Interest' of the Southwark Unitary Development Plan 1995
- b] Policies 3.11 'Quality in Design' and 3.16 'Development in Conservation Areas' and 3.17 'Listed Building Consent' of The Southwark Plan [Revised Draft] February 2005.

Listed building consent 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 No. 3	Classification OPEN	Decision Level DUWLICH COMMUNITY COUNCIL	Date 09/11/2005
From DEVELOPMENT & BUILDING CONTROL MANAGER		Title of Report DEVELOPMENT CONTROL	
Proposal (05-AP-2052) Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.		Address 19 VILLAGE WAY, LONDON, SE21 7AN Ward Village	

PURPOSE

- 1 To consider the above application.

RECOMMENDATION

- 2 Grant Planning Permission.

BACKGROUND

- 3 The application site comprises a parcel of vacant land that is to the rear of No. 19 Village Way. The site (including No. 19) is located on the corner of Village Way and Red Post Hill Road. No. 19 Village Way comprises a large detached, two storey dwelling. There is a detached garage located approximately 10.0 metres north of the dwelling. The building is a Grade II Listed building that is located within the Dulwich Village Conservation Area. A Listed building application has also been submitted for this proposal (05-AP-2053).
- 4 A 1.5m (approx) high front wall runs around the Red Post Hill and Village Way property boundary. Parts of this fence have been removed over time for various reasons.
- 5 The entire site has recently been subdivided, hence creating a vacant parcel of land to the rear of the main site where the listed building is located. Presently, no fence formally separates the two parcels of land, however it should be noted that a proposal (planning permission and listed building consent) is currently being considered for the construction of a brick fence that runs through the site in order to create a physical separation between the existing garden of No. 19 Village Way and the adjacent land (formerly part of the original garden).
- 6 A number of different alterations to the dwellinghouse on 19 Village Way have been made over time, however there are no records of planning permission being granted for the site to the rear.

- 7 This particular scheme refers to a new front boundary wall and vehicular access point to the rear of No. 19 Village Way.

FACTORS FOR CONSIDERATION

Main Issues

- 8 The main issues in this case are the appearance and design of the proposed front fence and its impact on the Dulwich Village Conservation Area, the Listed Building at 19 Village Way and surrounding the properties. The impact of the proposed vehicular accessway on the existing traffic conditions will also be assessed.

Planning Policy

- 9 Southwark Unitary Development Plan 1995 [UDP]:
E.2.3 'Aesthetic Control'
E.3.1 'Protection of Amenity'
E.4.3 'Proposals Affecting Conservation Areas'
E.4.4 'Protection of Buildings of Special Architectural or Historical Interest'
E.4.6 'Proposals Affecting Listed Buildings'
T.1.3 'Design of Development and Conformity with Council Standards and Controls'
Supplementary Planning Guidance 1997 - No. 7 - Tree Preservation Order (TPO) and No. 9 - Conservation Area - A Guide to Law and Policy
- 10 The Southwark Plan [Revised Draft] February 2005
3.2 'Protection of Amenity'
3.11 'Quality in Design'
3.16 'Development in Conservation Areas'
5.2 'Transport Impacts'

Consultations

- 11 Site Notice: 08/10/05 Press Notice: 13/10/05

- 12 Consultees:
Traffic Group
Dulwich Estate
1 Dulwich Village SE21 7BU
90 Dulwich Village SE21 7AQ
22, 23 Pond Mead SE21 7AR
Nos 1-9 (cons) Red Post Hill SE21 7BX
19, 21 Village Way SE21 7AN

Replies from:

- 13 Traffic Group - did not object to the proposal, provided that the access gates are for the use of pedestrians and not for vehicles.
- 14 Pond Mead Residents Association objected to the proposal for the following (summarised) reasons:
- *This section of Red Post Hill is on a bend and traffic entering it from the rear garden would be a danger.*
 - *If a previous planning application for a wall divided this piece of land from the top*

half of the garden is granted then a pedestrian gate would be more acceptable for access to the site which would otherwise become an inaccessible island of weeds.

- *We think the site should be left untouched.*

15 PP Flaherty of Lydenhurst, 19 Village Way objected to the proposal for the following (summarised) reasons:

- *I am surprised that the owners of the land have submitted a planning application for access without declaring their full intentions, which are to build thirteen houses on the site.*
- *The wall existing front wall has always surrounded the garden of Lydenhurst. This building is over 250 years old and is a significant landmark which is a positive focus of view from the south. In my view the wall is an important part of that view both from the north and the south.*
- *In the Dulwich Village Conservation Area appraisal, Lydenhurst is noted as making Dulwich Village special. Although the previous owner sold part of the garden, the wall has always been an integral part of the setting for this listed building.*
- *The Conservation Plan states that 'new developments should preserve or enhance the historic character and qualities of buildings or areas of historical or architectural significance'. This gateway will do nothing to preserve or enhance this area of Dulwich.*
- *The wall having a gateway will be detrimental. The gateway is only 1.8 metres which would allow access for small vehicles.*
- *The owners of the land have no need for a gateway except to allow access for construction.*
- *The wall should be properly restored without any gateway. This wall has been partly demolished for almost two years.*

16

JN Fearle of 1 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *The proposal would affect the appearance of the listed building and conservation area.*
- *The Council's own review of this part of the Conservation opposes its development.*
- *The proposal to create a vehicular entrance on the convex curve of a busy and often congested road close (if not on) a bus stop is extremely dangerous.*

17

Ann V Earle of 1 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *The front wall has been systematically and deliberately destructed and bricks removed so that very little remains.*
- *Wall comes under the protection of English Heritage and is now in an extended Conservation Area.*
- *It would be extremely dangerous for vehicular traffic to exit from any point of this wall (which already has one double gateway in it) onto a road that is very congested, near traffic lights and near a weakened railway bridge.*
- *The proposal is based on the part of the developers who have bought land to which there never had been separate access to whom permission to build and create an access has already been refused.*

18

Mr HM Hill of 8 Red Post Hill objected to the proposal for the following (summarised) reasons:

- 19
- *All previous applications have been turned down.*
 - *This is a listed wall and should make good .*
 - *A new vehicular access would be dangerous, given the volume of traffic on Red Post Hill and the difficulties with sight lines.*

Caroline Pimblett of 9 Red Post Hill objected to the proposal for the following (summarised) reasons:

- 20
- *Lydenhurst is a listed building and is noted by the appraisal of the Dulwich Village Conservation as: 'its setting is enhanced by its fine 18 Century brick boundary wall'.*
 - *The proposed vehicle access would be a hazard and nuisance to traffic on Red Post Hill.*
 - *The new traffic/road arrangement of narrowing Red Post Hill and relocating the bus stop to allow pedestrians to cross the road safely is working well for bus users and pedestrians and should not be disturbed for the purpose of access through the wall.*
 - *It is presumed that the proposed access is for future development on the site, which would be strongly opposed.*

Mr Hollins of 6a Red Post Hill objected to the proposal for the following (summarised) reasons:

- *Part of this fence was knocked down by the Council, which was criminal.*
- *The wall was not dangerous and had it fallen down it would have fallen into Lydenhurst and therefore would be no danger to the general public.*
- *An application was previously made for access in the wall and was turned down by Southwark Borough Council, English Heritage, Dulwich College and the local residents. One of the main reasons was because it was considered a hazard to the road.*
- *The access will be in line with the local bus stop, which has recently been resisted by Southwark Borough Council.*
- *Strongly object to the vehicular access as it would cause traffic problems and become a safety hazard.*
- *The wall is 130 years old and is part of the listed building Lydenhurst.*

PLANNING CONSIDERATIONS

- 21 Following an assessment of the application the following considerations are offered:

Appearance of wall and its impact on the Dulwich Village Conservation Area and the Listed Building at 19 Village Way

- 22 The proposal would rebuild the portions of the existing walls that are collapsed. The proposed scheme would introduce a new gate element into the wall fronting on Red Post Hill. There is concern about allowing vehicular access from Red Post Hill from a design and conservation perspective. The provision of a narrower pedestrian gate at the proposed location would be supported, as this alteration will have a neutral effect upon the appearance and character of the listed building and the Dulwich Village

conservation area.

- 23 In terms of materials and details, concerns are raised regarding the proposed use of ibstock bricks, and it is recommended that second-hand London stock brick be used to match the existing brick. The mortar and bold should match the existing in colour, composition, texture, profile and appearance. The stone capping should be of York stone. These issues could be addressed by including a condition on any permission granted, that requires the submission of further design detail and samples of the proposed materials.

Traffic implications

- 24 The proposed location of the access gate is not considered appropriate for any vehicles to be entering or exiting onto this part of Red Post Hill Road. The proposed location is within close proximity to a busy intersection. Several bus routes also run along Red Post Hill Road and a bus stop is actually located directly in front of the proposed access gate. Any vehicular access would compromise the safety of vehicles and pedestrians using Red Post Hill and, therefore, the proposal should be approved subject to the access gate being reduced in width to eliminate vehicular access.

History of the Front Fence

- 25 A number of objections refer to the demolition of part of the fence. Council records indicate that the wall became dangerous as it was about to collapse. Council requested that the owner remove the danger, however, this was not adhered to. The Council then removed the danger by demolishing part of the fence and placed a financial charge on the property. This issue is still being pursued by Council.

Building Regulations

- 26 The return wall is 1.5 metres high and will not attract any Building Control applications, however the front wall which it appears is to be demolished will attract a temporary Structure Application under Section 30 of the London Building Acts(Amendment) Act 1939. Should this application be approved, Council will have ongoing control for checking the safety of this wall and its security every three years.

Conclusion:

- 27 On balance, the proposed front boundary fence is considered to be acceptable in terms of design and appearance, subject to the submission of further design details that are to approved by Council. The proposed fence will respect the existing listed building on the site and Dulwich Village Conservation Area and should not cause any adverse amenity issues to surrounding residents. Vehicular access to the site is not supported due to potential traffic and safety hazards. The width of the gate should be reduced to ensure that access is only possible for pedestrians. Consequently, the application should be recommended for approval subject to conditions.

EQUAL OPPORTUNITY IMPLICATIONS

- 28 None

LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

- 29 None

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 R L Hughes	Reg. Number	05-AP-2052
Application Type	Full Planning Permission	Case Number	TP/2076-19
Recommendation	Grant		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.

At: 19 VILLAGE WAY, LONDON, SE21 7AN

In accordance with application received on 29/09/2005

and Applicant's Drawing Nos. WD101A, 102A.

Subject to the following conditions:

- 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 Detailed drawings at a scale of 1:10 (annotated to show materials used), including sections at a scale of 1:5, showing a pedestrian gate and reduced opening of 1.2m in width shall be submitted and approved by the Local Planning Authority prior to any work in connection with this permission being carried out, and the works 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 traffic impacts in the interest of safety and detailed design in the interest of the appearance of the building in accordance with Policies E.2.3 'Aesthetic Control' and T.1.3 'Design of Development and Conformity with Council Standards and Controls', of the Southwark Unitary Development Plan (July 1995) and Policy 3.11 'Quality in Design', 3.13 'Urban Design' and 5.2 'Traffic Impacts of the Southwark Plan (Final Draft) February 2005.

- 3 Samples of the following facing materials shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the works shall not be carried out otherwise than in accordance with any such approval given.

- i. Second-hand London stock brick to match existing
- ii. Stone capping

Reason

In order that the Local Planning Authority may be satisfied as to the quality of materials of the detailed design in the interest of the appearance of the building in accordance with Policy E.2.3 'Aesthetic Control', of the Southwark Unitary Development Plan (July 1995) and Policy 3.11 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan (Final Draft) February 2005.

- 4 A sample brick panel measuring not less than one metre square, typical of the existing boundary wall comprised of the following facing materials shall be provided on-site and approved by the Local Planning Authority before any work in connection with this permission is carried out and the works shall not be carried out otherwise than in accordance with any such approval given.

- i. Brick samples (to match existing as to colour, texture and size)
- ii. Mortar samples (to match existing as to colour and profile)

Reason

In order that the Local Planning Authority may be satisfied as to the external finishes of the building in the interest of the appearance of the building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan (July 1995) and Policy 3.11 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan (Final Draft) February 2005.

5 **Reasons for granting planning permission.**

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

- a] Policies E.2.3 'Protection of Amenity', E.3.1 'Protection of Amenity', E.4.3 'Proposals Affecting Conservation Areas', E.4.4 'Protection of Buildings of Special Architectural or Historical Interest', E.4.6 'Proposals Affecting Listed Buildings' and T.1.3 'Design and Development and Conformity with Council Standards and Controls' of the Southwark Unitary Development Plan 1995
- b] Policies 3.2 'Protection of Amenity', 3.11 'Quality in Design', 3.16 'Development in Conservation Areas' and 5.2 'Transport Impacts' of The Southwark Plan [Revised Draft] February 2005.

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 No. 4	Classification OPEN	Decision Level DELEGATED	Date 09/11/2005
From DEVELOPMENT & BUILDING CONTROL MANAGER		Title of Report DEVELOPMENT CONTROL	
Proposal (05-AP-2053) Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.		Address 19 VILLAGE WAY, LONDON, SE21 7AN Ward Village	

PURPOSE

- 1 To consider the above application.

RECOMMENDATION

- 2 Grant List Building Consent.

BACKGROUND

- 3 The application site comprises a parcel of vacant land that is to the rear of No. 19 Village Way. The site (including No. 19) is located on the corner of Village Way and Red Post Hill Road. No. 19 Village Way comprises a large detached, two storey dwelling. There is a detached garage located approximately 10.0 metres north of the dwelling. The building is a Grade II Listed building that is located within the Dulwich Village Conservation Area. A full planning application has also been submitted for this proposal (05-AP-2052).
- 4 A 1.5m (approx) high front wall runs around the Red Post Hill and Village Way property boundary. Parts of this fence have been removed over time for various reasons, which will be discussed in further detail later in the report.
- 5 The entire site has recently been subdivided, hence creating a vacant parcel of land to the rear of the main site where the listed building is located. Presently, no fence formally separates the two parcels of land, however it should be noted that a proposal (planning permission and listed building consent) is currently being considered for the construction of a brick fence that runs through the site in order to create a physical separation between the existing garden of No. 19 Village Way and the adjacent land (formerly part of the original garden).
- 6 A number of different alterations to the dwellinghouse on 19 Village Way have been made over time, however there are no records of planning permission being granted for the site to the rear.
- 7 This particular scheme refers to a new front boundary wall and vehicular access point

to the rear of No. 19 Village Way.

FACTORS FOR CONSIDERATION

Main Issues

- 8 The main issues in this case are the appearance and design of the proposed front fence and its impact on the Listed Building at 19 Village Way (Lyndenhurst).

Planning Policy

- 9 Southwark Unitary Development Plan 1995 [UDP]:
E.2.3 'Aesthetic Control'
E.4.4 'Protection of Buildings of Special Architectural or Historical Interest'
E.4.6 'Proposals Affecting Listed Buildings'
- 10 The Southwark Plan [Revised Draft] February 2005
3.2 'Protection of Amenity'
3.11 'Quality in Design'

Consultations

- 11 Site Notice: 08/10/05 Press Notice: 13/10/05

- 12 Consultees:
Dulwich Estate
1 Dulwich Village SE21 7BU
90 Dulwich Village SE21 7AQ
22, 23 Pond Mead SE21 7AR
Nos 1-9 (cons) Red Post Hill SE21 7BX
19, 21 Village Way SE21 7AN

Replies from:

- 13 The objections below relate only to listed building consent. Other grounds of objection are addressed in the full planning application 05-AP-2052.
- 14 Pond Mead Residents Association objected to the proposal for the following (summarised) reasons:
- *If a previous planning application for a wall divided this piece of land from the top half of the garden is granted then a pedestrian gate would be more acceptable for access to the site which would otherwise become an inaccessible island of weeds.*
 - *We think the site should be left untouched.*
- 15 PP Flaherty of Lyndenhurst, 19 Village Way objected to the proposal for the following (summarised) reasons:
- *The wall existing front wall has always surrounded the garden of Lyndenhurst. This building is over 250 years old and is a significant landmark which is a positive focus of view from the south. In my view the wall is an important part of that view both from the north and the south.*
 - *In the Dulwich Village Conservation Area appraisal, Lyndenhurst is noted as making Dulwich Village special. Although the previous owner sold part of the*

garden, the wall has always been an integral part of the setting for this listed building.

- *The Conservation Plan states that 'new developments should preserve or enhance the historic character and qualities of buildings or areas of historical or architectural significance'. This gateway will do nothing to preserve or enhance this area of Dulwich.*
- *The owners of the land have no need for a gateway except to allow access for construction.*
- *The wall should be properly restored without any gateway. This wall has been partly demolished for almost two years.*

16 JN Earle of 1 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *The proposal would affect the appearance of the listed building and conservation area.*
- *The Council's own review of this part of the Conservation opposes its development.*

17 Ann V Earle of 1 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *The front wall has been systematically and deliberately destructed and bricks removed so that very little remains.*
- *Wall comes under the protection of English Heritage and is now in an extended Conservation Area.*

18 Mr HM Hill of 8 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *All previous applications have been turned down.*
- *This is a listed wall and should make good .*

19 Caroline Pimblett of 9 Red Post Hill objected to the proposal for the following (summarised) reasons:

- *Lydenhurst is a listed building and is noted by the appraisal of the Dulwich Village Conservation as: 'its setting is enhanced by its fine 18 Century brick boundary wall'.*

20 Mr Hollins of 6a Red Post Hill objected to the proposal for the following (summarised) reasons:

- *Part of this fence was knocked down by the Council, which was criminal.*
- *The wall was not dangerous and had it fallen down it would have fallen into Lydenhurst and therefore would be no danger to the general public.*
- *An application was previously made for access in the wall and was turned down by Southwark Borough Council, English Heritage, Dulwich College and the local residents.*
- *The wall is 130 years old and is part of the listed building Lydenhurst.*

PLANNING CONSIDERATIONS

- 21 Following an assessment of the application the following considerations are offered:

Appearance of wall and its impact on the Dulwich Village Conservation Area and the Listed Building at 19 Village Way

- 22 The proposal would rebuild the portions of the existing walls that are collapsed. The proposed scheme would introduce a new gate element into the wall fronting on Red Post Hill. There is concern about allowing vehicular access from Red Post Hill from a design and conservation perspective. The provision of a narrower pedestrian gate at the proposed location would be supported, as this alteration will have a neutral effect upon the appearance and character of the listed building and the Dulwich Village conservation area.
- 23 In terms of materials and details, concerns are raised regarding the proposed use of ibstock bricks, and it is recommended that second-hand London stock brick be used to match the existing brick. The mortar and bold should match the existing in colour, composition, texture, profile and appearance. The stone capping should be of York stone. These issues could be addressed by including a condition on any permission granted, that requires the submission of further design detail and samples of the proposed materials.

History of the Front Fence

- 24 A number of objections refer to the demolition of part of the fence. Council records indicate that the wall became dangerous as it was about to collapse. Council requested that the owner remove the danger, however, this was not adhered to. The Council then removed the danger by demolishing part of the fence and placed a financial charge on the property. This issue is still being pursued by Council.

Building Regulations

- 25 The return wall is 1.5 metres high and will not attract any Building Control applications, however the front wall which it appears is to be demolished will attract a temporary Structure Application under Section 30 of the London Building Acts(Amendment) Act 1939. Should this application be approved, Council will have ongoing control for checking the safety of this wall and its security every three years.

Conclusion:

- 26 On balance, the proposed front boundary fence is considered to be acceptable in terms of design and appearance, subject to the submission of further design details that are to approved by Council. The proposed fence will respect the existing listed building on the site and the Dulwich Village Conservation Area. Consequently, Listed Building Consent should be granted subject to conditions.

EQUAL OPPORTUNITY IMPLICATIONS

- 27 None

LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

- 28 None

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 R L Hughes	Reg. Number	05-AP-2053
Application Type	Listed Building Consent		
Recommendation	Grant	Case Number	TP/2076-19

Draft of Decision Notice

Listed Building CONSENT was given to carry out the following works:

Rebuilding of part of existing boundary wall fronting Red Post Hill to include construction of new vehicular and pedestrian access gate onto Red Post Hill.

At: 19 VILLAGE WAY, LONDON, SE21 7AN

In accordance with application received on 29/09/2005

and Applicant's Drawing Nos. WD101A. 102A.

Subject to the following conditions:

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

Reason

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

- 2 Samples of the following facing materials shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the works shall not be carried out otherwise than in accordance with any such approval given.

- i. Second-hand London stock brick to match existing
- ii. Stone capping

Reason

In order that the Local Planning Authority may be satisfied as to the quality of materials of the detailed design in the interest of the appearance of the building in accordance with Policy E.2.3 'Aesthetic Control', of the Southwark Unitary Development Plan (July 1995) and Policy 3.11 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan (Final Draft) February 2005.

- 3 Detailed drawings at a scale of 1:10 (annotated to show materials used), including sections at a scale of 1:5, showing a pedestrian gate and opening shall be submitted and approved by the Local Planning Authority prior to any work in connection with this permission being carried out, and the works 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 detailed design in the interest of the appearance of the listed building in accordance with Policy E.2.3 'Aesthetic Control', of the Southwark Unitary Development Plan (July 1995) and Policy 3.11 'Quality in Design', 3.13 'Urban Design', and 3.17 'Listed Building' of the Southwark Plan (Final Draft) February 2005.

- 4 A sample brick panel measuring not less than one metre square, typical of the existing boundary wall comprised of the following facing materials shall be provided on-site and approved by the Local Planning

Authority before any work in connection with this permission is carried out and the works shall not be carried out otherwise than in accordance with any such approval given.

- i. Brick samples (to match existing as to colour, texture and size)
- ii. Mortar samples (to match existing as to colour and profile)

Reason

In order that the Local Planning Authority may be satisfied as to the external finishes of the work in the interest of the appearance of the listed building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan (July 1995) and Policy 3.11 'Quality in Design', 3.13 'Urban Design', and 3.17 'Listed Building' of the Southwark Plan (Final Draft) February 2005.

- 5 All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

Reason

In order that the Local Planning Authority may be satisfied as to the external finishes of the work in the interest of the appearance of the listed building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan (July 1995) and Policy 3.11 'Quality in Design' and 3.17 'Listed Building' of the Southwark Plan (Final Draft) February 2005.

Reasons for granting listed building consent.

This listed building consent application was considered with regard to various policies including, but not exclusively:

- a] Policies E.2.3 'Protection of Amenity', E.4.3 'Proposals Affecting Conservation Areas', E.4.4 'Protection of Buildings of Special Architectural or Historical Interest' and E.4.6 'Proposals Affecting Listed Buildings' of the Southwark Unitary Development Plan 1995
- b] Policies 3.2 'Protection of Amenity', 3.11 'Quality in Design' and 3.16 'Development in Conservation Areas' of The Southwark Plan [Revised Draft] February 2005.

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

