

**COMMUNITY COUNCILS**  
A voice for your community



## **Dulwich Community Council Agenda Planning Meeting**

**Date:** Tuesday 10<sup>th</sup> January 2006

**Time:** 7.00 PM

**Place:** Christ Church, 263 Barry Road, SE22 (back Hall –entrance via the left hand side of the building)

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Please note that this is the meeting postponed from the 21<sup>st</sup> December 2005

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 9<sup>th</sup> November 2005 (pages 5 - 8)
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

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**

If you are a Southwark resident and have paid someone to look after your children, or an elderly dependant or a dependant with disabilities, so that you can attend this meeting, you may claim an allowance from the Council. Please collect a claim form from the clerk at the meeting.

### **Deputations**

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

### **Exclusion of Press and Public**

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.”

### **Transport Assistance for Disabled Members of the Public**

Members of the public with a disability who wish to attend Community Council meetings and who require transport assistance in order to access the meeting, are requested to call the meeting clerk at the number below to give his/her contact and address details. The clerk will arrange for a driver to collect the person and provide return transport after the meeting. There will be no charge to the person collected. Please note that it is necessary to call the clerk as far in advance as possible, at least three working days before the meeting.

### **Wheelchair facilities**

Wheelchair access to the venue is through the side entrance to Christ Church to the back hall and there is a disabled toilet 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](mailto:beverley.olamijulo@southwark.gov.uk)

Council Website: [www.southwark.gov.uk](http://www.southwark.gov.uk)

## Language Needs

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

To inform us of any special needs or requirements, such as transport or signer/interpreter, please telephone 020 752 57514

আপনি যদি আপনার ভাষায় কমিউনিটি কাউন্সিল সম্বন্ধে তথ্য চান তাহলে অনুগ্রহ করে 020 7525 0640 নম্বরে টেলিফোন করুন

কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা অনুবাদক/ইন্টারপ্রেটার তাহলে 020 7525 0640 নম্বরে টেলিফোন করুন

### Bengali

Kendi dilinizde Toplum meclisleri hakkønda bilgi almak için 020 7525 7514'nolu telefonu arayønøz.

Özel gereksinimlerinizi bize bildirmek için 020 7525 7514'nolu telefonu çeviriniz.

### Turkish

Haddii aad doonayso warbixin ku saabsan qoraalka Kawnsalkada Bulshada oo ku turjuman af Soomaali fadlan tilifoon u dir 020 7525 7514

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

### Somali

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

欲想通知我們你有的特別需求或需要，例如接送車輛或手語/傳譯員，請致電通知，號碼：020 7525 0640

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Se voce quiser informações nos conselhos comunitários traduzidas em sua língua por favor ligue para 020 7525 7514

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### Portuguese

Si vous désirer avoir l'information sur les Conseils de la Communauté (Community Councils) traduite en votre langue téléphonez SVP au 020 7525 7514

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### French

Si precisa información sobre los departamentos sociales (Community Councils) traducida a su idioma, por favor llame al número de teléfono 020 7525 7514

Si tiene necesidades o requisitos específicos, como es transporte especial o un

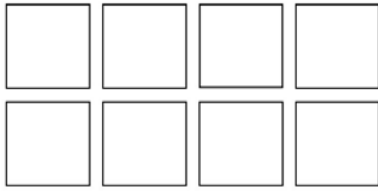
intérprete, por favor llame al número de teléfono 020 7525 7514

**Spanish**

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

Lati je ki a mo nipa iranlowo tabi idi pato, gẹgẹbi oko (moto) tabi olutumọ, jowo pe telifoonu 020 7525 7514.

**Yoruba**



**COMMUNITY COUNCILS**  
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## **Dulwich Community Council Planning Meeting**

Draft Minutes of Dulwich Community Council Planning meeting held on Wednesday 9 November 2005 at 7.00pm at Christ Church, 263 Barry Road, SE22

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### **Present**

Councillors Toby Eckersley (Chair), Charlie Smith, Lewis Robinson (Vice Chair), and Sarah Welfare.

### **Also Present**

Councillors, David Bradbury and Michelle Pearce (ward members)

### **1. Introduction and welcome by the Chair**

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

### **2. Apologies**

Apologies for absence were received on behalf of Councillors Kim Humphreys, Norma Gibbes and William Rowe.

### **3. Disclosure of Members' interests and dispensations**

Councillor David Bradbury declared a personal non-prejudicial interest in respect of all the items on 19 Village Way, SE21 because of his involvement with matters that were raised by those living in surrounding properties and constituents in his ward. He informed the meeting that he would be speaking in his capacity as a Ward Councillor.

Members of the Committee also that noted as a result of Councillor Bradbury receiving legal advice, he would not be serving as a voting member on this occasion.

Councillor Michelle Pearce declared the same interest stating that she has also been involved in discussions with neighbouring residents concerning 19 Village Way and would therefore be making representations as a Ward Councillor.

#### **4. Urgent Items**

There were none.

#### **5. Minutes of meeting of 13<sup>th</sup> July 2005**

##### **RESOLVED:**

That the Minutes of the meeting held 13 July 2005 be agreed as an accurate record of the proceedings and 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 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**

##### **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 and 1/2 Full Planning Permission and Listed Building Consent – Rear of 19 Village Way, London SE21 7AN**

The Committee considered above items in conjunction with each other.

**Proposal:** Construction of a new boundary wall.

The Planning Officer (Sonia Watson) introduced the report and recommended that planning building consent be granted.

Members asked questions of the Planning Officer.

Representations were made from the Objectors ((Peter Flaherty/Simon Pimblett) who explained that the garden is overgrown and has not been maintained by the present

owner. The second objector suggested that Members undertake a site visit before making a determination and that the rebuilding of the wall could have a detrimental impact.

Representations were made from the Ward Councillors who recommended that the application be deferred until such time the applicant addresses the concerns highlighted above.

It was noted that the applicant was not present.

**RESOLVED:** That both applications be deferred in order to receive further information on the tree preservation order and future maintenance on the patch of land to establish whether relevant planning consideration could be given. In addition to seek clarification concerning the open setting of garden particularly giving regard to the proposed height of wall.

The Planning Officer agreed to write to applicant requesting information on both accounts.

### **Items 1/3 and 1/4 - Full Planning Permission and Listed Building Consent – Rear of 19 Village Way, London SE21 7AN**

The Committee considered the above items in conjunction with each other.

**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.

The Planning Officer (Sonia Watson) introduced the report and circulated plans.

The Officer made reference to the planning application appeal's decision.

The Officer also drew members' attention to the objections that were raised which stated that the proposed development would be out of keeping and felt it would be more appropriate for the wall to undergo some form of restoration.

Members asked questions on the following:

- Whether the proposed pedestrian access is compliant with policies relating to the conservation area.
- The possibility of installing a gate and whether enforcement action could be taken if the developer decides to demolish the wall.

The Planning Officer responded to Members' and made reference to paragraph 3.8.2 of the Dulwich Village conservation area document in relation the boundary wall listed building status.

The Committee heard representations from the objectors (Peter Flaherty/Simon Pimbett) and Ward Councillors.

Concerns were raised by the objectors about the appearance of the wall, what would be built in its place if boundary wall is demolished and continued problems of vandalism.

It was noted that the applicant was not present.

## **Adjournment**

At 8.15 p.m. it was moved seconded and

**RESOLVED:** That the meeting be adjourned for three minutes to reconvene at 8.18 pm.

The meeting further debated on this item and Members concluded their decision.

**RESOLVED:** That the proposed development relating to both applications 1/3 and 1/4 - rebuilding of existing boundary wall fronting Red Post Hill be refused on the grounds that it is not compliant with policy E.4.3 of the Southwark's adopted UDP (unitary development plan), which states that the design would not enhance the Conservation Area.

### **8. Closing Comments by the Chair**

The Chair thanked everyone for attending and closed the meeting at 9:35pm.

**Chair:**

**Date:**



<b>Item No.</b>	<b>Classification</b> Open	<b>Date:</b> 31 July 2003	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>		<b>Development Control</b>	
<b>Ward(s) or groups affected:</b>		East Dulwich and College wards in Dulwich Community Council area	
<b>From:</b>		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 24<sup>th</sup> 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Council Assembly Agenda 29 <sup>th</sup> 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

## Audit Trail

<b><u>Lead Officer</u></b>	Deborah Holmes, Borough Solicitor & Secretary	
<b>Report Author</b>	Glen Egan, Acting Head of Legal Beverley Olamijulo, Constitutional Support Officer (Executive)	
<b>Version</b>	Final	
<b>Dated</b>	11/02/03	
<b>Key Decision</b>	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 Tuesday 10<sup>th</sup> January 2006

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**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*

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**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

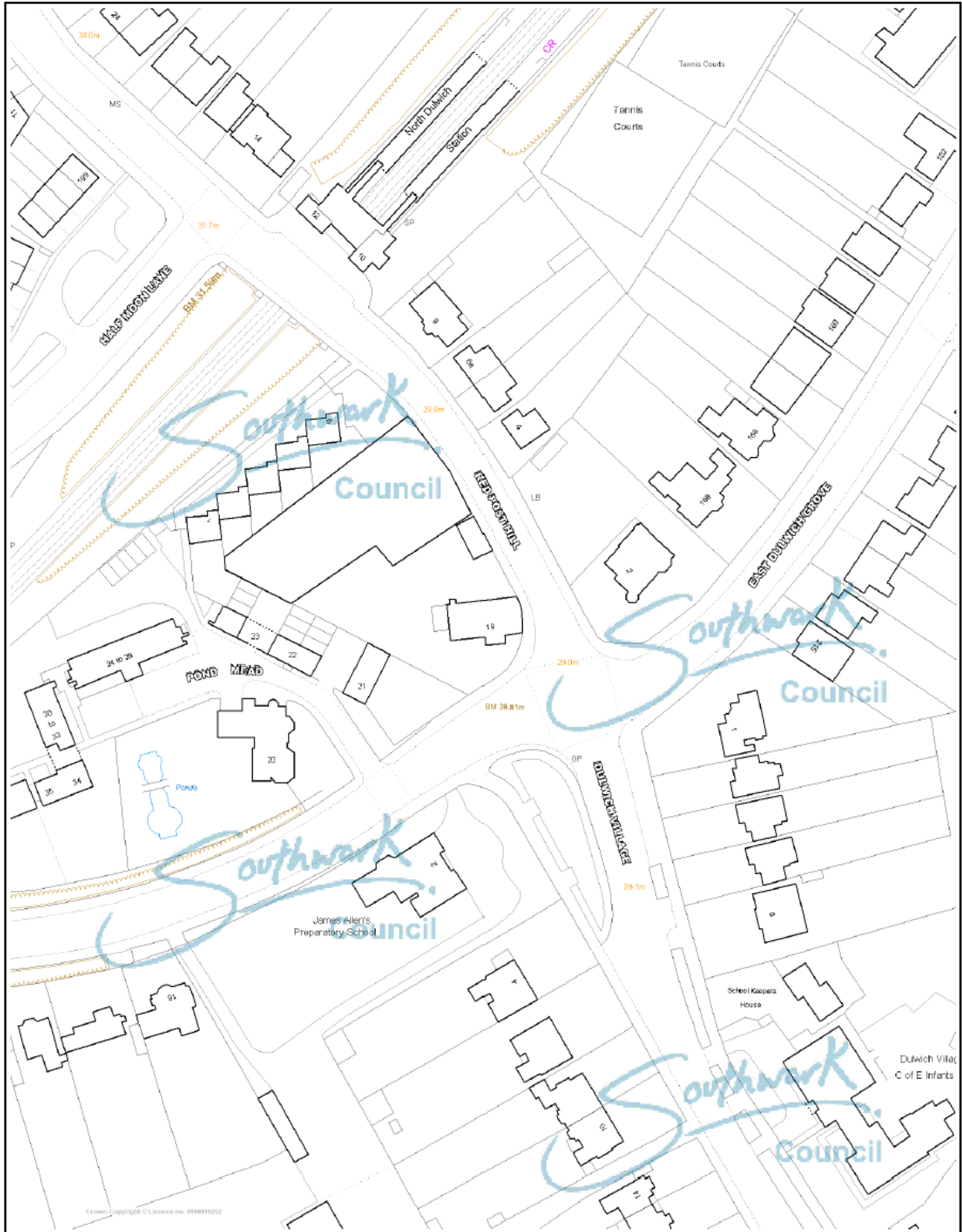
**Proposal**


Construction of a new boundary wall

*Item 1/2*

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# Rear of 19 Village Way SE21



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<b>Item No.</b>  1	<b>Classification</b>  OPEN	<b>Decision Level</b>  Community Council	<b>Date</b>  21/12/05
<b>From</b>  DEVELOPMENT & BUILDING CONTROL MANAGER		<b>Title of Report</b>  DEVELOPMENT CONTROL	
<b>Proposal</b> (05-AP-1578 and 05-AP-1580 )  Construction of a new boundary wall (Full Planning Permission and Listed Building Consent)		<b>Address</b>  Rear of 19 Village Way SE21  <b>Ward</b> Village	

## PURPOSE

- 1 To consider the above application.

## RECOMMENDATION

- 2 Grant Planning Permission.

## BACKGROUND

- 3 This application was considered at the Dulwich Community Council Meeting on 9th November 2005, however, a decision was not made due to the request for more information, which included the following:
  1. Evidence to prove that the proposed wall would be constructed entirely on the applicant's land.
  2. Details of how the land would be accessed for maintenance should planning permission be granted.
  3. Details of how the Yew tree would be protected if the wall needed to be moved closer in that direction?
- 4 The applicant has submitted the following information:

With respect to 1. -

  - A copy of the Land Registry plan that defines the boundary of the application site was confirmed in the High Court in December 2004. I copy of the site plan drawing no. WD104 Rev A was submitted, which shows an overlay of the

boundary line indicated on the Land Registry plan. The plan shows the relationship between the currently proposed line of the new boundary wall and the real boundary which indicates that the proposed wall will be constructed entirely on the applicant's land.

With respect to 2. -

- There is currently no official access to the application site from 19 Village Way even though no wall has as yet been built. The current occupant of 19 Village Way has recently paid damages for trespass onto the application site. As a consequence of the recent legal dispute over the ownership of the land, the High Court stipulated that a wall should be built in order to avoid any future disputes between the neighbours. Therefore, access for maintenance of the land has no bearing on the owner of the application site to maintain the land, whether the wall is built or not.

With respect to 3.-

- An agreement would be proposed over the method of protection of the Yew tree through a condition for the construction of the wall. The intention would be to engage the services of a structural engineer and an arboriculturalist to verify a suitable method for bridging and protecting the roots of the Yew Tree.

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 5 Please refer to previous report.

### **Planning Policy**

- 6 Please refer to previous report.

### **Consultations**

- 7 Please refer to previous report.

### **Replies from:**

- 8 Please refer to previous report.

## **PLANNING CONSIDERATIONS**

- 9 It is considered that the submitted material satisfactorily addresses the issues raised at the previous Community Council Meeting.
- 10 It is clear from the submitted Land Registry Plan and Site Plan that the proposed wall is within the title boundary.
- 11 It is considered that the concern regarding maintenance will remain unchanged, as that although a physical boundary is not in place to separate the properties, there is a legal boundary, which presently does not allow access to the application site from No. 19 Village Way without permission of the owner. Further, an application to provide an



access gate (pedestrian only) was refused by Council at the previous Community Council Meeting. Therefore, at this stage, the access onto the site will remain as existing.

- 12 Protection methods for the Yew Tree would be included as a condition on any permission issued. The applicant would also engage the services of a structural engineer and an arboriculturalist to verify suitable construction methods which would be to the satisfaction of the Local Authority.
- 13 All other planning considerations remain and are outlined in the previous report.
- 14 Consequently, if the application is still considered to be reasonable and should be approved.

#### **EQUAL OPPORTUNITY IMPLICATIONS**

- 15 Please refer to previous report.

#### **LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS**

- 16 Please refer to previous report.

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]	

**PREVIOUS REPORT  
CONSIDERED BY  
DULWICH COMMUNITY  
COUNCIL AT ITS MEETING  
ON 09/11/2005**

Item No.	Classification	Decision Level	Date
	OPEN	DELEGATED	09/11/2005
From	Title of Report		
DEVELOPMENT & BUILDING CONTROL MANAGER	DEVELOPMENT CONTROL		
Proposal (05-AP-1578 )	Address		
Construction of a new boundary wall	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 sites 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'.*

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

18

- *'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]	

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## RECOMMENDATION

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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.

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

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### Draft of Decision Notice

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**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.

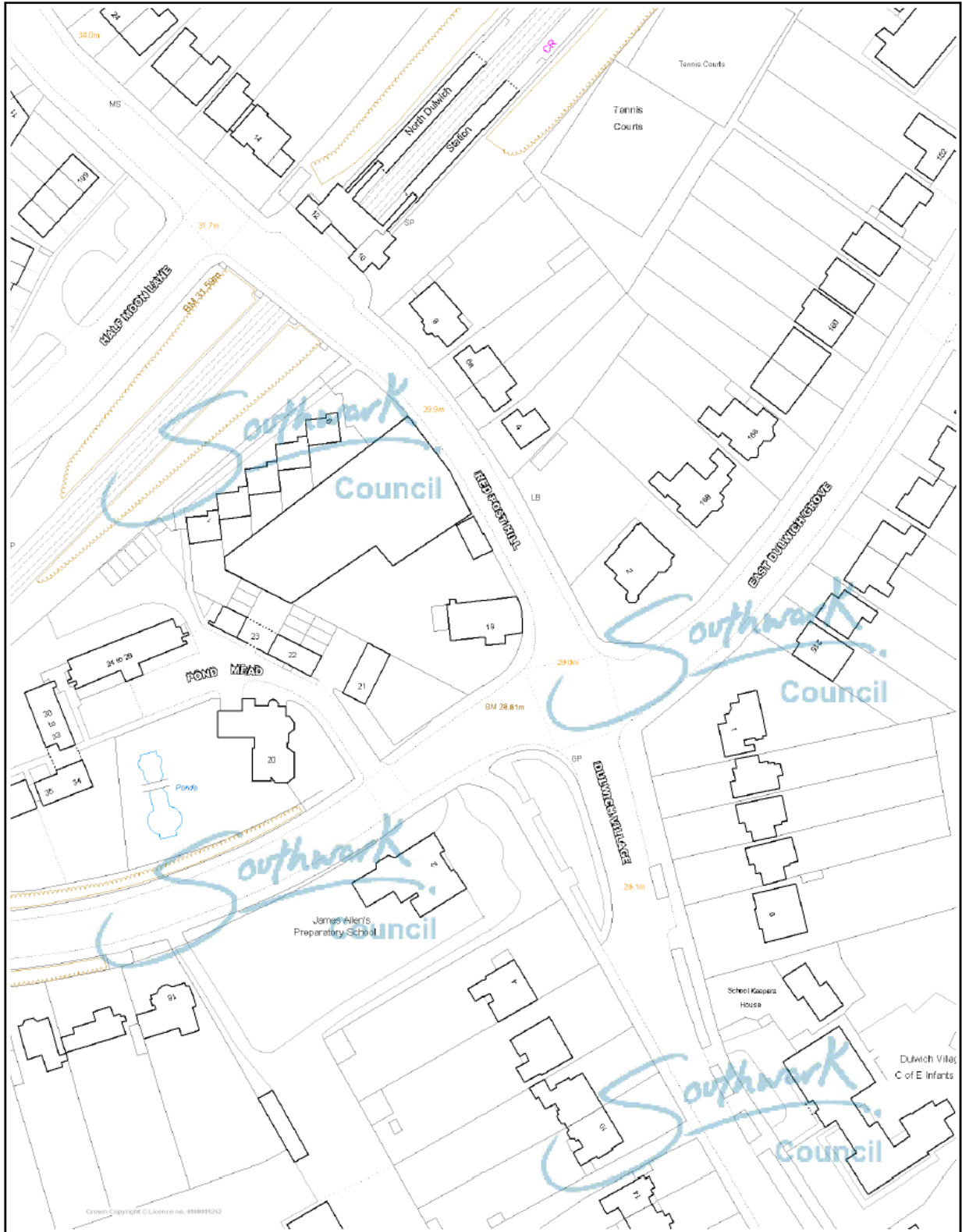
Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

#### **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.



# Rear of 19 Village Way SE21



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N  
 Scale 1/1250  
 Date 1/11/2005

Southwark Council

<b>Item No.</b>  <b>2</b>	<b>Classification</b>  OPEN	<b>Decision Level</b>  Community Council	<b>Date</b>  21/12/2005
<b>From</b>  DEVELOPMENT & BUILDING CONTROL MANAGER		<b>Title of Report</b>  DEVELOPMENT CONTROL	
<b>Proposal</b> (05-AP-1580 )  Construction of a new boundary wall		<b>Address</b>  Rear of 19 Village Way SE21  <b>Ward</b> Village	

### **PURPOSE**

- 1 To consider the above application.

### **RECOMMENDATION**

- 2 To grant Listed Building Consent.

### **BACKGROUND**

- 3 This application was deferred at the previous Dulwich Community Council Meeting on 9th November 2005.
- 4 Please refer to application 05-AP-1580 for the details of this report.

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]	

**PREVIOUS REPORT  
CONSIDERED BY DULWICH  
COMMUNITY COUNCIL AT  
ITS MEETING ON 09/11/2005**

<b>Item No.</b>	<b>Classification</b>	<b>Decision Level</b>	<b>Date</b>
	OPEN	DELEGATED	09/11/2005
<b>From</b>		<b>Title of Report</b>	
DEVELOPMENT & BUILDING CONTROL MANAGER		DEVELOPMENT CONTROL	
<b>Proposal</b> (05-AP-1580 )		<b>Address</b>	
Construction of a new boundary wall		Rear of 19 Village Way SE21	
		<b>Ward</b> 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 'Lyndenhurst' 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 sites 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 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]	

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**RECOMMENDATION**

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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.

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

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**Draft of Decision Notice**

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**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.





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