

**COMMUNITY COUNCILS**

A voice for your community



\*PLEASE NOTE VENUE\*

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

**Date: Thursday 03 July 2008**

**Time: 7.00 PM**

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

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1. Introduction and welcome [*Chair*]
  2. Apologies
  3. Disclosure of Members' interests and dispensations
  4. Items of business that the Chair deems urgent
  5. Minutes of the previous meetings held on 8 May and 5 June 2008  
(see pages 6 – 16)

**6. Development Control Items:**

Item 6/1 – Recommendation: grant – Land adjacent to 379 Upland Road,  
London SE22 0DR (see pages 23 – 34)

Item 6/2 – Recommendation: grant – 36 & 38 East Dulwich Grove, London  
SE22 8PP (see pages 35 – 43)

Item 6/3 – Recommendation: grant – 19 Derwent Grove, London  
SE22 8DZ (see pages 44 – 51)

7. **Planning Enforcement Update Report from  
01 April 08 – 30 June 08** (see pages 52 – 57)

8. **Closing Comments by the Chair**

## ADDITIONAL INFORMATION

### **Dulwich Community Council Membership**

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

### **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 entrance to Dulwich Library and there is a disabled toilet and passenger lift at the venue.

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

Beverley Olamijulo

Phone: 0207 525 7234

E-mail: [beverley.olamijulo@southwark.gov.uk](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

## Chinese

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

Para-nos informar de quaisquer necessidades especiais ou requisitos , tipo transporte,

linguagem dos sinais/ intérprete, por favor ligue para 020 7525 7514.

## 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

Pour nous informer de tout besoin ou condition spéciale, telles que le transport ou le signataire / interprète, téléphonez SVP au 020 7525 7514

**French**

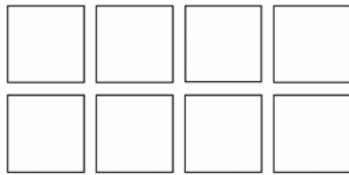
Si precisa información sobre los departamentos sociales (Community Councils) traducida a su idioma, por favor llame al número de teléfono 020 7525 7514  
Si tiene necesidades o requisitos específicos, como es transporte especial o un intérprete, por favor llame al número de teléfono 020 7525 7514

**Spanish**

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

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

**Yoruba**



**COMMUNITY COUNCILS**  
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*Draft copy – minutes to be formally agreed at the next meeting if accurate*

## **Dulwich Community Council Planning Meeting**

Minutes of Dulwich Community Council Planning meeting held on Thursday June 5, 2008 at 7.00pm held at Herne Hill Baptist Church, Half Moon Lane, Herne Hill, London SE24 9HU

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### **Present**

Councillor Nick Vineall (Chair)  
Councillors, Robin Crookshank Hilton (vice chair), Kim Humphreys,  
Jonathan Mitchell, Lewis Robinson and Richard Thomas.

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

Councillor Nick Vineall welcomed those present at the meeting.

### **2. Apologies for absence**

Apologies for absence were submitted on behalf of Cllrs, James Barber, Toby Eckersley and Michelle Holford.

Apologies for lateness were received on behalf of Cllrs, Richard Thomas and Lewis Robinson.

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

None were disclosed.

### **4. Urgent Items**

The planning officer agreed to arrange for the next meeting, a report on enforcement matters within the DCC area.

### **Minutes of the previous meeting**

The Minutes for 8 May will be presented at DCC planning on 3 July 2008.

### **Recording of Members' votes**

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

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

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

**6. DEVELOPMENT CONTROL** (see pages 13 – 75)

**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.

**5. Development Control Items:**

*The chair agreed to vary the order of agenda items.*

**Item 6/1 – Recommendation: grant – 52 Lordship Lane, London, SE22 8HJ**  
(see pages 13 – 21)

**Proposal:** Change of use from an amusement arcade (sui generis) to use as a wine bar (Class A4) and alterations to the shopfront to provide a smoking area (07-AP-2843).

The planning officer explained that the plans submitted as part of this application were withdrawn by the architect, whilst further plans had been received these revisions were not identical to the submitted plans and a decision could not be made on this case. Officers recommended the item be deferred.

The applicant's agent was present.

**RESOLVED:** That the planning application be deferred. Members requested that details of the refuse storage and collection facilities should be shown on any future plans.

**Item 6/3 – Recommendation: grant – 72 Lordship Lane, London SE22 8HF**  
(see pages 33 – 41)

**Proposal:** Erection of a ground floor rear extension to provide increased floor space to bar use (Class A4); repositioning of external stair access to first floor to rear.

The planning officer introduced the report, circulated site plans and responded to questions from Members. The officer stated that four of the six objectors had written to withdraw their objections to the scheme.

No objectors were present.

The applicant's agent addressed the meeting.

Discussion relating to the use of land at the rear and concerns about smoking outside the premises was highlighted at the meeting. The applicant advised they had door supervisors at the door on weekends (busiest times) to make sure there was no congestion on the public footpath.

**RESOLVED:** That planning permission be granted subject to the rewording of condition 8 to read as follows:

*'The external space to the rear of the main building shall not be used as a sitting out or smoking area by customers to the ground floor Wine Bar at any time.'*

**Item 6/2 – Recommendation: grant – 34 East Dulwich Grove, London SE22 8PP**  
(see pages 23 – 32)

**Proposal:** Demolition of existing 3 storey residential property and existing double garage to allow for the construction of a 3 storey residential property with accommodation within the roof [3 x 2 bed and 2 x 1 bed units] and associated car parking, bin/cycle store and amenity space.

The planning officer introduced the report, circulated site plans and responded to questions from Members.

The meeting heard from an objector (resident at no. 32 East Dulwich Grove) who made representations at the meeting. The objector stated that the proposed development would result in a loss of privacy and light to the adjoining property and like the scheme before was still an overdevelopment of the site.



The applicant's agent addressed the meeting and responded to questions from Members.

Cllr Richard Thomas addressed the meeting as a Ward Councillor and spoke against the proposed development.

- RESOLVED:**
1. That planning permission be refused on the grounds that the proposed development by reason of its height, depth and position on the common boundary, location of boundary windows and continued depth of the building to the rear would result in an overbearing impact to 32 East Dulwich Grove with a loss of light and privacy to the ground and first floor rooms.

As such the proposal is considered contrary to Policies 3.2 Protection of Amenity, 3.11 Efficient use of land and 3.12 Quality in Design of the Southwark Plan 2007.

2. That the proposal by reason of its substantial footprint would fail to provide an adequate level of private outdoor amenity space for the number of units proposed. The communal area provided would be undersized and compromise the amenity of the proposed rear ground floor unit which would have windows directly onto this space. The proposal is therefore contrary to Policy 3.2 Protection of amenity, 3.11 Efficient use of land, 4.2 Quality of accommodation and Draft Supplementary Planning Document on Residential Design Guidance (2008).

**Item 6/7 – Recommendation: grant – 11 – 15 Melbourne Grove, London SE22 8RG** (see pages 65 – 75)

**Proposal:** Demolition of existing commercial and residential unit and the construction of Class A3 commercial space at ground floor with 3x 1 bedroom and 1x 2 bedroom flats and a studio flat over ground, first and second floors within newly constructed three storey building with associated bicycle storage and refuse storage to front of premises.

The planning officer introduced the report, circulated site plans and responded to questions from Members.

An objector spoke on behalf of Grove Vale Residents about parking and concerns on the level of development proposed.

The applicant's agent addressed the meeting and provided additional visual information on the appearance of the scheme.

**RESOLVED:** That planning permission be granted subject to an additional condition:

*'The surface treatment to the boundary of the building shall match that of the existing public highway and shall be maintained as such for the duration of the use'.*

**Item 6/6 – Recommendation: grant – 103 – 105 Barry Road, London SE22 0HW** (see pages 53 – 64)

**Proposal:** Demolition of existing timber yard and construction of six three storey residential dwellings (ground and first floors plus roof space); parking and amenity space.

The planning officer introduced the report, circulated site plans and responded to questions from Members.

No objectors were present.

The applicant responded to questions from Members on the materials, design and sustainability of the dwellings.

**RESOLVED:** That planning permission be granted without the S106 subject to officers clarifying the reason for the disabled parking bay.

**Note:**

Officers to liaise with Highways and email the DCC Members with the reason for the request. The chair will then advise officers if he feels this is necessary in the circumstances.

**Items 6/4 and 6/5 – Recommendations: grant – 42 Beckwith Road, London SE24 9LG** (see pages 42 – 52)

**Proposals:** (08-AP-0250) Basement extension to dwellinghouse, with creation of lightwell with steps down to both front and rear elevations, to provide additional residential accommodation.

(08-AP-0249) Basement extension to dwellinghouse, with creation of front lightwell with steps down, to provide additional residential accommodation.

The planning officer introduced the report and circulated site plans.

No objectors were present.

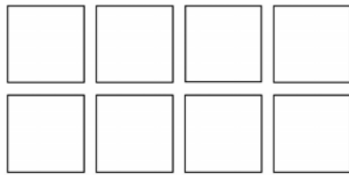
The applicant was present to respond to questions from Members.

**RESOLVED:** That planning permission for both applications be granted subject to conditions.

The meeting closed at 9.40pm

**CHAIR:**

**DATE:**



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*Draft copy – minutes to be formally agreed at the next meeting if accurate*

## **Dulwich Community Council Planning Meeting**

Minutes of Dulwich Community Council Planning meeting held on Thursday May 8, 2008 at 7.00pm held at Dulwich Library, 368 Lordship Lane, London SE22 8NB

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### **Present**

Councillor Michelle Holford (vice chair) In the Chair  
Councillors, James Barber, Toby Eckersley, Robin Crookshank Hilton, Kim Humphreys, Jonathan Mitchell and Richard Thomas.

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

At the start of the meeting and in the absence of the chair and vice chair Councillor Toby Eckersley presided over as chair and welcomed those present.

### **2. Apologies for absence**

Apologies for absence were submitted on behalf of Cllrs, Lewis Robinson and Nick Vineall. Apologies for lateness were received on behalf of Cllrs, Michelle Holford, Kim Humphreys and Richard Thomas.

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

Cllr Robin Crookshank Hilton declared a personal and non prejudicial interest in item 6/4, Outside 83 Norwood Road, London SE24 9AA and made representations as a ward councillor.

### **4. Urgent Items**

There were no urgent items.

### **Minutes of meeting on April 3 2008 (pages 6 – 9)**

Minutes of the planning meeting held on April 3 2008 were approved as an accurate record of the proceedings. The chair signed the minutes.

### **Recording of Members' votes**

Council Procedure Rule 1.9 (4) allows a Member to record her/his vote in respect of any Motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

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

### **6. DEVELOPMENT CONTROL** (see pages 10 – 46)

#### **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.

### **5. Development Control Items:**

*The chair agreed to vary the order of agenda items in the following order:*

### **Item 7 – Consultation for proposed designation of the Sunray Estate Conservation Area** (see pages 47 – 32)

The conservation & design officer was present to brief Members on the report and to explain that this item would be considered at the main planning committee. This includes comments from the Dulwich and Camberwell community councils.

#### **RESOLVED:**

1. That the Members agreed that the proposal to designate Sunray Estate as a Conservation Area be considered and also approved a recommendation that consultation to be carried out with local residents.

2. That Members considered the proposal to carry out public consultation with local residents and businesses to obtain a view on the designation of the Sunray Conversation Area.
3. That the Dulwich community council comment on the draft Conservation Area Appraisal and map of proposed boundary should be considered in that consultation.

At 7.20 pm the community council meeting adjourned for ten minutes. Councillor Holford then took over as chair when the meeting reconvened.

**Item 6/3 – Recommendation: refuse planning permission – 77 Beckwith Road, London, SE24 9LQ (see pages 34 – 40)**

**Proposal:** Basement alteration and the creation of a lightwell to the front of a dwellinghouse. (Further alterations detailed in plans consist of 'construction of rear dormer over outrigger altering roof to rear bay window, and single storey rear extension' this is apart of a separate application 08-AP-0235).

The planning officer introduced the report, circulated site plans and responded to questions from Members.

Representations were heard from an objector (resident at no. 75, Beckwith Rd). The main objections highlighted were the tendency to flooding within the basement of the application site and the problems experienced to the adjoining house as a result of work commenced. He said the development is out of character with the area specifically referring to the railings which would be highly visible from the street.

**RESOLVED:** That Members agreed with the officer's recommendation to refuse planning permission.

**Item 6/1 – Recommendation: grant – Heber Primary School, Heber Road, London SE22 9LA (see pages 16 - 22)**

**Proposal:** New pedestrian entrance off Heber Road, new single storey building to act as a contact centre, accessed off Jennings Road and internal alterations to form new accessible w.c. within main building.

The planning officer introduced the report, circulated site plans and responded to

questions from Members.

It was noted that one written letter of objection was received from a neighbouring property who raised concerns about loss of light and privacy.

Susan Fuller (applicant) from Southwark Children's Services was present to respond to questions from Members.

**RESOLVED:** That planning permission be granted.

**Item 6/2 – Recommendation: refuse – 2A Bawdale Road, London SE22 9DN**  
(see pages 23 – 33)

**Proposal:** Retrospective application for retention of additional second storey extension to be used as ancillary to existing office, with associated rear window and solar panels on side.

The officer (Christine Zacharia) from regeneration and neighbourhoods presented the report.

Members noted that a number of objections concerning the 2<sup>nd</sup> floor extension were received regarding loss of light.

During questions, Members referred to the 1<sup>st</sup> floor extension that was granted permission in 2003. The applicant recently reduced its height unfortunately the elevation plans before Members did not represent this change.

An objector addressed the meeting whose main concern with the development was overlooking.

The applicant was present and the agent addressed the meeting.

Members asked questions of the agent in respect of:

- Type of brick work
- Demolition of second floor storey
- Whether it's a mixed used site
- Reducing height of development
- Plans before Members did not reflect the construction

The officer advised Members that officers did a site visit a month ago and were denied access.

The ward councillor (Cllr Jonathan Mitchell) addressed the meeting in support of the application.

Ward Councillor (Cllr Richard Thomas) also addressed the meeting against the proposed development.

Cllr Thomas stated that due to enforcement issues it would not be advisable for the committee to approve this scheme and drew Members attention to paragraphs 67 and 68 of the officer's report.

The proposed development will result in the loss of light and create a sense of enclosure as well as issues with the design. The photos also show some overlooking.

A member advised the applicant to resubmit plans after expressed concerns about the rear elevation.

**RESOLVED:** That planning permission be refused for reasons set out in the officer's report and draft decision notice. In addition that enforcement action be pursued for the unauthorised works.

**Item 6/4 – Recommendation: approve – Outside 83 Norwood Road, London SE24 9AA** (see pages 41 – 46)

**Proposal:** To resite one KX100 style telephone kiosk.

The planning officer introduced the report, circulated site plans and responded to questions from Members.

An objector addressed the meeting. Ward councillor (Cllr Crookshank Hilton) spoke against the proposal and advised Members that she had been in discussion with BT about alternative location and asked them to look at the level of usage from the kiosk to determine whether it was required at all.

**RESOLVED:** That planning permission be refused on the grounds that the siting of a phone box in this location would add to the clutter on the street detrimental to the visual amenity of the area generally, as such the proposal would be contrary to Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

The meeting closed at 9.40pm

**CHAIR:**

**DATE:**



<b>Item No.</b> 6	<b>Classification:</b> Open	<b>Date:</b> 3 July 2008	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>		<b>Development Control</b>	
<b>Ward(s) or groups affected:</b>		All within [Village, College and East Dulwich ] Community Council	
<b>From:</b>		Strategic Director of Regeneration and Neighbourhoods	

## RECOMMENDATIONS

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

## BACKGROUND INFORMATION

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

## KEY ISSUES FOR CONSIDERATION

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

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

#### **EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED**

11. Equal opportunities considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Strategic Director of Legal and Democratic Services**

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

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

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

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

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Council Assembly Agenda May 23 2007 and Council Assembly Agenda January 30 2008	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	[Beverley Olamijulo, Community Council officer] 020 7525 7234
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE27 3ES	The named case Officer as listed or Gary Rice 020 7525 5447

## APPENDIX 1

### Audit Trail

<b><u>Lead Officer</u></b>	Deborah Collins, Strategic Director of Legal & Democratic Services	
<b>Report Author</b>	Ellen FitzGerald, Principal Planning Lawyer (NZ Qualified) Constitutional Support Officer	
<b>Version</b>	Final	
<b><u>Dated</u></b>	June 24 2008	
<b><u>Key Decision</u></b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Legal and Democratic Services	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Control	No	No

**ITEMS ON AGENDA OF THE DULWICH CC**  
**on Thursday 03 July 2008**

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**Appl. Type** Full Planning Permission  
**Site** LAND ADJACENT TO 379 UPLAND ROAD, LONDON, SE22 0DR

**Reg. No.** 08-AP-0563  
**TP No.** TP/2567-379  
**Ward** College  
**Officer** Amy Lester

**Recommendation** GRANT

***Item 1/1***

**Proposal**

Erection of a 4 storey building to accommodate 6 x 2 and 2 x 1 bed flats (8 units), basement level to accommodate 5 car parking spaces with a further 2 spaces on the front forecourt, 8 cycle parking spaces to be located in shed in rear garden and vehicle access from Upland Road.

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**Appl. Type** Full Planning Permission  
**Site** 36 & 38 EAST DULWICH GROVE, LONDON, SE22 8PP

**Reg. No.** 08-AP-0587  
**TP No.** TP/2120-36  
**Ward** East Dulwich  
**Officer** Teresa Gizzi

**Recommendation** GRANT

***Item 1/2***

**Proposal**

Construction of first floor rear extension, enlargement of existing dormers and conversion of 7 units/bedsits into 8 flats including 4 new parking spaces and 8 secure cycle spaces.

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**Appl. Type** Full Planning Permission  
**Site** 19 DERWENT GROVE, LONDON, SE22 8DZ

**Reg. No.** 08-AP-0571  
**TP No.** TP/2119-19  
**Ward** East Dulwich  
**Officer** Teresa Gizzi

**Recommendation** GRANT

***Item 1/3***

**Proposal**

Demolition of existing rear extension, construction of new single storey side and rear extension, conversion of the property from a single dwelling into 3 x 2 bedroom flats and provision of associated cycle and refuse stores.

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<b>Item Number</b>  <b>1</b>	<b>Classification</b>  OPEN	<b>Decision Level</b>  Dulwich Community Council	<b>Date</b>  03/07/08
<b>From</b>  Head of Development Control		<b>Title of Report</b>  DEVELOPMENT CONTROL	
<b>Proposal</b> (08-AP-0563)  Erection of a 4 storey building to accommodate 6 x 2 and 2 x 1 bed flats (8 units), basement level to accommodate 5 car parking spaces with a further 2 spaces on the front forecourt, 8 cycle parking spaces to be located in shed in rear garden and vehicle access from Upland Road.		<b>Address</b>  LAND ADJACENT TO 379 UPLAND ROAD, LONDON, SE22 0DR  <b>Ward</b> College	
<b>Application Start Date</b> 31/03/08		<b>Application Expiry Date</b> 26/05/08	

## 1. PURPOSE

To consider the above application

## 2. RECOMMENDATION

GRANT planning permission subject to conditions.

## 3. BACKGROUND

### 3.1 Site location and description

0.046ha site situated on the eastern side of Upland Road in the College area of the borough. The land is currently vacant and it is understood to have previously formed the garden of 379 Upland Road. The site is 17m wide and has a depth of 26m.

There are several mature trees on the site including one with a TPO located on the site frontage. The land slopes towards the street and is adjoined on all other sides by residential gardens.

The area is characterised by a wide variety of residential properties some of which are set in substantial plots of land.. There is a two storey terrace development on the western side and a three storey with basement development on the eastern side. A two/three storey flatted development is located behind the application site fronting Mount Adon Park Road.

The site is not located in a Conservation Area nor in proximity to any listed buildings

### 3.2 Details of proposal

This application seeks planning permission for the erection of a four-storey building, with basement car parking, to accommodate 8 residential units.

Set back from the road the development would accommodate hard and soft landscaping to the frontage and 2 car parking spaces, with a further 5 spaces proposed within the basement. In the rear garden, a patio area would run around the



east and south of the building with steps rising to a lawn. A shed would provide accommodation for 8 cycle spaces.

The main differences between this and the previously approved applications 05-AP-1380 & 07-AP-1597 are:

- Provision of 2 additional flats.
- Increase in ridge height by 634mm.

### **3.3 Planning history**

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

#### 05-AP-1380

Outline planning application for residential development of 6 flats on ground to second floors with associated underground car parking. Allowed on appeal following non-determination.

#### 07-AP-1597

Reserved matters of application 05-AP-1380. Permission granted under delegated powers.

## **4. FACTORS FOR CONSIDERATION**

### **4.1 Main Issues**

The main issues in this case are:

- a] The principle of the development in terms of land use and conformity with strategic policies.
- b] Previous ministerial decisions.
- c] Design, appearance and impact on the streetscene.
- d] Traffic, parking and transportation.
- e] Density and residential amenity.
- f] Neighbour amenity.

### **4.2 Planning Policy**

#### Southwark Plan 2007 [July]

SP11- Amenity and Environmental Quality

SP13 - Design and Heritage

SP14 - Sustainable Buildings

SP17 - Housing

SP18 - Sustainable Transport

SP19 - Minimising the Need to Travel

3.2 - Protection of Amenity

3.11 - Efficient Use of Land

3.12 - Quality in Design

3.13 - Urban Design

3.14 - Designing Out Crime

4.1 - Density of Residential Development

4.2 - Quality of Residential Accommodation

- 5.2 - Transport Impacts
- 5.3 - Walking and Cycling
- 5.6 - Car Parking

#### London Plan 2004

- 3A.1 - Increasing London's supply of housing
- 3A.2 - Borough housing targets
- 4B.1 - Design principles for a compact city
- 4B.3 - Enhancing the quality of the public realm.
- 4B.8 - Respect local context and communities

#### Planning Policy Guidance [PPG] and Planning Policy Statements [PPS] PPS3 Housing

### **4.3 Consultations**

Site Notice: 01/05/08      Press Notice: n/a

#### Internal Consultees

Arboriculturalist  
Access Officer  
Transport Group

#### Statutory and non-statutory consultees

Thames Water

#### Neighbour consultees

See attached list.

### **4.4 Consultation replies**

#### Internal Consultees

Access Officer:

Raises no objections to the proposal and acknowledges that due to the topography of the site steps are inevitable.

Transport Group:

Raise concerns over the following:

- Size of parking bays.
- Manoeuvring space and ramp gradient.
- Vehicle tracking diagrams.

#### Statutory and non-statutory consultees

Thames Water:

Raise no objections to the proposed development.

#### Neighbour consultees

Four (4) letters of objection have been received;

25 Mount Adon Park raises the following concerns:

- Overlooking and loss of privacy from new windows.
- Flats are not in keeping with the surrounding area.
- Detrimental impact on noise and traffic.
- The design is unacceptable and fails to contribute to the quality of the built environment.

17 Mount Adon Park raises the following concerns:

- Overlooking through the loss of trees to the rear of the site and with new residential

units in the roofspace.

- Boundary treatment of rear boundary would not be adequate on the boundary where the rear gardens are 2 to 2.5 metres higher.
- Impact to property from the removal of structures on the boundary (note: this have already been removed and consent was not required for such work).

358B Upland Road raises the following concerns:

- Loss of trees, wildlife and outlook.
- Increased disturbance during construction.
- Detrimental impact on traffic and parking.

Flat 3, 369 Upland Road raises the following concerns:

- Increased height and level of noise disturbance.

## **5. PLANNING CONSIDERATIONS**

### **5.1 Principle of Development & Previous Ministerial Decisions**

The site forms part of an established residential area which is typified by a diverse mix of housing styles and layout. The proposal involves the redevelopment of a vacant site to provide new residential accommodation which would not be provide at the expense of other important land uses.

The previously approved scheme and ministerial decision on the original outline application has established the principle of development as acceptable in this location. Whilst this application has to be considered on its own merits these previous decisions are relevant.

### **5.2 Design, Appearance and Impact on the Streetscene**

Proposals for development are required to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the density, scale, design and materials of a development relate to the urban setting in which the development is placed.

The proposed development involves the provision of a 4 storey building with the upper storey contained within the roof space and car-parking provided in the basement. The siting and alignment of the proposed building follows that approved under the previous applications and the design/appearance remains broadly the same. The main difference is the raising of the ridge line and eaves by 635mm in order to accommodate the additional rooms within the roof.

Such an extension is considered to be a modest addition to the external appearance of the building and will not result in an unacceptable relationship with the adjoining dwellings. The ministerial decision previously required the height of the building to be no higher than the neighbouring dwelling. Despite the increase in height proposed the overall height of the building would still be lower that building to the north at 369 Upland Road.

The design and conservation officer recommends that the application be approved subject to the UPVC windows being changed to timber and conditions imposed requiring the submission of materials for approval, however the approved scheme included UPVC windows it would therefore be unreasonable to insist that timber windows be used in respect of this scheme, although a condition requiring samples to be submitted has been included.

### **5.3 Traffic, Parking and Transportation**

The locality has a PTAL of 3 and the proposed car parking provision is 7 spaces. This meets the Council's maximum parking standards and complies with policies 5.6. Provision would also be made for a secure cycle storage area accommodating 8 cycle racks for the residents, this provision is in line with policy 5.3 and is sited appropriately.

The proposed pedestrian access to the site would provide a safe walking environment for the all occupiers of the residential units. Adequate visibility and accessibility enables self-surveillance of the site and surrounding amenity areas.

Concern has been raised by the Council's Transport Planners about the size of the proposed parking bays, manoeuvring space, ramp gradient and the crossover. It should be noted however that apart from the provision of 1 additional parking space the development remains the same as that approved under the previous application with regard to these issues. It would therefore be unreasonable to withhold permission on this basis.

#### **5.4 Density and Residential Amenity**

The UDP advocates lower-density residential development in urban locations with a PTAL of 3 such as here, and recommends a density of 200-450 hr/ha. The 8 units proposed have a total of 22 habitable rooms, giving a density of 473hr/ha. While the density is slightly in excess of UDP standards it is considered that the standard of accommodation is acceptable and that the design/appearance/massing of the development is appropriate within the context of the surrounding area.

The submitted floor plans indicate that room sizes, meet minimum standards as specified within the SPD. It is considered that individual units would provide a satisfactory standard of accommodation.

The outlook of the new residential units would consist of views to the amenity space to the rear of the building and the public realm of Upland Road.

Adequate facilities would be provided for the storage and collection of refuse and recycling.

The developers are providing residential amenity space in the form of a communal garden to the rear of the building. The development provides approximately 136sqm which is in accordance with the SPD amenity standards.

#### **5.5 Neighbour Amenity**

This proposal will not have a detrimental impact on the amenity of the neighbouring properties through the loss of privacy. The proposed development will be no closer to the rear boundary with those properties in Mount Adon Park than the previously approved application, this is considered to be a suitable separation distance to maintain acceptable levels of privacy and the introduction of windows at 4th floor level will not compromise this situation. Any overlooking experienced would be to no great degree than currently experienced from the rear elevations of those properties on Upland Road and from this windows as approved in the previous application.

All windows on the flank elevations at will be obscured glazed through the imposition of a condition, thus restricting the potential for overlooking and protecting the amenities of existing and future residents.

There will be no loss of sunlight or daylight to the neighbouring dwellings due to the orientation and siting of the proposed building.

In respect of the concerns raised about the boundary it is suggested that a condition is added in respect of boundary treatment of the site.

#### **5.6 Dwelling Mix**

Proposals for new residential development are required to provide a mix of housing types and sizes in order to create a mixed and inclusive community. The proposed scheme of 6 x 2 bed and 2 x 1 bed flats provides a combination of smaller single person units and larger flats suitable in size to accommodate small families. It is considered that such provision provides an acceptable choice of housing to meet a variety of needs.

#### **5.7 Landscaping**

The proposed development would be landscaped to a high standard and provides amenity for future residents. Some trees are to be removed as they are in the development zone, but the Landscape Plan shows that several trees are to be retained including a TPO tree at the front of the site. This situation remains the same as the previous approved application. It is recommended that a condition be included however to ensure the protection of all trees during construction.

#### **5.8 Conclusion**

The proposal provides additional residential units in the form of a well designed new building which will make a positive contribution to the character and appearance of the streetscene. The development represents an effective and sustainable use of this Brownfield site whilst not giving rise to any neighbour amenity issues. Therefore the proposal accords with UDP policy and National planning guidance. Accordingly, it is recommended that planning permission be granted subject to the conditions.

### **6. COMMUNITY IMPACT STATEMENT**

In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

### **7. SUSTAINABLE DEVELOPMENT IMPLICATIONS**

There are urban sustainability and housing benefits to be gained from this proposal. The land is currently significantly under utilised, the effective use of Brownfield land is directly in line with the objectives of PPS3 and Council policy. The proposal provides a sustainable housing solution supported by good urban design principles and transportation accessibility links.

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Amy Lester	Senior Planner - Development Control [tel. 020 7525 5461]
CASE FILE	TP/2567-379	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

**Neighbour Consultee List for Application Reg. No. 08-AP-0563**

<b>TP No</b>	TP/2567-379	<b>Site</b>	LAND ADJACENT TO 379 UPLAND ROAD, LONDON, SE22 0DR
<b>App. Type</b>	Full Planning Permission		

<b>Date Printed</b>	<b>Address</b>
17/04/2008	Flat G 3 Dunnage Crescent London SE16 7FJ
17/04/2008	FIRST FLOOR AND SECOND FLOOR 360 UPLAND ROAD LONDON SE22 0DP
17/04/2008	360 UPLAND ROAD LONDON SE22 0DP
17/04/2008	367 UPLAND ROAD LONDON SE22 0DR
17/04/2008	381 UPLAND ROAD LONDON SE22 0DR
17/04/2008	FLAT 1 369 UPLAND ROAD LONDON SE22 0DR
17/04/2008	FLAT 2 369 UPLAND ROAD LONDON SE22 0DR
17/04/2008	FLAT 3 369 UPLAND ROAD LONDON SE22 0DR
17/04/2008	FLAT 1 27 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	FLAT 2 27 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	FLAT 3 27 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	FLAT 4 27 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	FLAT 5 27 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	25 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	15 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	17 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	23 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	21 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	FLAT 5 369 UPLAND ROAD LONDON SE22 0DR
17/04/2008	27 MOUNT ADON PARK LONDON SE22 0DS
17/04/2008	FIRST FLOOR AND SECOND FLOOR 358 UPLAND ROAD LONDON SE22 0DP
17/04/2008	FIRST FLOOR FLAT 360 UPLAND ROAD LONDON SE22 0DP
17/04/2008	GROUND FLOOR FLAT 360 UPLAND ROAD LONDON SE22 0DP
17/04/2008	369 UPLAND ROAD LONDON SE22 0DR
17/04/2008	358A UPLAND ROAD LONDON SE22 0DP
17/04/2008	358B UPLAND ROAD LONDON SE22 0DP
17/04/2008	FLAT 4 369 UPLAND ROAD LONDON SE22 0DR
17/04/2008	361 Upland Road London SE22
17/04/2008	363 Upland Road London SE22
17/04/2008	365 Upland Road London SE22
17/04/2008	367 Upland Road London SE22
17/04/2008	Flat 1 369 Upland Road London SE22
17/04/2008	Flat 2 369 Upland Road London SE22
17/04/2008	Flat 3 369 Upland Road London SE22
17/04/2008	Flat 4 369 Upland Road London SE22
17/04/2008	Flat 5 369 Upland Road London SE22
17/04/2008	Flat 6 369 Upland Road London SE22
17/04/2008	Flat 7 369 Upland Road London SE22
17/04/2008	Flat 8 369 Upland Road London SE22
17/04/2008	379 Upland Road London SE22
17/04/2008	346 Upland Road London SE22
17/04/2008	348 Upland Road London SE22
17/04/2008	350 Upland Road London SE22
17/04/2008	352 Upland Road London SE22
17/04/2008	354 Upland Road London SE22
17/04/2008	356 Upland Road London SE22
17/04/2008	358 Upland Road London SE22

17/04/2008 360 Upland Road London SE22  
17/04/2008 362 Upland Road London SE22  
17/04/2008 15 Mount Adon Park London SE22  
17/04/2008 17 Mount Adon Park London SE22 ODS  
17/04/2008 19 Mount Adon Park London SE22  
17/04/2008 21 Mount Adon Park London SE22  
17/04/2008 23 Mount Adon Park London SE22  
17/04/2008 25 Mount Adon Park London SE22  
17/04/2008 27 Mount Adon Park London SE22  
17/04/2008 29 Mount Adon Park London SE22  
17/04/2008 31 Mount Adon Park London SE22  
17/04/2008 33 Mount Adon Park London SE22  
17/04/2008 Flat 1 457 Lordship Lane London SE22  
17/04/2008 Flat 2 457 Lordship Lane London SE22  
17/04/2008 Flat 3 457 Lordship Lane London SE22  
17/04/2008 Flat 4 457 Lordship Lane London SE22  
17/04/2008 Flat 1 461 Lordship Lane London SE22  
17/04/2008 Flat 2 461 Lordship Lane London SE22  
17/04/2008 Flat 3 461 Lordship Lane London SE22  
17/04/2008 Flat 4 461 Lordship Lane London SE22  
17/04/2008 Flat a 354 Upland Road London SE22  
17/04/2008 Flat b 354 Upland Road London SE22  
17/04/2008 Flat c 354 Upland Road London SE22  
17/04/2008 Flat a 356 Upland Road London SE22  
17/04/2008 Flat b 356 Upland Road London SE22  
17/04/2008 Flat c 356 Upland Road London SE22  
17/04/2008 Flat a 358 Upland Road London SE22  
17/04/2008 358B Upland Road London SE22  
17/04/2008 Flat c 358 Upland Road London SE22  
17/04/2008 Flat a 360 Upland Road London SE22  
17/04/2008 Flat b 360 Upland Road London SE22  
17/04/2008 Flat c 360 Upland Road London SE22  
17/04/2008 381 Upland Road London SE22  
17/04/2008 383 Upland Road London SE22  
17/04/2008 385 Upland Road London SE22  
17/04/2008 387 Upland Road London SE22  
17/04/2008 389 Upland Road London SE22  
17/04/2008 391 Upland Road London SE22

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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 M. Waterstone Rosepride Homes Ltd	<b>Reg. Number</b>	08- <u>AP</u> -0563
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2567-379
<b>Recommendation</b>	Grant		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Erection of a 4 storey building to accommodate 6 x 2 and 2 x 1 bed flats (8 units), basement level to accommodate 5 car parking spaces with a further 2 spaces on the front forecourt, 8 cycle parking spaces to be located in shed in rear garden and vehicle access from Upland Road.

**At:** LAND ADJACENT TO 379 UPLAND ROAD, LONDON, SE22 0DR

**In accordance with application received on** 05/03/2008

**and Applicant's Drawing Nos.** Site Location plan, 02 and 03, S06/1908/01 (3 copies) received 05/03/08  
03, SK01 rev B and 100 P5 received 31/03/08, Design and Access Statement, Arboricultural Implication Report - Marishal Thompson Group, Pre- development BS5837 Tree Condition Survey - Marishal Thompson Group

**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 all external materials 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 the development in the interest of the appearance of the building in accordance with Policy 3.12 'Quality in design' of the Southwark Unitary Development Plan.

- 3 Details of the means of enclosure for all site boundaries, including works of land retention between this site and neighbouring sites to the rear to deal with any land slippage arising from the change in levels, shall be submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with any approval given. The development hereby permitted shall not be occupied until the works approved pursuant to this condition have been carried out.

Reason

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the amenity of the adjoining residential properties and the new dwelling in accordance with Policies 3.2 Protection of Amenity and 3.12 Quality in Design of The Southwark Plan (UDP) July 2007.

- 4 The whole of the car parking shown on the drawings hereby approved, or approved subsequently in accordance with any condition of this permission, shall be made available, and retained for the purposes of car parking for vehicles of the residential units hereby granted and no trade or business shall be carried on therefrom.

Reason

To ensure the permanent retention of the parking areas, to avoid obstruction of the surrounding streets by waiting vehicles and to safeguard the amenities of the adjoining properties in accordance with Policy 5.6 Car Parking of the Southwark Plan 2007.

- 5 The landscaping and planting shown on the drawings hereby approved shall be carried out in the first



appropriate planting season following the completion of the building works.

Reason: To ensure a satisfactory appearance of the development and to preserve/maintain the visual amenities and character of the locality.

- 6 Any tree or shrub required to be retained or to be planted as part of a landscaping scheme approved, either as part of this decision or arising from a condition imposed as part of this decision, that is found to be dead, dying, severely damaged or seriously diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of similar or appropriate size and species in the first suitable planting season.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the scheme in the interest of the amenity of the adjoining residential properties and the new residential units in accordance with Policies 3.2 Protection of Amenity and 3.12 Quality in Design of The Southwark Plan (UDP) July 2007.

- 7 The windows on the flank elevations of the building shall be obscure glazed and shall not be replaced or repaired otherwise than with obscure glazing without the prior written approval of the Local Planning Authority.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises from undue overlooking in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Unitary Development Plan.

- 8 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.2: Protection of Amenity of Southwark's Unitary Development Plan.

- 9 The cycle storage facilities as shown on drawings 100 P5, 03 and KK01 rev B shall be provided before the units hereby approved are occupied and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with Policy 3.2 'Protection of Amenity' and 5.3 'Walking and cycling' of the Southwark Unitary Development Plan.

- 10 Protective fencing must be installed around the TPO tree and the other trees indicated on the plans as retained, prior to placing of any materials on site and prior to commencement of any work on site and must be kept in place throughout the development process, as per the arboricultural method statement. Once in place, protective fencing must not be moved or removed without the explicit written permission of the Local Authority Arboriculturalist. Within the protected area, no fires may be lit, no materials may be stacked or stored and no cement mixers or generators may be used. Within the protected area, no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Arboriculturalist, and the supervision of the developer's appointed Arboricultural Consultant. Within the protected area, any excavation must be dug by hand and any roots found to be greater than 25mm in diameter must be retained and worked around.

Reason

In order that the Local Planning Authority may be satisfied with the details for the means of protection of the existing trees in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

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: To safeguard the trees in the interests of the amenity of the area.

**Reasons for granting planning permission.**

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

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

b] Policies 3A.1 - Increasing London's supply of housing, 3A.2 - Borough housing targets, 4B.1 - Design principles for a compact city, 4B.3 - Enhancing the quality of the public realm and 4B.8 - Respect local context and communities of the London Plan [2004].

c] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS3 Housing.

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.



<b>2</b>	<b>Classification</b> OPEN	<b>Decision Level</b> DULWICH COMMUNITY COUNCIL	<b>Date</b> 03/07/08
<b>From</b> Teresa Gizzi		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (08-AP-0587) Construction of first floor rear extension, enlargement of existing dormers and conversion of 7units/bedsits into 8 flats including 4 new parking spaces and 8 secure cycle spaces.		<b>Address</b> 36 & 38 EAST DULWICH GROVE, LONDON, SE22 8PP  <b>Ward</b> East Dulwich	
<b>Application Start Date</b> 27/03/2008		<b>Application Expiry Date</b> 22/05/2008	

## PURPOSE

- 1 The application has been referred to the Community Council for consideration on the request of Members.

## RECOMMENDATION

- 2 Grant Planning Permission

## BACKGROUND

### Site location and description

- 3 The application site is located on the northern side of East Dulwich Grove on the western corner of Elsie Road. The application relates to two properties, no's 36 and 38, which both comprise 3 storey terraces. The terraces were built as single dwelling houses however, on inspection it is clear they have been in use as bedsits for a substantial period of time. The site slopes towards the rear so that basement level at the front of the property is ground floor level at the rear.
- 4 To the rear of the site are single dwelling houses and to the west of the site are similar terraces properties.
- 5 The site is not located within a Conservation Area and is not a Listed Building.

### Details of proposal

- 6 Planning permission is sought for the conversion of the two dwellings into 6x2 bedroom units and 2x studio units. The two bedroom units are proposed to be located at basement, ground and first floor levels with the studio units to be located within the loft space.
- 7 To facilitate the conversion of the property, it is proposed to demolish the existing two storey extension at the rear of 36 East Dulwich Grove, and construct a new two storey extension across the rear of the two properties to the same depth of that which is existing. It is also proposed to demolish the two existing rear dormers and construct two larger rear dormers within the rear roofslope of the properties. There are also a

number of minor external alterations to the property including the installation of a number of new windows and doors to the side and rear elevations of the buildings.

- 8 The application proposes to demolish the existing garage and provide a parking area at the rear of the site with spaces for 4 vehicles with access off Elsie Road. A bin and cycle store for 6 bikes is also located in this area.

### **Planning history**

- 9 Application 07-AP-2356 for Demolition of existing garage, conversion of two existing houses into 9 flats (5 No. two bedroom flats and 4 No. one bedroom flats) with a new three storey purpose built extension in rear garden to replace existing three storey garden block, 4 new parking spaces, cycle store and bin store to replace existing garage was withdrawn on the 5 December 2007.

### **Planning history of adjoining sites**

#### **34 East Dulwich Grove**

- 10 07-AP-2071 for Demolition of existing 3 storey residential property (including accommodation in the roof) and existing double garage and the construction of a 3 storey residential property (including accommodation in the roof) comprising 5no x 2 bedroom units and double garage was withdrawn on the 7 November 2007.
- 11 08-AP-0114 for Demolition of existing 3 storey residential property/garage to allow for the construction of a 3 storey residential property with accommodation within the roof [3 x 2 bed and 2 x 1 bed units] and associated car-parking, bin and cycle store and amenity space was refused for the following reasons:
- The proposed development by reason of its height, depth and position on the common boundary, location of boundary windows and continued depth of the building to the rear would result in an overbearing impact to 32 East Dulwich Grove with a loss of light and privacy to the ground and first floor rooms. As such the proposal is considered contrary to Policies 3.2 Protection of Amenity, 3.11 Efficient Use of Land and 3.12 Quality in Design of the Southwark Plan 2007.
  - The proposal by reason of its substantial footprint would fail to provide an adequate level of private outdoor amenity space for the number of units proposed. The communal area provided would be undersized and would compromise the amenity of the proposed rear ground floor unit which would have windows directly onto this space. The proposal is therefore contrary to Policy 3.2 Protection of amenity, 3.11 Efficient use of land, 4.2 Quality of accommodation and Draft Supplementary Planning Document on Residential Design Guidance (2008).

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 12 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies.
  - b] the impact of the proposal on the character and appearance of the area
  - c] impact of the proposal on neighbour amenity
  - d] transport impacts

### **Planning Policy**

- 13 Southwark Plan 2007 [July]  
3.2 Protection of Amenity  
3.8 Waste Management  
3.12 Quality in Design  
3.13 Urban Design  
4.3 Mix of Dwellings  
5.3 Walking and Cycling

Draft SPD – Residential Design Standards

### **Consultations**

- 14 Site Notice: 10 April 2008
- 15 Press Notice: Not required
- 16 Internal Consultees  
Transport Group  
Design and Conservation  
Waste Management
- 17 Neighbour consultees  
Flat G 3 Dunnage Crescent London SE16 7FJ  
Flat C 42 East Dulwich Grove London SE22 8PP  
First Floor Flat 42 East Dulwich Grove London SE22 8PP  
Flat 2 8 East Dulwich Grove London SE22 8PP  
Flat 3 8 East Dulwich Grove London SE22 8PP  
Flat 4 8 East Dulwich Grove London SE22 8PP  
31 East Dulwich Grove London SE22 8PW  
35 Elsie Road London SE22 8DX  
38 Elsie Road London SE22 8DX  
40 Elsie Road London SE22 8DX  
32 East Dulwich Grove London SE22 8PP  
34a East Dulwich Grove London SE22 8PP  
34b East Dulwich Grove London SE22 8PP  
38 East Dulwich Grove London SE22 8PP  
40 East Dulwich Grove London SE22 8PP  
42 East Dulwich Grove London SE22 8PP  
44 East Dulwich Grove London SE22 8PP  
8 East Dulwich Grove London SE22 8PP  
35b East Dulwich Grove London SE22 8PW  
37a East Dulwich Grove London SE22 8PW  
37b East Dulwich Grove London SE22 8PW  
37c East Dulwich Grove London SE22 8PW  
39a East Dulwich Grove London SE22 8PW  
39b East Dulwich Grove London SE22 8PW  
39c East Dulwich Grove London SE22 8PW  
41a East Dulwich Grove London SE22 8PW  
41b East Dulwich Grove London SE22 8PW  
41c East Dulwich Grove London SE22 8PW  
35a East Dulwich Grove London SE22 8PW  
35c East Dulwich Grove London SE22 8PW  
Flat 1 40 East Dulwich Grove London SE22 8PP  
Flat 2 40 East Dulwich Grove London SE22 8PP  
Flat 3 40 East Dulwich Grove London SE22 8PP  
Flat 4 40 East Dulwich Grove London SE22 8PP

Flat 5 40 East Dulwich Grove London SE22 8PP  
 33 East Dulwich Grove London SE22 8PW  
 44a East Dulwich Grove London SE22 8PP  
 44b East Dulwich Grove London SE22 8PP  
 44c East Dulwich Grove London SE22 8PP  
 First Floor And Second Floor Flat 44 East Dulwich Grove London SE22 8PP  
 First Floor Flat 35 East Dulwich Grove London SE22 8PW  
 First Floor Flat 37 East Dulwich Grove London SE22 8PW  
 First Floor Flat 39 East Dulwich Grove London SE22 8PW  
 First Floor Flat 41 East Dulwich Grove London SE22 8PW  
 Basement Flat 44 East Dulwich Grove London SE22 8PP  
 Ground Floor Flat 35 East Dulwich Grove London SE22 8PW  
 Ground Floor Flat 37 East Dulwich Grove London SE22 8PW  
 Ground Floor Flat 39 East Dulwich Grove London SE22 8PW  
 Ground Floor Flat 41 East Dulwich Grove London SE22 8PW  
 Ground Floor Flat 44 East Dulwich Grove London SE22 8PP  
 Second Floor Flat 35 East Dulwich Grove London SE22 8PW  
 Second Floor Flat 37 East Dulwich Grove London SE22 8PW  
 Second Floor Flat 39 East Dulwich Grove London SE22 8PW  
 Second Floor Flat 41 East Dulwich Grove London SE22 8PW  
 35 East Dulwich Grove London SE22 8PW  
 37 East Dulwich Grove London SE22 8PW  
 39 East Dulwich Grove London SE22 8PW  
 41 East Dulwich Grove London SE22 8PW  
 Basement Flat 38 East Dulwich Grove London SE22 8PP  
 Basement Flat 36 East Dulwich Grove London SE22 8PP  
 Flat A 42 East Dulwich Grove London SE22 8PP  
 Flat D 42 East Dulwich Grove London SE22 8PP  
 Flat B 42 East Dulwich Grove London SE22 8PP  
 105 Wood Vale London Se23 3dt  
 28 Elsie Road London SE22 8DX  
 8 Elsie Road London SE22 8DX

### **Consultation replies**

18 Internal Consultees  
Transport Group

19 Neighbour consultees  
Southwark Cyclists have requested that a condition be imposed to ensure that bicycle parking spaces are provided within the site for 130% of residents and that a further 10 spaces be provided immediately outside the site.

20 The resident of 40 Elsie Road has objected to the proposal for the following reasons:

- The footprint of the building is increasing, encroaching into the amenity space for occupants and reducing the back garden.
- There will be a hard standing and cars parked adjacent to the boundary fence of 40 Elsie Road reducing the green outlook. A boundary hedge should be planted and maintained between the properties.
- The developer should consider a permeable covering for the car park to reduce run-off.
- The gate to the parking area should be automatically closing to maintain safety and security.
- A new fence between the properties is needed.
- The positioning of the bins is not in a convenient location.
- Overlooking from upper floor windows if not obscure glazed.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

- 21 Policy 4.3 of The Southwark Plan limits the conversion of single dwellings into units to properties which have a net internal floorspace of 130sqm or more. As the original net internal floorspace of this dwelling is approximately 163sqm, the principle of converting the property into flats is acceptable.

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

- 22 The proposed conversion includes the construction of a two storey rear extension, enlargement of the existing rear dormers and the insertions of new doors and windows within the flank and rear elevations.
- 23 There would be no significant loss of light to adjoining properties as a result of this proposal. The property adjoining the site to the west will remain unaffected due to the orientation of the site. The property to the rear, 40 Elsie Grove, may notice some minor overshadowing in the middle of the day, but given the distance between the new rear extension and the side elevation of 40 Elsie Grove, this is likely to be minimal. In fact, 40 Elsie Grove may to some extent achieve additional light due to the demolition of the garage that abuts the shared boundary.
- 24 The resident of 40 Elsie Grove has raised concerns in relation to overlooking from new windows at first floor level and above. The only new windows within the rear elevation are located at first floor level within the rear elevation of the new extension, and the larger dormer windows to the rear roofslope. At second floor level, the existing windows are to be realigned but there would be no increase in overlooking as a result.
- 25 The windows at first floor level would serve the bedrooms of Flats 3 and 4. These windows would not have direct views into the windows of 40 Elsie Avenue and the separation between the two properties is adequate to maintain privacy.
- 26 The new dormer windows, although larger than what is existing, are not likely to significantly increase potential overlooking above the existing situation.
- 27 Windows within the western flank elevation of the outrigger would not overlook the property to the west of the site as it is proposed that they are to be obscured glazed.

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

- 28 The character of the area is defined by residential buildings, and all properties adjoining the subject site are currently residential uses.

### **Traffic issues**

- 29 The Transport Group have reviewed the proposal and have stated that the development is located in a high PTAL, and the provision of off street parking is at 50% which is an overprovision, as policy 5.6 states that we would be looking at 0%-33% provision for off street parking. However parking in this area is at saturation level and the proposal of some off street parking is welcomed to relieve the stress of parking on street.
- 30 Given that parking stress within Elsie Road is extremely high and as parking on East Dulwich Grove is prohibited, it is considered that the provision of 4 parking spaces on site is acceptable in this instance.



- 31 The application also proposes to provide 6 cycle parking space within a covered store at the rear of the site to cater for units 3-8. Flats 1 and 2 will have cycle parking at the front of the property within their light wells, but as these two units would also benefit from a rear garden it is likely that occupants will store bicycles in the garden areas. The cycle parking provided is considered adequate and in accordance with Policy 5.3 of The Southwark Plan.

### **Design issues**

- 32 External changes to facilitate the conversion include the construction of a two storey rear extension, enlargement of the existing rear dormer windows and the insertion of new windows and doors within the flank and rear elevations.
- 33 The proposed rear extension is to be no deeper than the existing two storey rear extension to be demolished. With a total depth of 2.m and maximum height of 7.1m it is considered that the extension would appear subordinate to the host buildings. The extension is proposed to be constructed of yellow stock brick and tiles to match what is existing. There are a number of similar extensions along the rear of the properties in East Dulwich Grove and as such, it is considered to be acceptable.
- 34 The enlarged dormers are proposed to be 2.2m wide, 0.8m wider than the existing rear dormers. There would be no change in overall height of depth. Draft SPD: Residential Design Standards states that dormers should not dominate the existing roofslope but rather appear subordinate in both size and design. The dormers proposed are small in size when compared with the overall roofslope and have been sympathetically designed to respect the character of the existing building. The dormers are considered to be of a satisfactory design and are therefore supported.
- 35 There are no objections to the new doors and windows to be located within the flank and rear elevations. All windows are to be white sash windows to match the host buildings and as such would not be detrimental to the appearance of the building.

### **Other matters**

#### Internal Layout

- 36 With the exception of the main bedrooms to units 1, 2, 3 and 4, all units meet the minimum room sizes outlined within Draft SPD: Residential Design Standards. The main bedrooms of units 1-4 are proposed to be 11.5sqm, 0.5sqm less than the 12sqm recommended within the Draft SPD. It is not considered that this shortfall is significant enough to cause significant harm to the quality of living accommodation for future occupants and therefore the variation is considered to be acceptable.
- 37 The Draft SPD also recommends that a minimum floor to ceiling height of 2.7m be achieved in all residential units, except within the roofspace where a floor to ceiling height of 2.3m for 50% of the floor area is acceptable. Only the ground floor level of this building achieves a height of 2.7m with the basement and first floor levels measuring 2.2m and 2.4m respectively. However, given that all floors of the building are currently in use as residential accommodation, it is not considered that a formal objection can be raised on this basis. The studio units to be located within the loft space satisfactorily achieve a floor to ceiling height of 2.3m for more than 50% of the floorspace.

#### Waste Management

- 38 The application proposes to provide a waste storage area at the rear of the property adjacent to the car parking area and bicycle store. One objector has raised concerns that this location is not convenient for occupants of the building as they would have to walk around the site to access the bin area. Whilst the bin storage is not ideally located, given that these buildings are constructed hard up to the back of the pavement, there is no other suitable location for the refuse storage area. The refuse

storage area is of a suitable size and is considered satisfactory for this development.

#### Safety and Security

- 39 The objector from 40 Elsie Grove has raised concerns about safety and security as a result of the proposed parking area and has requested that the gate be self closing and locking to deter potential criminals from accessing the site. A condition will be imposed requiring that the gate be self closing and locking to maintain the security of 40 Elsie Grove and future occupants of the development.

#### **Conclusion**

- 40 Planning permission is sought for the conversion of 36 and 38 East Dulwich Grove into 8 units including the construction of a two storey rear extension, enlarged dormers and minor external alterations. The proposal is considered to preserve the character and appearance of the area and maintain public amenity. The proposal is generally in accordance with Council policies and is therefore recommended for approval.

#### **COMMUNITY IMPACT STATEMENT**

- 41 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

b] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

c] The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

#### **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

- 42 The proposal would improve the quality of the accommodation provided within the properties, the provision of parking would reduce the potential level of on street parking in the area and cycle parking would be provided for all of the units.

A condition has also been added to ensure that composting facilities and water butts are provided in the gardens of the lower ground floor flats.

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Teresa Gizzi	Planner - Development Control [tel. 020 7525 5420]
CASE FILE	TP/2120-36	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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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**Applicant** Mr D. R. & R. Francis  
**Application Type** Full Planning Permission  
**Recommendation** Grant

**Reg. Number** 08-AP-0587

**Case Number** TP/2120-36

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Construction of first floor rear extension, enlargement of existing dormers and conversion of 7 units/bedsits into 8 flats including 4 new parking spaces and 8 secure cycle spaces.

**At:** 36 & 38 EAST DULWICH GROVE, LONDON, SE22 8PP

**In accordance with application received on** 06/03/2008

**and Applicant's Drawing Nos.** 11263/PL08/01 Rev A, 11263/PL08/02, 11263/PL08/03, 11263/PL08/04, 11263/PL08/05, 11263/PL08/06, 11263/PL08/07, 11263/PL08/08, 11263/PL08/09, 11263/PL08/10, Design and Access Statement

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

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan UDP (2007).

- 3 The gate servicing the car and cycle parking and refuse storage area is to be self closing and kept locked when not in use.

Reason:

To maintain the safety and security of adjoining properties and future occupants in accordance with Policies 3.2 'Protection of Amenity' and 3.14 'Designing out Crime' of The Southwark Plan UDP (2007).

- 4 Prior to the occupation of the lower ground floor units provision for rainwater collection and composting shall be made available and retained for the duration of the use.

Reason

To reduce water wastage and increase household recycling in compliance with Policy 3.4 Energy Efficiency and 3.9 Water of the Southwark Plan January 2007.

**Reasons for granting planning permission.**

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

- a] Policies 3.2 Protection of Amenity, 3.8 Waste Management, 3.12 Quality in Design, 3.13 Urban Design, 4.3 Mix of Dwellings, 5.3 Walking and Cycling of the Southwark Plan [July 2007].

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



<b>3</b>	<b>Classification</b> OPEN	<b>Decision Level</b> Dulwich Community Council	<b>Date</b> 03/07/08
<b>From</b> Head of Development Control		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (08-AP-0571)  Demolition of existing rear extension, construction of new single storey side and rear extension, conversion of the property from a single dwelling into 2 x 2 bedroom flats and 1 x 1 bedroom flat and provision of associated cycle and refuse stores.		<b>Address</b>  19 DERWENT GROVE, LONDON, SE22 8DZ  <b>Ward</b> East Dulwich	
<b>Application Start Date</b> 26/03/2008		<b>Application Expiry Date</b> 21/05/2008	

### PURPOSE

- 1 The application has been referred to Dulwich Community Council for consideration as 5 objections have been received.

### RECOMMENDATION

- 2 Grant planning permission

### BACKGROUND

#### Site location and description

- 3 The application site is located on the eastern side of Derwent Grove and comprises a part two/part three storey semi-detached property previously used as a single dwelling. The area is characterised by similar semi-detached properties generally residential in nature. The properties adjoining the site boundaries are all residential.
- 4 The site is not located within a designated Conservation Area and is not a listed building and Derwent Grove is not located within a CPZ.

#### Details of proposal

- 5 The application seeks full planning permission for the conversion of the property into 3 residential units. The development comprises a 2 bedroom unit at ground floor level, a 2 bedroom unit at first floor level and a 1 bedroom unit within the loft space.
- 6 The application was submitted as 3x2 bedroom units however the top floor unit has been reduced to address officers concerns in relation to internal layout.
- 7 The proposal seeks to construct a single storey side and rear extension to facilitate the conversion of the property. The extension is proposed to be 2.8m deep and 4m wide and would encroach 1.3m into the side return. At the highest point of the pitched roof the extension would be 3m high.
- 8 The remaining garden space is to be a common area for use by all 3 flats and at the rear of the garden it is proposed to construct a cycle store catering for 6 bicycles.
- 9 A waste storage area is proposed to be located at the front of the site.

### Planning history

10 None relevant

**Planning history of adjoining sites**

11 None relevant

**FACTORS FOR CONSIDERATION**

**Main Issues**

12 The main issues in this case are:

a] the principle of the development in terms of land use and conformity with strategic policies.

b] the impact of the proposal on the character and appearance of the area

c] impact of the proposal on neighbour amenity

d] transport impacts

**Planning Policy**

13 Southwark Plan 2007 [July]

3.2 Protection of Amenity

3.8 Waste Management

3.12 Quality in Design

3.13 Urban Design

4.3 Mix of Dwellings

5.3 Walking and Cycling

Draft SPD – Residential Design Standards

**Consultations**

14 Site Notice: 14 April 2008

15 Internal Consultees

Transport Group

Waste Management

Access Officer

16 Neighbour consultees

Flat G 3 Dunnage Crescent London SE16 7FJ

First Floor Flat 20 Elsie Road London SE22 8DX

Ground Floor Flat 20 Elsie Road London SE22 8DX

Basement Flat 23 Derwent Grove London SE22 8DZ

12 Elsie Road London SE22 8DX

16 Elsie Road London SE22 8DX

18 Elsie Road London SE22 8DX

20 Elsie Road London SE22 8DX

13 Derwent Grove London SE22 8DZ

15 Derwent Grove London SE22 8DZ

17 Derwent Grove London SE22 8DZ

23 Derwent Grove London SE22 8DZ

16 Derwent Grove London SE22 8EA

18 Derwent Grove London SE22 8EA

22 Derwent Grove London SE22 8EA

24 Derwent Grove London SE22 8EA  
26 Derwent Grove London SE22 8EA  
14a Elsie Road London SE22 8DX  
14b Elsie Road London SE22 8DX  
20a Derwent Grove London SE22 8EA  
20b Derwent Grove London SE22 8EA  
21 Derwent Grove London SE22 8DZ  
21b Derwent Grove London SE22 8DZ  
18 Derwent Grove London SE22 8EA  
18b Derwent Grove London SE22 8EA  
14 Elsie Road London SE22 8DX  
First Floor Flat 18 Elsie Road London SE22 8DX  
Flat A 13 Derwent Grove London SE22 8DZ  
Flat B 13 Derwent Grove London SE22 8DZ  
Ground Floor Flat 18 Elsie Road London SE22 8DX  
17b Derwent Grove London SE22 8DZ  
17a Derwent Grove London SE22 8DZ

### **Consultation replies**

17 Internal Consultees

Transport Group –raise no objections to proposal but have requested that a sum of £1000 per residential unit be secured from the applicant to be put towards the costs of conducting a CPZ review.

Access Officer – no objections

Waste – no response

18 Neighbour consultees

Five objections received from residents of 17A Derwent Grove, 12 Derwent Grove, 24 Derwent Grove, 21 Derwent Grove and 18 Derwent Grove. Objections are based on the following:

- Increased pressure on on-street parking
- 3 x 2 bed units is an overdevelopment
- Loss of a single family dwelling
- Poor layout – bathrooms are accessed via the kitchen
- The bike store poses a security threat to properties at the rear of the site
- The waste storage area appears inadequate
- Increased noise as a result of the increase in occupants and common garden area
- Loss of privacy/overlooking of 21 Derwent Grove

A sixth response has been received from Southwark Cyclists requesting that the Council condition that cycle parking should be provided for 130% of residents and that a further 6 cycle spaces be provided immediately outside the site.

### **PLANNING CONSIDERATIONS**

#### **Principle of development**

19 Policy 4.3 of The Southwark Plan limits the conversion of single dwellings into units to properties which have a net internal floorspace of 130sqm or more. As the original net internal floorspace of this dwelling is approximately 163sqm, the principle of converting the property into flats is acceptable.

20 Neighbours have objected to the proposal on the basis that it would result in the loss of a single family dwelling, however Policy 4.3 seeks to preserve small single family dwellings by limiting which dwellings can be converted, while still meeting housing

targets for the borough. The principle of converting this property is therefore consistent with London Plan and Council policies.

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

- 21 The proposed conversion includes the construction of a single storey side and rear extension and the insertion of two rooflights. There are no other additional windows or doors proposed.
- 22 As the extension is at single storey level only, there would be no loss of light or privacy to neighbouring properties. The resident of 21 Derwent Grove has raised concerns in relation to loss of privacy as windows of Flats 2 and 3 will overlook this property. However, all windows that overlook the property at 21 Derwent Grove are existing and therefore there would be no significant increase in overlooking.
- 23 Concerns have been raised in relation to additional noise as a result of the potential increase of residents living in the property and using the communal garden. It is acknowledged that there may be a marginal increase in noise as a result of this proposal, however, the site is still remaining in residential use and therefore any noise would be residential in nature. Therefore, it is not considered that any potential increase in noise would be of such significance as to cause major disturbance to neighbouring properties beyond what would be expected in a suburban location.
- Internal Layout
- 24 The proposal has been reduced in size from 3x2 bedroom units to 2x2 bedroom units and 1x1 bedroom unit.
- 25 Draft SPD: Residential Design Standards outlines minimum requirements for new residential development including conversions including minimum room sizes and minimum floor to ceiling heights.
- 26 All rooms meet the minimum room size requirements outlined in the SPD. The SPD also recommends that all rooms achieve a minimum floor to ceiling height of 2.6m with the exception of rooms within roofspace where it is recommended they achieve a height of 2.3m for at least 50% of the floorspace. Rooms within the outrigger fail to achieve the minimum floor to ceiling height as recommended in the SPD however, as these spaces were already used for residential accommodation it is considered that no objection can be raised. The lounge room located within the loft space easily achieves 2.3m for more than 50% of the floorspace, the bedroom however does not. Only 36% of the floorspace within the bedroom achieves a floor to ceiling height of 2.3m or more. Whilst it is acknowledged that this is not ideal, the room still remains functional, and given that it is not the primary living space, it is not considered that a reason for refusal could be sustained on this basis.
- 27 One neighbour has objected on the basis of the poor layout of the flats given that the bathroom leads directly off the kitchen. It is agreed that the layout of the units is not perfect, however the layout would not cause significant harm to the amenity of future occupiers and does not warrant refusal of the proposal.
- 28 Overall, the units are considered to be of an acceptable size and design to ensure acceptable living standards are achieved for all future occupiers of the development. The units all have access to the shared amenity space to the rear which measures approximately 55 sq metres, which although not in compliance with the Draft Guidance which would require a total of 70 sq metres for this development it is not considered that the shortfall is such to warrant a refusal of planning permission on these grounds.



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

- 29 As the area is characterised by residential uses, there would be no significant impact on occupiers of the proposed development.

### **Traffic issues**

- 30 The subject site is rated as having a medium to high public transport accessibility level and is not located within a Controlled Parking Zone (CPZ).
- 31 The Transport Group have visited the site and acknowledge that on-street parking is limited however there is no current policy to enable refusal of the proposal on these grounds. The Transport Group have therefore requested that a contribution of £1000 per unit be paid in order to conduct a CPZ review. However, to date no timeframe for a review has been set and no policy has been formulated to justify these contributions and as such, it is not considered that they can be requested at this time.
- 32 Given the reasonably high PTAL and the sites proximity to East Dulwich Station and various bus routes, it is not considered that the proposal would have a significant impact on on-street parking. While there may be an increase of vehicles parking in the street, it is not considered that the proposal can be refused on these grounds.
- 33 Cycle parking for 6 bicycles has been provided at the rear of the site in a secure, covered cycle store. This is in excess of spaces required under Council policy and would promote the use of sustainable forms of transport by future occupiers.
- 34 One objection received from Southwark Cyclists requests cycle parking for 130% of occupiers on site and 6 spaces outside the site however this is far beyond the Council's policy requirements and as such would be an unreasonable request.
- 35 An objection from neighbours located to the rear of the site raised concerns that the proposed cycle store would pose a security threat to properties at the rear. As the garden is accessed by a side gate which is likely to be lockable (and can be conditioned as such) and bicycles would be secured within the store, there is unlikely to be a security risk associated with the structure.

### **Design issues**

- 36 External changes to facilitate the conversion are limited to a single storey side and rear extension and the addition of rooflights to the property.
- 37 The single storey extension is of a low height with a pitched roof to match the character of the existing building. Materials to be used include brickwork to match the existing and a slate roof to also match the existing building. The extension is considered to be an acceptable design to maintain the character and appearance of the dwelling and would appear subordinate to the existing building.
- 38 The rooflights proposed to the front and rear elevation are acceptable and suitably located to maintain the balance of the facade.
- 39 The proposed alterations to the building are considered to be acceptable and in accordance with Policy 3.12 'Quality in Design' of The Southwark Plan.

### **Other matters**

#### Waste

- 40 The application proposes to provide a waste storage area at the front of the property with space for 3 bins. There is also adequate space for recycling containers in this location.

## **Conclusion**

- 41 The application seeks full planning permission for the conversion of the property into 2x2 bedroom units and 1x1 bedroom units including the construction of a single storey side and rear extension and the insertion of rooflights in the front and rear roofslopes. The proposal is considered to be satisfactory in terms of design and appearance and would not detrimentally affect public amenity. The application is generally in accordance with The Southwark Plan UDP and the Draft SPD: Residential Design Standards and is therefore recommended for approval.

## **COMMUNITY IMPACT STATEMENT**

- 42 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

b] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.

c] The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

## **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

- 43 The proposal would make a more efficient use of an existing property. It is suggested that a condition be added to ensure that composting facilities and water butts are provided in the garden, to encourage household recycling and reduce waste.

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Teresa Gizzi	Planner - Development Control [tel. 020 7525 5420]
CASE FILE	TP/2119-19	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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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**Applicant** Mr D. Sing  
**Application Type** Full Planning Permission  
**Recommendation** Grant

**Reg. Number** 08-AP-0571

**Case Number** TP/2119-19

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Demolition of existing rear extension, construction of new single storey side and rear extension, conversion of the property from a single dwelling into 3 x 2 bedroom flats and provision of associated cycle and refuse stores.

**At:** 19 DERWENT GROVE, LONDON, SE22 8DZ

**In accordance with application received on** 06/03/2008

**and Applicant's Drawing Nos.** 100 Rev P2, 101 Rev P2, 102 Rev P1, 103 Rev P1, 104 Rev P1, 105 Rev P1, 106 Rev P1, Design and Access Statement

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

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan UDP (2007).

- 3 The side gate providing access to the rear garden is to be self closing and locked at all times.

Reason:

To maintain the safety and security of future occupiers and adjoining residents in accordance with Policies 3.2 'Protection of Amenity' and 3.14 'Designing out Crime' of The Southwark Plan UDP (2007).

- 4 Prior to the occupation of any of the proposed units provision for rainwater collection and composting shall be made available and retained for the duration of the use.

Reason

To reduce water wastage and increase household recycling in compliance with Policy 3.4 Energy Efficiency and 3.9 Water of the Southwark Plan January 2007.

**Reasons for granting planning permission.**

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

- a] Policies 3.2 Protection of Amenity, 3.8 Waste Management, 3.12 Quality in Design, 3.13 Urban Design, 3.14 Designing Out Crime, 4.3 Mix of Dwellings and 5.3 Walking and Cycling of the Southwark Plan [July 2007].

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

<b>Item No.</b> 7	<b>Classification:</b> Open	<b>Date:</b> 3 July 2008	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>PLANNING ENFORCEMENT UPDATE REPORT</b>		
<b>From:</b>	<b>01/04/08 -30/06/08</b>		

### Summary and purpose

1. The purpose of this report is to provide Members of Dulwich Community Council with a report on progress of the Planning Enforcement Service. This report advises on enforcement performance for the periods April to June 2008. The report sets out current issues impacting on the Enforcement Service. It is intended to inform Members as to the progress of cases.
2. Please note that this report is for information purposes only. The determination of planning enforcement investigations and conduct of enforcement appeals is delegated to officers under the Southwark Constitution 2008. Part 3F Note (a). Members are advised that they do not have a decision making function in relation to Enforcement Cases.

### Performance Data

3. Table 1 below shows performance in dealing with investigations and overall performance on cases received in the previous year.

	<b>Previous Year 07/08</b>	<b>April – June 2008</b>
Cases Received	53	15
Investigations completed	57 (including backlogs)	8
Live cases	Currently Unavailable	Currently Unavailable
% Investigated within 8 weeks	Currently Unavailable	Currently Unavailable
Cases closed (see Appendix I below)	57	8
Temporary Stop Notices Served	3	1
Enforcement notices served	10	2
Stop Notices Served	0	0
s215 Notices Served	2	0
Breach of Condition Notices Served	1	0
Prosecutions	1 see item 6 below	0
Number of Enforcement Notices Complied with	9	0
Notices Pending	0	4
Prosecutions Pending	0	1 (14-16 Underhill – unauthorised railings)

## Notices served

Address	Breach	Type of Notice served	Date Notice expires	Appeal filed	Further action needed
Land at: 77 Beckwith Road, London SE24 9LQ.	The construction of the light well at the address specified in paragraph 4 does not benefit from Planning Permission and is therefore unauthorised development.	Temporary Stop Notice  2805/08	25/06/08	Not applicable	Work stopped
Land at rear yard and shed areas 55-63 (odd) Upland Road, 65 Upland Road, ground floor and rear inclusive of yard area and shed, 67 Upland Road	Without planning permission, change of use of the site from A1 retail with storage to a commercial plant hire business with storage (sui generis/B8)	Enforcement Notice - 27/05/08	26/06/08	Not Yet	Monitor Appeal
Land at 38 Marmora Road, London, SE22 0RX	Without Planning Permission, the erection at the rear of the Premises, on the boundary with no 40 Marmora Road, of a fence whose height is in excess of 2 metres	Enforcement Notice - 09/06/08	15/08/09	Not Yet	Monitor Appeal

## Appeal Decisions

Address	Date of Appeal decision	Outcome
<p>Site at: 8-10 Lordship LaNE, LONDON, SE22 8HN</p> <p><u>APPEAL REFERENCE:</u> <u>APP/A5840/C/07/2040043</u> &amp; <u>APP/A5840/C/07/2046890</u></p>	08/04/2008	<ul style="list-style-type: none"> <li>➤ Appeal A (on the air condition units) was dismissed and the enforcement notice upheld;</li> <li>➤ Appeal B (Change of Use) was allowed and the enforcement notice quashed.</li> <li>➤ Both costs applications on appeal A &amp; B failed and no award of costs was made against the Council.</li> <li>➤ The two air conditioning units have now been removed and the case has now been closed</li> </ul>
<p>Site at: 8-10 Lordship LaNE, LONDON, SE22 8HN</p> <p><u>APPEAL REFERENCE:</u> <u>APP/A5840/C/07/2040043</u> &amp; <u>APP/A5840/C/07/2046890</u></p>	08/04/2008	<ul style="list-style-type: none"> <li>➤ Appeal A (on the air condition units) was dismissed and the enforcement notice upheld;</li> <li>➤ Appeal B (Change of Use) was allowed and the enforcement notice quashed.</li> <li>➤ Both costs applications on appeal A &amp; B failed and no award of costs was made against the Council.</li> <li>➤ The two air conditioning units have now been removed and the case has now been closed</li> </ul>
<p>Site at 302 Lordship Lane, London, SE22 8LY</p>	31/03/2008	<ul style="list-style-type: none"> <li>➤ In the formal decision, the Planning Inspector dismissed the appeal and upheld the enforcement notice subject to minor variations.</li> <li>➤ The Planning Inspector refused to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.</li> </ul>

		<p>➤ Therefore by 31/03/2009, twelve(12) months from the date of the appeal decision, you are required to have complied with the varied requirements of the enforcement notice.</p>
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### **Pro-Active Projects**

4. The Council has a number of proactive enforcement initiatives to ensure:
- i. the removal of inappropriately located and unsightly advertisement hoardings in the Borough. The main area where this initiative is concentrated is in conservation areas, displays close to and attached to listed buildings and major thoroughfares.
  - ii. that the unauthorised use of buildings as places of worship by various faith groups ceases.
  - iii. the removal of inappropriately located and unsightly satellite dishes within conservation areas and on listed buildings.

At present there are no specific issues to be reported to Dulwich Community Council with regards pro-active projects.

### **5. Listed Wall on Red Post Hill Adjoining 19 Village Way Way, London, SE21 7AN**

5.1 A Listed Building Consent (LBC) is now in place for the dismantling and reconstruction of the partially collapsed and unstable sections of the wall. This decision was issued on the 12 December 2007 (reg 07-AP-2410) the applicants being The Dulwich Society.

5.2 The LBC was subject to condition that, before the wall is reconstructed a survey plan at a scale of 1:100 of the existing and proposed sections of the wall, and scaled drawings at 1:20 of detailed sections of the wall are submitted to the Local Planning Authority (LPA).

5.6 Steps are now in place for vegetation to be cleared alongside the wall in order for the survey to take place to provide the scaled drawings required to release the condition. This work is expected to take between 4 to 6 weeks (including discharge of condition).-

5.7 The owners failed to auction the land in question on the 19 May 2008. The Council received a number of inquiries with regard to the prospects of being granted planning permission and listed building consent for redevelopment of the site. The Council has advised potential applicants that the schemes proposed are not compliant with the Planning policies relevant to the site.

## 6. 549 Lordship Lane, SE22

- 6.1 549 Lordship lane is a Grade II listed property currently vacant, in a state of disrepair and considered to be in a dangerous condition.
- 6.2 A dangerous structure notice was served under Building Control Regulations outlining steps to secure the building.
- 6.3 The owner of the site failed to comply with the notice and was subsequently successfully prosecuted against the offence of failing to comply with the Dangerous Structure Notice.
- 6.4 A court order was obtained to carry out temporary works as required. Tenders for the works have now been obtained.
- 6.5 Officers are considering what further steps to take.

## 7. Prioritising Enforcement Cases

Enforcement cases are categorised in three groups:

### i) **Priority One – Major** – First contact or site visit within 24 hours of receipt of complaint

- Works that are irreversible or irreplaceable or constitute a serious breach of planning control
- Unauthorised works to a Listed Building
- Breaches of Article 4 Direction
- Significant development within or on Metropolitan Open Land.

### ii) **Priority Two – Medium** – First contact or site visit within 5 working days from receipt of complaint

- Activities that cause significant harm to residential amenity i.e. car businesses
- Change of use
- General development
- Breach of conditions and/or not built in accordance with approved plans
- General compliance checks
- Adverts including fly posting and Advertising boards.

### iii) **Priority Three – Low** – First contact or site visit within 10 working days from receipt of complaint

- Sheds, means of enclosure
- Dropped curbs/crossovers
- Satellite dishes
- Minor operations
- Any low impact to residential amenity



8. Residents reporting breaches of planning control are encouraged to provide contact details, so that they can be updated as to progress and relevant evidence verified. If no contact details are provided and the matter does not relate to a priority one subject officers may decide not to investigate the case.
9. Cases are currently investigated according to the date on which they were received or the difficulty of retrieving the situation for example, unauthorised works to listed buildings are automatically priority one cases being investigated within 24 hours of receipt by the Team. Cases are then investigated according to how close they may be coming to their immunity time. Once the old cases have been cleared it is anticipated that the Team, instead of the current 10 working days, will initially investigate most cases within 5 working days from date of receipt. However, this target cannot be realistically altered until the current work levels within the Team have been dramatically reduced.
10. Currently cases are shared by enforcement officers according to workload. The enforcement team hopes to recruit an additional officer to enable officers to work on an area basis

**CONTACT OFFICER:**

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**Group Manager – Planning Enforcement**

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**NOTE:** Original held by Constitutional Support Unit; amendments to Beverley Olamijulo (Tel: 020 7525 7234)

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