



Item No. 7	Classification OPEN	Decision Level Dulwich Community Council	Date 25/2/2007
From Head of Development Control		Title of Report DEVELOPMENT CONTROL	
Proposal Rear extension to wine bar/restaurant and air conditioning plant at roof level. (07-AP-2484)		Address 21 LORDSHIP LANE, LONDON, SE22 8EW Ward East Dulwich	
Application Start Date 30/11/2007		Application Expiry Date 25/01/2008	

PURPOSE

- 1 The application is referred to the Dulwich Community Council for determination at the request of Members.

RECOMMENDATION

- 2 Refuse planning permission.

BACKGROUND

Site location and description

- 3 The application site is located at 21 Lordship Lane on the eastern side of Lordship Lane. The site comprises a two storey end of terrace building with a wine bar/restaurant on the ground floor (and basement) and residential unit on the upper floor. There is a paved garden area to the rear of the building at the ground floor level. This was conditioned so that it could not be used as a garden in association with the bar.
- 4 Immediately adjacent to the site on the northern side is a hot food takeaway shop and the western side there is a real estate office. The terraces are set back from the footpath.
- 5 The site is designated as a Primary Shopping Frontage, Lordship Lane Opportunity Area and Lordship Lane Neighbourhood Area under the provisions of the Southwark Plan [July] 2007. The site is located in the Lordship Lane District Town Centre which provides a wide range of local services and goods that meet the needs of the local community. The area is characterised by small niche business, cafes and restaurants.
- 6 The site is not listed or located in a conservation area.

Details of proposal

- 7 Single storey rear extension to wine bar/restaurant and air conditioning plant at roof level. The extension would enclose the rear garden and allow the expansion of the internal seating area. The external access to the basement would be removed. The existing plant equipment on the ground floor adjacent to the boundary with 23

Lordship Lane will be relocated to the roof together with additional plant equipment to ventilate the new extension which is proposed to be screened with removable metal louvres. The roof is to be tiled and will incorporate three velux windows to the rear.

Planning history

- 8
- Planning permission (06-AP-1861) was granted 11th December 2006 for addition of an awning to the existing shopfront incorporating signage.
 - Planning permission (06-AP-0032) was refused 3rd March 2006 for use of the rear garden as a seating area for wine bar. The permission was refused as the use of the rear garden in association with the wine bar would significantly increase noise and disturbance to the detriment of the amenity of occupiers of neighbouring residential properties.
 - Enforcement case (EN-05-0382) January 2006 for use of rear garden in breach of condition 5 of planning permission 03-AP-1196 resolved after the use of the rear garden ceased operation.
 - Planning permission (05-AP-0505) was granted 1st June 2005 for construction of a new shopfront.
 - Advertisement consent (05-AP-0504) was granted 1st June 2006 for display of an externally illuminated sign.
 - Planning permission (04-AP-2329) was refused 6th April 2006 for details of ventilation and sound insulation as required by condition 3 & 7 of planning permission 03-AP-1196. The permission was refused as insufficient information was submitted and the noise survey failed to indicate that the neighbouring occupiers would be protected from noise nuisance to the detriment of the amenity of neighbouring occupiers.
 - Planning appeal against the refusal of planning permission (03-AP-2121) was dismissed in February 2005. The Appeal was dismissed as the Planning Inspectorate considered the proposal would result in a loss of residential accommodation and the development would affect the living conditions of neighbouring occupiers through noise and disturbance.
 - Planning permission (03-AP-2121) was refused 31st December 2003 for change of use of first floor from residential to class A3 (wine bar) to be used in conjunction with ground floor (winebar already approved). Permission was refused as the proposal would result in the loss of one residential unit and the proposal would result in an incompatible use between the site and immediate neighbouring sites to the detriment of the amenity of neighbouring occupiers with regard to noise pollution.
 - Planning permission (03-AP-1196) was granted 6th August 2003 for change of use of the ground floor and basement to a wine bar together with the erection of a single-storey rear extension and installation of a new shopfront and use of the first floor as a self-contained flat.

Planning history of adjoining sites

- 9
- 19 Lordship Lane:
- Planning permission (2315/19) was granted 25th July 1980 for alterations to the shopfront.

23 Lordship Lane:

- Planning permission (2315/25) was granted on 29th January 1974 for change of use of the ground floor of the ground floor from a shop to a hot food shop.

FACTORS FOR CONSIDERATION

Main Issues

- 10 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies.
 - b] design and appearance
 - c] amenity of neighbours

Planning Policy

The Southwark Plan was adopted in July 2007.

- 11 Southwark Plan 2007 [July]
 3.2 Protection of Amenity
 3.11 Efficient Use of Land
 3.12 Quality in Design

Consultations

- 12 Site Notice:
 18/12/2007
- 13 Press Notice:
 N/A
- 14 Internal Consultees
 Environmental Protection
- 15 Statutory and non-statutory consultees
 None
- 16 Neighbour consultees
 Letters were sent to the following properties to notify of the application:
 17 Lordship Lane
 17 Lordship Lane (first floor flat)
 19 Lordship Lane
 19 Lordship Lane (first floor flat)
 21 Lordship Lane (first floor flat)
 23 Lordship Lane
 23A Lordship Lane
 25A Lordship Lane
 14 Spurling Road
 15 Spurling Road
- 17 Re-consultation
 N/A

Consultation replies

18 Internal Consultees
Environmental Protection:

19 Neighbour consultees
One letters of objection was received (one additional letter of objection was received, however, it was subsequently withdrawn) as well as three letters from neighbours in support of the proposal. The issues raised in the objection are summarised below:

14 Spurling Road:

Noise nuisance and loss of privacy -

- The extension to the wine bar would back directly onto the property. When the wine bar was illegally using the garden as an outdoor eating and drinking area in the summer of 2005 the suffered from increased noise pollution in the garden and the back of the house. The extremely close proximity would beyond any doubt mean that any extension to the bar and/or addition of an air conditioning unit at roof level would increase the noise levels in our property and result in loss of privacy.

Amenity -

- Spurling Road is a fairly quiet residential area and being imposed on further by a Lordship Lane bar would have a detrimental effect on the general environment.

PLANNING CONSIDERATIONS

Principle of development

20 The principle of extending commercial properties is generally considered acceptable subject to the impact on the adjoining properties.

21 It is noted that planning permission has been refused in the past for the use of the rear garden (for outdoor extension to wine bar) and for change of use of the first floor from residential to class A3 (as an extension to the wine bar), on both occasions due to the potential to affect the amenity of neighbouring residents.

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

22 The extension is proposed to extend to the side and rear property boundary over the existing rear garden of the application site therefore over the full depth and width of the site. The adjoining properties in Crawthow Grove and Spurling Road have short gardens and the nearest habitable windows are within 4m and 12m respectively from the property boundary of the application site. The close proximity of the extension to the surrounding residents is a concern as their amenity could potentially be affected by the proposal.

23 The roof of the extension slopes from its maximum height of 3.5m in line with the existing rear extension to 2.5m in line with the height of the existing boundary fence towards the rear. As a result approximately half of the extension exceeds the height of the existing fence. The additional height of the extension is considered to be fairly minor, however, the proposal involves relocating the ventilation and air conditioning plant equipment onto the roof of the extension from its existing location adjacent to the stairs at the ground floor level. The existing plant equipment is to be expanded to include one additional air conditioner to ventilate the extension. It will be located in the pitched area of the roof of the new extension, housed beneath removable metal louvres which have been designed to screen the plant equipment from view. The plant equipment has a height of 4.5m (further 1 metre higher than the roof) and spans

the full width of the proposed extension.

- 24 The height of the extension itself is acceptable, as it only minimally exceeds the height of the existing fence, however, the additional height and bulk created by the plant equipment on the roof of the extension is considered to be excessive and would be such a size and scale that would be visually dominant for neighbouring residents, to the detriment of their visual amenity.
- 25 The extension is proposed to be constructed to the rear boundary which is considered to be excessive in this case due to the proximity to the neighbouring residential properties. Council received an objection from the resident to the rear who is concerned about the being affected by increase noise levels due to the proximity of their property to the extension. The extension would reduce the separation distance or buffer between the wine bar and the residential area which are considered to be two incompatible land uses. The wine bar is likely to cause noise and disturbance not only from customers and staff inside the building but from the air conditioning plant equipment on the roof which has been relocated from the ground level.
- 26 An Acoustic Report was submitted with the application that related solely to the installation of additional ventilation and air conditioning plant on the site. The report has been considered by Council's Environmental Protection Officer and although the findings are to their satisfaction concern is raised as to the future operation of the premises as a licenced venue the construction elements of the roof, ceiling and velux windows are adequate to achieve sound containment.

Design issues

- 27 The design of the extension is a concern due to the excessive size and scale of the plant equipment on the roof of the extension. The height of the extension is not a concern as discussed above as the height only minimally exceeds the height of the existing fenceline. However, the scale of the plant equipment is not appropriate for a development adjoining a residential area. The plant equipment is currently located at the ground floor level away from public view. The relocation of the plant equipment onto the roof is not supported due to the high visibility from surrounding properties. Although it is proposed to be screened by metal louvres the enclosure is considered to add unnecessary bulk and scale to the roof of the extension. This would not only be visually dominating for neighbouring residents, but is considered to be poorly designed to be in keeping with the local context.

Conclusion

- 28 Whilst there are examples of extensions built to the boundary within the area, in this instance the specific site surroundings combined with the increased height from the plant are considered to be visually dominant within the area, moreover the commercial late night use would be located closer to residential boundaries which without evidence to the contrary could potentially give rise to noise nuisance to the surrounding residential properties.

The proposal is considered to be contrary to Council policy and as such, refusal is recommended.

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.

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

SUSTAINABLE DEVELOPMENT IMPLICATIONS

30 None arising.

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Kristy Robinson	Planning Officer [tel. 020 7525 5330]
CASE FILE	TP/2315-21	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

RECOMMENDATION

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

Applicant BLACK CHERRY BAR
Application Type Full Planning Permission
Recommendation Refuse

Reg. Number 07-AP-2484

Case Number TP/2315-21

Draft of Decision Notice

Planning Permission was REFUSED for the following development:

Rear extension to wine bar/restaurant and air conditioning plant at roof level

At: 21 LORDSHIP LANE, LONDON, SE22 8EW

In accordance with application received on 24/10/2007

and Applicant's Drawing Nos.

EX 100, 101, 102, 103,

PL 100, 101, 102, 103,

Planning Supporting Statement dated October 2007

Acoustic Report dated 30th November 2007

Reasons for refusal:

- 1 The proposed extension, by reason of the excessive height, bulk and scale of the plant equipment enclosure on the roof combined with depth of the extension onto residential property boundaries would appear overdominant to the detriment of the visual amenity of the surrounding residents. As such, the proposal is contrary to policy 3.2 Protection of Amenity and 3.12 Quality in Design of the Southwark Plan [July 2007].

- 2 Insufficient information has been submitted to demonstrate how the neighbouring occupiers would be protected from increased noise and disturbance that is likely to result due to the close proximity of the wine bar to the boundary with residential properties. Without evidence to the contrary it is considered that the proposal would give rise to a loss of amenity to the occupiers of neighbouring residential properties. As such, the proposal is contrary to Policy 3.2 Protection of Amenity of the Southwark Plan [July 2007].