

<b>Item No.</b> <b>3/5</b>	<b>Classification</b> OPEN	<b>Decision Level</b> PLANNING COMMITTEE	<b>Date</b> 13/01/04
<b>From</b> DEVELOPMENT & BUILDING CONTROL MANAGER		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> Retention of children's tower climbing frame, raised walkway and associated ramps.		<b>Address</b> Dulwich Village CE Infants School, Dulwich Village, SE21.  <b>Ward</b> Village	

## 1. PURPOSE

- 1.1 To consider the above application which is for Committee consideration due to the number of objections received.

## 2. RECOMMENDATION

- 2.1 Grant Planning Permission.

## 3. BACKGROUND

- 3.1 The item was previously reported to the Planning Committee on 2 June 2003 and was deferred in order that Members could attend a site visit at the school (previous report attached as an appendix. A site visit took place on 3.6.2003 and attended by the Chair Councillor Hubber, Councillors Bradbury and Pearce, representatives of the school and Mr Jennings, the occupier of 19 Dulwich Village. The site visit was held so that Members' could visit 19 Dulwich Village to see the impact the play equipment had on the amenities of the occupiers.

- 3.2 Subsequently the school has submitted details of a planted screen to be included in the application. The screen comprises of a 4 metre high trellis fence with a width of 5 metres secured to the existing fence. It is proposed to be placed directly behind the tower element of the play equipment. It is proposed to plant the screen with evergreen climbers to improve the appearance of the screen. Details of the plants to be provided will be conditioned.

## 4. FACTORS FOR CONSIDERATION

### 4.1 Main Issues

As previous report.

## 4.2 Planning Policy

As previous report

## 4.3 Consultations

As previous report

### Replies from:

As previous report

### Reconsultation Following Screen Proposal:

19 Dulwich Village – The occupier objects to such a large fence that would have a large detrimental affect on the aesthetic appeal of the surrounding area. Requested that the climbing frame be moved to an alternative location and a tree moved further back in the scheme. Requested that this application should not be reported back to committee until discussion had taken place in respect of a screen on the equipment itself or the relocation of the equipment.

## 5. PLANNING CONSIDERATIONS

5.1 The main planning considerations are discussed in the previous report attached as an appendix. Members were clearly concerned about the impact of the play equipment on the amenities of the neighbouring occupiers of 19 Dulwich Village. The site visit enabled Members' to visit the adjoining property. A screen was discussed as a solution to help overcome concerns in respect to privacy. The relocation of the equipment was also discussed but this would result in the loss of a tree, which is considered to be detrimental to the appearance and the character of the conservation area, even if a replacement tree is replanted to the rear of the area. The equipment was located in its current location so that it would not impact on the health of trees within the site

5.2 The adjoining occupier has requested that the application be deferred to reconsider the location of the equipment or to provide screening on the tower. The adjoining occupiers consider the screen too large and detrimental to the appearance of the area. The screen is proposed to be placed to the side of the adjoining occupiers garage. It will be approximately 8 metres away from the front building line. Trees screen the site and it is not considered that the proposed screen is detrimental to the appearance or character of the area. The screen is considered to help the privacy of the neighbour and when planted will provide an attractive feature

## 6.0 EQUAL OPPORTUNITY IMPLICATIONS

Please see previous report

## 7.0 LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

Please see previous report

LEAD OFFICER	Andrew Cook	Development and Building Control Manager
REPORT AUTHOR	Rachel Pawson	[tel. 020 7525 5440]
CASE FILE	TP/2292-D	
Papers held at:	Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5402]	

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## RECOMMENDATION

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

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<b>Applicant</b>	Dulwich Village C of E School	<b>Reg. Number</b>	02-AP-2213
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2292-D
<b>Recommendation</b>	Grant		

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### Draft of Decision Notice

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

Retention of a reception year outside learning area including new play equipment, associated works and landscaping.

**At:** Dulwich Village CE Infants School, Dulwich Village, SE21.

**In accordance with application received on 13/12/2002  
and revisions/amendments received on 11/02/2003  
12/11/2003**

**and Applicant's Drawing Nos. 106-001, 002, 03, 04, 11, 12B, 13, 14, 15 and 15 (received 18.11.03).**

**Subject to the following conditions:**

- 1 Details of proposed plants for the screen (2 copies), shall be submitted to and approved by the Council within 6 months from the date of this permission and the landscaping scheme approved shall thereafter be carried out in the first appropriate planting season following completion of the building works.

Reason

To protect the visual amenity of the conservation area in compliance with E.2.3 'Aesthetic Control', E.3.1 'Protection of Amenity' and E.4.3 'Proposals Affecting Conservation Areas' of the Southwark Unitary Development Plan 1995 and Policy 3.14 'Quality of Design', Policy 3.15 'Urban Design', Policy 3.2 'Protection of Amenity' and Policy 3.6 'Conservation Areas' and Heritage Conservation SPG of the Draft Deposit Unitary Development Plan (November 2002).

- 2 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

To protect the visual amenity of the conservation area in compliance with E.2.3 'Aesthetic Control', E.3.1 'Protection of Amenity' and E.4.3 'Proposals Affecting Conservation Areas' of the Southwark Unitary Development Plan 1995 and Policy 3.14 'Quality of Design', Policy 3.15 'Urban Design', Policy 3.2 'Protection of Amenity' and Policy 3.6 'Conservation Areas' and Heritage Conservation SPG of the Draft Deposit Unitary Development Plan (November 2002).

## PREVIOUS REPORT

<b>Item No.</b>	<b>Classification</b>	<b>Decision Level</b>	<b>Date</b>
	OPEN	PLANNING COMMITTEE	02/06/03
<b>From</b>		<b>Title of Report</b>	
DEVELOPMENT & BUILDING CONTROL MANAGER		DEVELOPMENT CONTROL	
<b>Proposal</b>		<b>Address</b>	
Retention of children's tower climbing frame, raised walkway and associated ramps.		Dulwich Village CE Infants School, Dulwich Village, SE21.	
		<b>Ward</b> Village	

### 1. PURPOSE

- 1.1 To consider the above application which is for Committee consideration due to the number of objections received.

### 2. RECOMMENDATION

- 2.1 Grant Planning Permission.

### 3. BACKGROUND

- 3.1 The application site comprises the Dulwich Village Church of England Infants School located on the east side of Dulwich Village. The main school building is located to the south of the site with a relatively large area of open space to the north and at the rear. The surrounding area is characterised by large residential properties set in large gardens.
- 3.2 This is a retrospective application to retain a large children's climbing frame and tower situated in the southern most corner of the school site. It is understood that work on the installation of this and associated play equipment commenced in June 2002.
- 3.3 Other works carried out include the installation of various smaller pieces of timber play equipment and associated contouring and landscaping of the play area. The play area has also been fenced off and separated from the rest of the school. The area is used solely by reception year children (ages 4 to 5) during lesson time and is not available for general school use in playtimes or after school.
- 3.4 In respect of the previous planning history on the site, permission was granted on 10 March 1999 for the erection of a single storey extension to the school. Planning permission was granted in December 2002 for the refurbishment of an existing playground and provision of a play equipment and shade structure shelters to the rear of the school in the south west corner. This was for general use by pupils.

### 4. FACTORS FOR CONSIDERATION

#### 4.1 Main Issues

The main planning issues are considered to be the impact of the climbing frame on the character and appearance of the Dulwich Village Conservation Area and the street scene in general, and the affect on residential amenity of the adjoining property at 19 Dulwich Village.

## 4.2 Planning Policy

The application site is located within the Dulwich Village Conservation Area.

### Southwark Unitary Development Plan 1995 [UDP]:

E.2.3 Aesthetic Control - Complies

E.3.1 Protection of Amenity - Complies, due to the nature of the structure and the restricted times of use it is not considered to adversely affect the neighbouring property in terms of amenity

E.4.3 Proposals Affecting Conservation Areas - Complies, the learning centre incorporates the natural environment and is considered to complement the character of the conservation area.

### Draft Southwark Plan [agreed for Deposit November 2002]:

Policy 3.14 Quality of Design - Complies

Policy 3.15 Urban Design - Complies

Policy 3.2 Protection of Amenity - Complies

Policy 3.6 Conservation Areas and Heritage - Complies

Conservation SPG - Complies

## 4.3 Consultations

Site Notice: 28 January 2003

Press Notice: 4 February 2003

### Consultees:

2 to 26 (evens) Dulwich Village

1 to 9 (odds) Dulwich Village

19 and 23 Dulwich Village

209 to 215 (oods) East Dulwich Grove

8 to 34 (evens) Gilkes Crescent

### **Replies from:**

Letters in support of the planning application have been received from the following properties:

12 Allison Grove; Flat 3, 33 Ardbeg Road; 19, 38 Beckwith Road; 4, 17 Beauval Road

Student, Blue Class Reception, Dulwich Village School; 138 Croxted Road; 67, 89a Court Lane; 44, 54 Danecroft Road; 3 & 6 Desenfans Road; 12, 15, 59, 74, 90 Dovercourt Road; 24 Dulwich Village; 61A, 207, 211 East Dulwich Grove; 6 Eynella Road; 26, 62 Glengarry Road; 4, 14, 26, 28, 30, 33 Gilkes Crescent; 37 Hollingbourne Road; 54 Kestrel Avenue; 1, 23 Lovelace Road; 149 Melbourne Grove; 2, 42 Pickwick Road; 4, 10 Playfield Crescent; 2 Sage Mews, Lordship Lane; 69, 83 Stradella Road; 23, 114 Turney Road; 21 Eastlands Crescent; 352 Upland Road; 55 Westwood Park; 73, 124, 135, 139, 149 Woodwarde Road , 169 Half Moon Lane, and 36 Court Lane

The common grounds of support are as follows:-

- The play area has been specifically designed with younger children,

particularly those with learning needs, in mind to enhance their physical development helping them balance and climb. It is an essential part of the children's educational, social and physical development.

- The playground is used only by children between the age of 3 and 5. It is difficult to see how children of this height and age would compromise the privacy of the neighbouring properties.
- The learning centre and equipment is a sympathetic, cohesive, aesthetically pleasing and imaginative play area that blends in beautifully with the surrounding environment. It enhances the local environment.
- The facilities would only be used within school hours and not on weekends or school holidays.
- Believe it is unreasonable for anyone purchasing a property next to a school not to expect development on the school site.
- Suggest a screen or another practical method of obscuring the highpoint of the structure.

The letters of objection are as follows: -

19, 21 Dulwich Village; 5 Frank Dixon Way; 20 Frank Dixon Way; 22 Frank Dixon Way; 34 Gilkes Crescent; 36 Stradella Road; 16 Village Way and Garden House, Norton, Seaford, East Sussex, Flat 10 Astell House Astell Street SW3

No. 19 Dulwich Village:

- Objects to the twenty foot high tower that has been built within feet of boundary, directly overlooking bedroom and bathroom windows and loss of privacy.
- Had planning permission been applied for in advance tower could be placed where it did not affect privacy.
- Objects to additional noise, but only object to tower not other equipment. Additional noise as a cluster of children are raised high above our boundary fence and garage roof.
- Objectors have not been made aware that there is no objection to the climbing equipment only the tower in its present location.
- If the climbing frame were modified to lower the tower or re-locate it then the matter would be closed.

The other letters of objection in support of the objection made by No. 19 Dulwich Village have made the following comments:

- The school did not follow the proper planning procedures.
- No objection if development sited away from boundary towards school to reduce impact of loss of privacy.
- The occupiers of 19 Dulwich Village have to endure faces at their bathroom window.
- The visual impact of the tower is not in keeping with the scale of adjoining buildings and detracts from the otherwise carefully controlled streetscape of Dulwich Village.
- Persuading many parents to write in to keep the climbing frame in its present location, without giving the residents an opportunity to present their side of the argument, is an abuse of process and of the headmistress' position.

Conservation and Design Officer: No objections

Arboriculturalist Officer- Trees on the site must be protected in accordance with BS5837 (1991) trees in relation to construction prior to and during works.

## Character and Appearance of the Dulwich Village Conservation Area

- 5.1 The Dulwich Village Conservation Area is characterised by large residential properties within large garden areas. Dulwich Village Church of England Infants School is a relatively modern single storey building located within a spacious surrounding. The equipment has been located at the front of the site adjacent to the reception classrooms. It is constructed from wood and other natural materials with a comprehensive landscaping scheme surrounding the play equipment. All existing trees have been retained and incorporated within the design of the learning centre. Therefore, it is considered that the outdoor learning centre is consistent with the character of the surrounding conservation area.

### Residential Amenity of the neighbouring property

- 5.2 The play area includes a large climbing frame/tower located in the southern corner of the site close to the boundary with 19 Dulwich Village. The highest platform of the play tower frame is 1.92 metres above ground level and the highest point of the tower (i.e the roof over the platform) is 4.4 metres. The tower is approximately 8m from the nearest habitable room in 19 Dulwich Village. There is a single garage on the boundary with the school on the boundary which the equipment is located.
- 5.3 The objections received all relate to the play tower on grounds that it effects the privacy of the adjoining occupier. Because of the height of the platform children are able to see over the boundary fence and may be readily observed from first floor windows to the house. The affected windows are a bathroom window, which is obscured but openable, and a front bedroom window. The tower is clearly visible from these windows. No objections have been raised to the rest of the play equipment.
- 5.4 The school advise that the equipment is solely for the use of younger children and at certain times of the day. It will not be used, for example, at weekends or during the evenings when a bedroom might be in use. The platform is not intended to act as sitting area but rather for active play and for limited periods only. On this basis it is considered unlikely that its use will result in a sufficiently material loss of privacy or loss of general amenity through, for example, noise so as to warrant a refusal of planning permission. In this case, there is a garage between the boundary fence and main part of the house which appears to be higher than 2 metres and which provides a degree of separation between the play area and habitable rooms.

## **6. EQUAL OPPORTUNITY IMPLICATIONS**

- 6.1 None foreseen

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

- 7.1 None foreseen

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