

COMMUNITY COUNCILS

A voice for your community

Dulwich Community Council Planning

Monday September 7 2009 at 7.00 pm

Christ Church, 263 Barry Road, London SE22 0JT

Membership

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

Reserves

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

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

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact Beverley Olamijulo on 020 7525 7234 or email:
beverley.olamijulo@southwark.gov.uk

Webpage: <http://www.southwark.gov.uk/YourCouncil/> click on: meeting papers & decisions

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: August 26 2009



Dulwich Community Council Planning

Monday September 7 2009

7.00 pm

Christ Church, 263 Barry Road, London SE22 0JT

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME [CHAIR]	
2.	APOLOGIES	
3.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
4.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	MATTERS FROM PREVIOUS MEETING(S)	
5.	MINUTES FROM THE PREVIOUS MEETINGS	2 - 9
	To approve as correct records of the meetings held on June 16 and July 9 2009	
	MAIN BUSINESS	
6.	DEVELOPMENT CONTROL ITEMS	10 - 32
	DISCUSSION OF ANY OTHER ITEMS AS NOTIFIED AT THE START OF THE MEETING.	
	DULWICH COMMUNITY COUNCIL MEMBERSHIP	

Item No.

Title

Page No.

Councillor Nick Vineall (Chair)	Councillor Robin Crookshank Hilton (Vic Chair)
Councillor James Barber	Councillor Toby Eckersley
Councillor Michele Holford	Councillor Kim Humphreys
Councillor Jonathan Mitchell	Councillor Lewis Robinson
Councillor Richard Thomas	

DATE OF DESPATCH: AUGUST 26 2009

ADDITIONAL INFORMATION

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee 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 exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

INFORMATION TO MEMBERS OF THE PUBLIC

Access to information

You may request copies of minutes and reports on this agenda.

For a large print copy of papers, please telephone 020 7525 7187.

Deputations

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

Carers' allowances

If you are a Southwark resident and have paid someone to look after your children, 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 from the clerk at the meeting.

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. 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 and at least three working days before the meeting.

Wheelchair access

Wheelchair access is available. For further information please call the meeting clerk.

Date: August 26 2009

Language Needs

If you want information on the Community Councils translated into your language please telephone 020 7525 7187. To inform us of any special needs or requirements, such as transport or signer/interpreter, please telephone 020 7525 7187.

আপনি যদি আপনার ভাষায় কমিউনিটি কাউন্সিল সম্বন্ধে তথ্য চান তাহলে অনুগ্রহ করে 020 7525 7187 নম্বরে টেলিফোন করুন

কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা
020 7525 7187

Bengali

Kendi dilinizde Toplum meclisleri hakkında bilgi almak için 020 7525 7187'nolu telefonu arayınız. Özel gereksinimlerinizi bize bildirmek için 020 7525 7187'nolu telefonu çeviriniz.

Turkish

Haddii aad doonayso warbixin ku saabsan qoraalka Kawnsalkada Bulshada oo ku turjuman af Soomaali fadlan tilifoon u dir 020 7525 7187

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 7187.

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 7187

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 7187

Mandarin

Se você quiser informações nos conselhos comunitários traduzidas em sua língua por favor ligue para 020 7525 7187. Para-nos informar de quaisquer necessidades especiais ou requisitos, tipo transporte, linguagem dos sinais/ intérprete, por favor ligue para 020 7525 7187.

Portuguese

Si vous désirez avoir l'information sur les Conseils de la Communauté (Community Councils) traduite en votre langue téléphonez SVP au 020 7525 7187. Pour nous informer de tout besoin ou condition spéciale, telles que le transport ou le signataire / interprète, téléphonez SVP au 020 7525 7187.

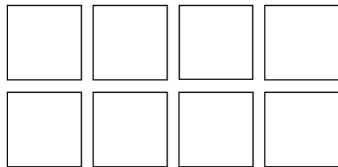
French

Si precisa información sobre los departamentos sociales (Community Councils) traducida a su idioma, por favor llame al número de teléfono 020 7525 7187. Si tiene necesidades o requisitos específicos, como es transporte especial o un intérprete, por favor llame al número de teléfono 020 7525 7187.

Spanish

Lati bēre fun itumọ irohin nipa Council agbegbe re (Community Council) ni ede abini re, jọwọ pe telifoonu 020 7525 7187. Lati jẹ ki a mọ nipa iranlọwọ tabi idi pato, gẹgẹbi ọkọ (mọto) tabi olutumọ, jọwọ pe telifoonu 020 7525 7187.

Yoruba



COMMUNITY COUNCILS
A voice for your community



Dulwich Community Council Planning Meeting

(Minutes to be formally agreed at the next meeting)

Minutes of Dulwich Community Council Planning meeting on Tuesday June 16 2009 at 7.00pm held at Herne Hill Baptist Church, Half Moon Lane, London SE24 9HU

Present

Councillor Nick Vineall (Chair)
Councillors, Robin Crookshank Hilton (Vice Chair), James Barber, Richard Thomas and Lewis Robinson.

1. Introduction and welcome by the Chair

The Chair introduced himself and welcomed those present at the meeting and asked officers and members to introduce themselves.

2. Apologies for absence

Apologies for absence were submitted on behalf of Cllrs, Toby Eckersley, Michelle Holford, Kim Humphreys and Jonathan Mitchell.

3. Disclosure of Members' interests and dispensations

None were declared.

4. Items of business that the Chair deems urgent

There were no urgent items however the chair agreed to accept the addendum report for Members to note and consider the late observations, consultation responses information and revisions.

5. Minutes of the previous meeting

Minutes of the planning meeting held on May 7 2009 were agreed as an accurate record of the proceedings which the chair signed.

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 4 – 66)

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.

Item 6/1 – 120 Barry Road, London SE22 0HP (see pages 11 – 19)

Proposal: Erection of rear extension at lower ground and ground floor level (Use Class C3).

The planning officer introduced the report, addendum and circulated plans of the scheme.

Representations were heard from the objector (118 Barry Road) and the applicant's agent.

RESOLVED: That planning permission be refused on the grounds that the proposed extension due to its depth, bulk and height would result in a detrimental impact to the adjoining property at 118 Barry Road by reason of increased sense of enclosure and loss of light.

As such the proposal is considered to be contrary to Policies 3.2 Protection of amenity and 3.11 Efficient use of land of the Southwark Plan 2007 and Supplementary Planning Document Residential Design Guidance 2008.

Item 6/2 – 11A Fountain Drive, London SE19 1UW (see pages 20 – 30)

Proposal: Redevelopment of site to provide a detached dwellinghouse with access from Fountain Drive (application for outline planning permission with Access and Scale to be determined at this stage). Illustrative plans show a 3 storey building with undercroft parking for 2 cars.

The planning officer introduced the report, addendum and circulated photos /plans of the scheme.

Members heard from objectors who spoke on behalf of the residents at 11 Fountain Drive. The main concern was if permission is granted this would give the developer free reign to develop the site and that the house would be far larger than any other property in the area which are mostly 3 bed room houses.

A representative from the Dulwich Society also spoke against the scheme, stating that the 3 storeys proposed was out of character for the area and detrimental to the street scene.

The applicant's agent was present to address the meeting.

The applicant responded to questions in respect of the boundary treatment and undercroft parking.

RESOLVED: That planning permission be refused on the grounds that the proposed dwelling by reason of its height, mass, and bulk would fail to respond positively to its surroundings. The inappropriate scale the building would be an incongruous feature within the street scene having a visually detrimental impact upon the character and appearance of Fountain Drive. As such the proposal is considered contrary to Policies 3.2 Protection of Amenity, 3.11 Efficient use of Land and 3.13 Urban Design of The Southwark Plan 2007

Item 6/3 – 17 Chesterfield Grove, London SE22 8RP (see pages 31 – 37)

Proposal: Retrospective application for retention of raised ridge height to roofslope and associated rear dormer addition.

The planning officer introduced the report, addendum and circulated plans of the scheme.

The applicant's agent was present to address the meeting and in support of the

application produced a number of photographs featuring various roof forms currently in the local area.

Members discussed the application further.

RESOLVED: That planning permission be refused as stated in the officer's report. Notwithstanding of the refusal on this application the applicant/agent would be surprised and disappointed if enforcement action were to be taken in respect of this case.

Item 6/4 – 21 North Cross Road, London SE22 9ET (see pages 38 – 47)

Proposal: Continued use of ground floor as shop (Use class A1).

The planning officer introduced the report, addendum and circulated plans of the scheme.

An objector was present to address the meeting. The objector mentioned that he had no objection to the mosque but the retail unit as it is not in keeping with the surrounding area. The other concern was the garden area which the objector felt should be maintained as a garden as with other surrounding residential gardens.

The applicants were present to make representations at the meeting.

RESOLVED: That planning permission be granted subject to an amendment to condition 2 to delete the word 'open' so it reads:

No storage or display of goods shall take place in the garden at the rear of the unless otherwise agreed in writing by the Local Planning Authority

Item 6/5 – Kingswood House, Seeley Drive, London SE21 8QN (see pages 48 – 56)

Proposal: Renewal of planning permission 05-CO-0193 for the erection of two portacabins, due to a condition attached to the previous consent requiring either the removal of the portacabin or renewal of permission in 2 years from the date of that permission.

The planning officer introduced the report, addendum and circulated plans of the scheme.

The addendum referred to a change to the description of the development.

Officers advised that the consent was sought for a temporary period until the service was permanently located at Lambourne School.

The applicant addressed the meeting.

No objectors were present.

RESOLVED: That planning permission be granted subject to change of description and policy references given in the reason for condition 3 as outlined in the officer's report.

Item 6/6 – Kingsdale School, Alleyn Park, London SE21 8SQ (see pages 57 – 66)

Proposal: Conversion of hard and soft landscaped north playground into all-weather youth football pitch and 60 metre sprint running track with limited quantity of retaining walls, grass haunchings and ramps to form level site plus surrounding mesh fence and gates to pitch.

The planning officer introduced the report, addendum and circulated plans of the scheme.

There was an objection in respect of floodlighting, which was not part of the current application and that the objection from Dulwich Preparatory had been withdrawn.

The applicant's agent was present to give an overview of the site – which is to provide new sporting facilities on the site.

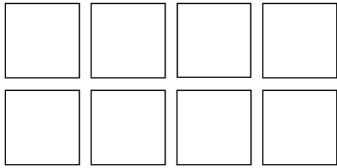
Members asked about the drainage for the site. Officers advised that this area was previously a playground and that there would be no SUDS fitted but the drainage would be an improvement on the existing situation.

RESOLVED: That planning permission be granted.

The meeting closed at 10.15 p.m.

CHAIR:

DATE:



COMMUNITY COUNCILS
A voice for your community



Dulwich Community Council Planning Meeting

(Minutes to be formally agreed at the next meeting)

Minutes of Dulwich Community Council Planning meeting on Thursday July 9 2009 at 7.00pm held at Herne Hill Baptist Church, Half Moon Lane, London SE24 9HU

Present

Councillor Nick Vineall (Chair)
Councillors, Robin Crookshank Hilton (Vice Chair), Toby Eckersley,
Jonathan Mitchell and Lewis Robinson.

1. Introduction and welcome by the Chair

The Chair introduced himself and welcomed those present at the meeting and asked officers and members to introduce themselves.

2. Apologies for absence

Apologies for absence were submitted on behalf of Cllrs, James Barber, Michelle Holford, Kim Humphreys, and Richard Thomas

3. Disclosure of Members' interests and dispensations

None were disclosed.

Cllr Mitchell withdrew from the committee and spoke as a Ward Councillor in respect of item 6.1 - 2A Bawdale Road, SE22 9DN. He took no part in the decision of this item.

4. Items of business that the Chair deems urgent

There were no urgent items.

5. Minutes of the previous meeting

To be considered at the next meeting in Sept 7 2009.

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 2 – 15)**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.

Item 6/1 – Recommendation: grant – 2A Bawdale Road, London SE22 9DN
(see pages 8 – 15)

Proposal: Construction of a dormer window extension and use of the premises as office space (in retrospect). The site is located to the rear of 2 Bawdale Road, rear of 165-171 Lordship Lane, rear of 80-84 Whateley Road, and includes the building adjacent to 84 Whateley Road.

The planning officer introduced the report and circulated plans of the scheme.

The applicant and applicant's agent were present to address the meeting.

Cllr Mitchell spoke in support of the scheme as a Ward Councillor.

Members raised issues concerning the accuracy of the proposed roof plan in that it did not reflect the reduction in footprint of the floor below. It was suggested that any

permission should include a condition for a revised roof plan to be submitted prior to work commencing on site.

The enforcement officer was present to respond to questions.

RESOLVED: That planning permission be granted subject to an additional condition and amendment to condition 1 to read as follows:

The development hereby permitted to begin before the end of 6 months from the date of permission.

Additional condition

The development shall be carried out in accordance with the submitted plans **except** the existing /proposed roof plan on drawing P(11)02 rev A which is to be resubmitted to the Local Planning Authority so that it is consistent with the proposed side elevations, the proposed rear elevation and the existing / proposed 2nd floor plan. The development shall not commence until the resubmitted plan is approved in writing by the Local Planning Authority and the extension shall be implemented in accordance with the approved plan.

Reason

In order that the development is accurately reflected in the approved plans and in accordance with Policy 3.12 'Quality in Design' of the Southwark Plan 2007.

The meeting closed at 7.50 p.m.

CHAIR:

DATE:

Item No. 6	Classification: Open	Date: 7 September 2009	Meeting Name: Dulwich Community Council
Report title:		Development Control	
Ward(s) or groups affected:		All within [Village, College and East Dulwich] Community Council	
From:		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

Background Papers	Held At	Contact
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 SE17	The named case Officer as listed or Gary Rice 020 7525 5447

APPENDIX 1**Audit Trail**

<u>Lead Officer</u>	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Principal Planning Lawyer Constitutional Support Officer	
Version	Final	
Dated	Aug 26 2009	
<u>Key Decision</u>	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
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 Monday 07 September 2009

Appl. Type Tree Works in Conservation Area
Site 5 WOODHALL AVENUE, LONDON, SE21 7HL

Reg. No. 09-AP-1010
TP No. TP/2818-5
Ward College
Officer Sonia Watson

Recommendation MAKE TREE PRESERVATION ORDER

Item 1/1.1

Proposal

1. Atlas cedar tree, section fell to ground level and stump grind the root ball.
 2. Walnut tree, section fell to ground level and stump grind the root ball.
 3. Yew tree, thin the whole canopy by 20%, plus remove all major deadwood.
-

Appl. Type Full Planning Permission
Site 21 FRANK DIXON WAY, LONDON, SE21 7ET

Reg. No. 09-AP-0033
TP No. TP/2218-21
Ward Village
Officer Sonia Watson

Recommendation GRANT PERMISSION

Item 1/2

Proposal

Addition of 75cm to rear of side extension, addition of skylight and addition of door: amendment to planning permission 07-AP-1036 granted at appeal on 9th July 2008 for ground floor extension to provide additional residential accommodation.



APPLICATION FOR WORKS TO TREES			
Item no.	Classification	Decision Level	Date
1.1	OPEN	Dulwich Community Council	07/09/2009
From Head of Development Management		Title of Report DEVELOPMENT MANAGEMENT Works to tree(s) in conservation area	
Proposal (09-AP-1010) 1. Atlas cedar tree, section fell to ground level and stump grind the root ball (T1). 2. Walnut tree, section fell to ground level and stump grind the root ball (T2). 3. Yew tree, thin the whole canopy by 20%, plus remove all major deadwood (T3).		Address 5 WOODHALL AVENUE, LONDON, SE21 7HL Ward College Conservation Area Dulwich Wood	

PURPOSE

For consideration by Dulwich Community Council due to the objections received to the placement of a Tree Preservation Order on two of the three trees.

RECOMMENDATION

1. Refuse permission to remove the Cedar tree and Walnut tree
2. Place a TPO on the Cedar tree (T1) and Walnut tree (T2).
3. Take no intervention over works to the Yew tree (T3).

BACKGROUND

Site location and description

The trees subject to this application are located in the front garden of 5 Woodhall Avenue, a detached residential property located within the Dulwich Wood Conservation Area. The trees are all healthy and mature specimens.

Details of proposed tree works

1. Atlas cedar tree, section fell to ground level and stump grind the root ball.
2. Walnut tree, section fell to ground level and stump grind the root ball.
3. Yew tree, thin the whole canopy by 20%, plus remove all major deadwood.

Planning history

None relevant.

Planning history of adjoining sites

09-AP-0334: TPO consent granted 18/05/2009 to crown thin 3 mature ash trees by 20%, including trimming back branches towards the property.

FACTORS FOR CONSIDERATION

Main Issues

The main issues in this case are:

- a] The impact of the proposal on the amenity of the area.
- b] The impact of the proposal on biodiversity.

Planning Policy

Southwark Plan 2007 [July]

Policy 3.2 Protection of amenity

Policy 3.13 Urban design

Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites

Policy 3.28 Biodiversity

Consultations

Site Notice: 26 June 2009

Site Visit and Inspection by Arboricultural Officer: June 2009

Neighbour consultees

16 Woodhall Drive London

18 Woodhall Drive London

20 Woodhall Drive London

4 Woodhall Avenue London

6 Woodhall Avenue London

3 Woodhall Avenue London

Internal Advisors

Design and Conservation Team

Arboricultural Team

Consultation replies

Neighbour consultees

None.

Arboricultural considerations

Assessment of submitted arboricultural report

None submitted.

Assessment of damage to property

Subsidence damage is claimed as justification for the works. No technical reports have been submitted in support of this claim.

Tree evaluation assessment for making Tree Preservation Order

The works to remove these trees are totally unacceptable. No evidence was provided and a Plane tree has already been removed illegally without the prior knowledge of

Southwark.

The works to the Yew tree will be routine tree maintenance and are acceptable and can go ahead.

The Cedar tree scored a high 21 on TEMPO while the Walnut scored 15. Both trees meet the criteria to be TPO'd and this should be done expeditiously.

Conclusion of arboricultural considerations

It is thus recommended to partly refuse/recommend this application:

- 1) Refuse permission to remove the Cedar tree and Walnut tree.
- 2) Place a TPO on the Cedar tree and Walnut tree.
- 3) Take no intervention over works to the Yew tree.

Impact on biodiversity

The retention of the trees will be positive for surrounding wildlife as they are mature trees and provide suitable habitat for roosting birds.

Impact on character and setting of the conservation area

The trees are mature, healthy and located in prominent positions and thus make a positive contribution to the character of the conservation area.

Other matters

None identified.

Conclusion

The trees make a positive contribution to the character and appearance of the conservation area. They have been assessed as valuable specimens worthy of protection by Council tree officers and in the absence of any expert evidence detailing a case for the trees removal (either through subsidence or other causes), it is recommended that the Cedar (T1) and Walnut (T2) should be protected by a TPO.

There is no objection to the routine tree maintenance of the Yew (T3) and no intervention 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.

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

LEAD OFFICER	Gary Rice	Head of Development Management
REPORT AUTHOR		
Planning Officer	Jeremy Talbot	Tel: 020 7525 5330
REPORT AUTHOR		
Arboricultural officer	Ernst Erasmus	Tel: 0207 525 5000
CASE FILE	TP/2818-5	Application number 09-AP-1010

Papers held at: Regeneration and neighbourhoods dept.,
tel.: 020 7525 5403 email: planning.enquiries@southwark.gov.uk

RECOMMENDATION

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

Applicant	Mr & Mrs A Montgomery	Reg. Number 09-AP-1010
Application Type	Tree Works in Conservation Area	
Recommendation	Make Tree Preservation Order	Case Number TP/2818-5

Draft of Decision Notice

The Council, in accordance with the provisions of S.201 of the Town and Country Planning Act 1990, proposes to make a PROVISIONAL TREE PRESERVATION ORDER in respect of the trees referred to in the S.211 Notice.

Proposed works to tree(s) in the Dulwich Wood conservation area:

1. Atlas cedar tree, section fell to ground level and stump grind the root ball.
2. Walnut tree, section fell to ground level and stump grind the root ball.
3. Yew tree, thin the whole canopy by 20%, plus remove all major deadwood.

At: 5 WOODHALL AVENUE, LONDON, SE21 7HL

S.211 notice received on 19/05/2009

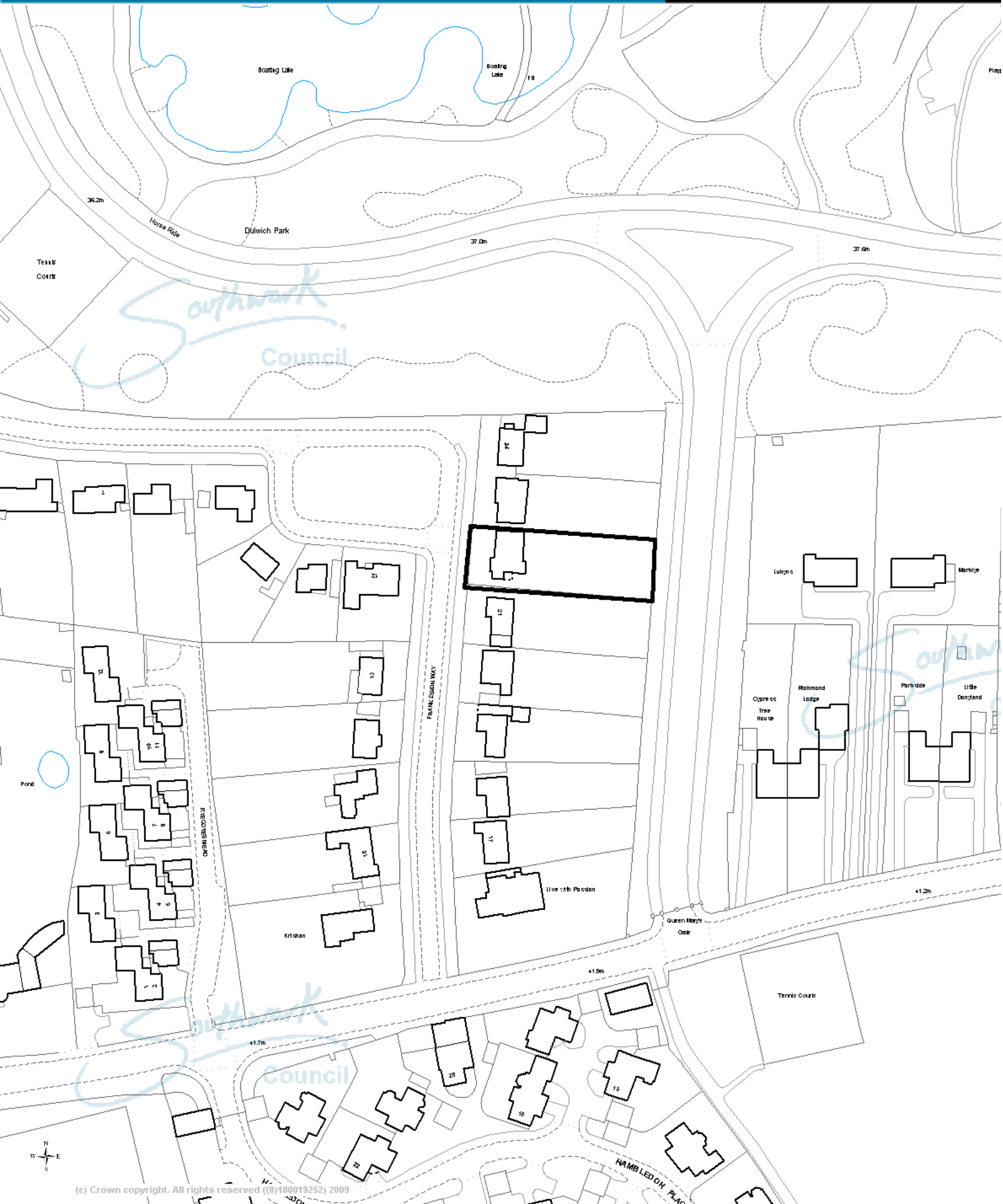
and Applicant's Drawing Nos. 1 un-numbered diagram.

Reason for making Provisional Tree Preservation Order

The trees, by reason of their maturity, health and positive contribution to the character and appearance of the conservation area, are considered valuable specimens worthy of protection. For these reasons the works are contrary to policies Policy 3.2 Protection of amenity, 3.13 Urban design, 3.18 Setting of listed buildings, conservation areas and world heritage sites and 3.28 Biodiversity of the Southwark Plan 2007.

The Cedar (T1) and Walnut (T2) shall be protected by a TPO.

There is no objection to the routine tree maintenance of the Yew (T3) and no intervention shall be made.



Item no. 1.2 Proposal (09AP0033) Addition of 75cm to rear of side extension and the addition of skylight: amendment to planning permission 07-AP-1036 granted at appeal on 9th July 2008 for ground floor extension to provide additional residential accommodation.	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL Address 21 FRANK DIXON WAY, LONDON, SE21 7ET Ward Village	Date 07/09/09
From HEAD OF DEVELOPMENT MANAGEMENT	Title of Report DEVELOPMENT MANAGEMENT		

PURPOSE

- 1 This item was deferred from the meeting of 7 May in order that a site visit could be arranged to view the site from no. 21 and from the adjoining property at no. 22. A site visit took place on 16 July and was attended by Cllrs Crookshank-Hilton, Robinson and Mitchell. The item is now referred back to Members of the Dulwich Community Council for decision. The original report is amended to incorporate revisions to the proposal and additional consultations undertaken.

RECOMMENDATION

- 2 Grant planning permission

BACKGROUND

Site location and description

- 3 The proposal concerns a large detached dwellinghouse on the eastern side of Frank Dixon Way. The surrounding area is characterised by detached properties of a similar style to the application site. They are all set back from the road and vary in design and detailing from property to property.

The application site is located within the Dulwich Wood Conservation Area. The building is not listed.

Details of proposal

- 4 The proposal seeks the addition of 0.75m to rear of the side extension which was approved by the planning inspector in July 2008. The proposal has been amended from the original submission with the reduction of the height of the proposed side extension so that it would not exceed the height of the existing single storey structure on the side of the building. In addition the rear elevation of the proposed side extension has a double instead of a single window and the proposed door on the side elevation of the main house is replaced by a window. A skylight is proposed on a rear roof slope.

Planning history

- 5 07AP1036 - Single storey side and rear extensions to dwellinghouse, to provide additional residential accommodation – Granted appeal on 09/07/08

06AP1414 - Erection of single storey side extensions and alterations to windows of dwellinghouse, to provide additional residential accommodation – Application withdrawn

06AP0230 - Demolition of existing outbuilding and construction of single storey side extension to dwellinghouse to provide additional residential accommodation – Planning permission refused.

Planning history of adjoining sites

- 6 None of relevance to this application

FACTORS FOR CONSIDERATION

Main Issues

- 7 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 Conservation Area
 - c] the impact on residential amenity.

Planning Policy

- 8 Southwark Plan 2007 [July]
 3.2 - Protection of Amenity
 3.12 - Quality in Design
 3.13 - Urban Design
 3.15 - Conservation of the Historic Environment
 3.16 - Conservation Areas

SPD - Residential Design Standards 2008

Consultations

- 9 Site notice date:
 30 January 2009
- Press notice date:
 29 January 2009
- Neighbour consultation letters sent:
 30 January 2009
- Case officer site visit date:
 25 February 2009
- 10 Internal consultees
 Design and Conservation Team
- Statutory and non-statutory consultees
 N/A
- 11 Neighbour consultees

Lukyns, Frank Dixon Way
 Cypress Tree House
 Richmond Lodge
 11, 12, 13, 19, 20, 22, 23 Frank Dixon Way

Re-consultation
 29/06/2009

Consultation replies

- 12 Internal consultees
 Design and Conservation Team
 'The proposal to extend the consented side extension by 750mm to the rear of the property poses no further harm to the Character of the Conservation Area than the current consented scheme.
- 13 The proposed additional space is located to the side and rear of the ground floor, is no taller than the consented side extension, will not be visible from the street, and aligns the proposed extension with an existing adjacent side extension.
- 14 Design & Conservation Officers raise no objections to this proposal.
- 15 Statutory and non-statutory consultees
 N/A
- Neighbour consultees
- 16 3 responses received
 23 Frank Dixon Way - objection
 -the proposal would infill the detached properties (21 and 22)
- 17 22 Frank Dixon Way - objection
 -Impact on existing window
 Furthering the extension would place it firmly in view of our window, affecting its light and amenity, and deepen the damage to the sunny, open quality that we currently enjoy on the south-facing part of our terrace – the only part of our terrace to benefit from late afternoon and evening sun. The increase in roof height by nearly 40cm to 2975mms on the side extension increases its overbearing impact and will materially reduce the views and access to light from this, our only ground floor window on our south-facing wall.

Overall impact of approved rear extension and new proposal

While the impact of the proposed extension is of itself substantive, the newly proposed extension has also to be considered in combination with the impact of the rear extension of the house which goes back a further 3000mm at a height of 2975mm directly visible from all our side windows. On its own this will already have a significant impact on the view from and access of light to the drawing room window.

However, we were prepared in the previous application to accept the rear extension, despite its significant impact on us, only on the understanding that the side extension would be kept to 75cms from the corner of our wall just before our side window comes to view.

Impact on patio

On the Woofs' appeal, the third party commentator, J & L Planning Services argued that, "the siting of the proposed extension away from each boundary

with the retention of side space, together with the retention of the proportions of the openness of the garden area, ensures that the appeal would not be visually dominant.” Unfortunately, this augmented side extension would not retain the side space and make this application visually dominant with an overwhelming effect in respect of the enjoyment of light and amenity to our side patio.

Addition of new door opposite existing drawing room window

We further object to the addition of a side door to these plans – directly opposite the window concerned -- as it will greatly increase the people traffic and noise impact on us. We already conceded to a number of large windows facing our property on the original proposal, but a door is a further invasion of our privacy. This door, being the easiest to open and only practical one in cool weather, will likely become the principal thoroughfare into the garden through most of the year. Currently the main garden door is located in the centre of the house. The Woofs are keen gardeners and have an energetic seven year-old boy and undoubtedly frequent communication between house and garden would certainly disturb the peacefulness on our side. As we have conceded to very large windows on the previous plan, it is rather unfair to add the primary utility door to the garden on our side.

Their current door on their side return is not directly accessible from their living spaces; it has an intervening door before garden access and is rarely used. In fact, an alternative solution could echo their current arrangement by adding an internal door to their garage so they can use that new back door for garden access.

Addition of sky-light

Finally we object to the additional substantial sky-light, as extending above the extension roof at this height, it clearly would add to the height and overall visual dominance of this now considerable side extension.

- 18 11 Frank Dixon Way - objection
 - the proposal is contrary to the Council's policy on the protection of amenity.
 - the proposal does not preserve the character of the conservation area.

Re-consultation

- 19 22 Frank Dixon Way - Objection, welcome the changes in the recent plans, but the objection to the extension remains particularly in view of the combined impact of the large single storey rear extension.
- 20 Specific concern is raised to the amount of glazing to the northern elevation of the extension and the ability for occupants to gain views into the living accommodation of no. 22. The use of inappropriate materials for the proposed extension, the loss of light and privacy to the sitting room of no. 22. The visually dominating impact on the patio space and general loss of amenity to this the enjoyment of this part of the garden. The negative impact the proposed extension would have upon the Dulwich Wood conservation area.
- 21 12 Frank Dixon Way - Generally in support concern raised about the use of large vehicles along Frank Dixon Way and the damage to the road.

PLANNING CONSIDERATIONS

Principle of development

- 22 The principle of extending a residential property to increase residential accommodation is acceptable in principle provided the proposed development is in accordance with all relevant Council policies.

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

- 23 Loss of light to the living area of no. 22
Specific concern is raised about the impact of the increased single storey extension and the potential loss of light to the window on the side on the southern elevation facing onto the proposed extension. It was noted from the site visit that this was a secondary window to a large room which benefitted from glazing to the rear. It is acknowledged that there would be a loss of daylight and sunlight to this window, however as this is not the sole source of light to this part of the house, the level of daylight and sunlight received to the room would not breach the guidelines in respect of daylight and sunlight. Further the main cause of any loss of light to this window would be from the rear extension at no. 21 for which permission has already been granted.
- 24 Loss of privacy to the sitting room of no. 22
The proposed amendment would not have a detrimental impact on the privacy of the adjoining property. Facing directly opposite the no. 22 the window configuration would remain the same. Looking toward the garden there would be an additional window. In this respect it is not considered that there would be an increased visual intrusion through loss of privacy as a result of the proposed extension. The objection on the grounds of privacy is specific to the rear extension which contains a fixed glazed panel on the side elevation looking toward no. 22. This was approved at appeal and is not for consideration as part of this application.
- 25 Loss of outlook
Concern is raised around the impact of the proposed extension on the outlook from the sitting room of the adjoining property. The proposed extension extends up to but not beyond the side elevation window of number 22. Whilst it would be visible from certain parts of the room it is not considered that it would result in a harmful impact upon the outlook from this window.
- 26 Use of materials
In line with the planning inspector's decision on the previous scheme; a condition was imposed in respect of the proposed materials to be used, as this condition remains outstanding it is suggested that a similar condition be added should planning permission be granted. This will ensure a consistency of material types, appropriate to the dwelling and the conservation area.
- 27 Impact on the patio area of no 22
Concern has been raised around the loss of light, visual domination and increased water fall out on the side patio area of no 22. The building is now no higher than the existing structure whilst the extension would be deeper, it is not considered that the addition would be harmful to enjoyment of the adjoining patio area. With regard to the water fall off it is suggested that a condition requiring the installation of a water butt to reduce water fall off and encourage grey water recycling.

Design issues and impact on character and setting of a listed building and/or conservation area

- 28 The proposed alterations have been carefully designed to follow the original building line and respect the original architectural form of the building. Both are subservient to the original structure with proportions to match the current approved scheme.
- 29 The alterations are relatively small and cannot be seen from the public domain therefore it is considered that the Dulwich Wood Conservation Area would be preserved.

Conclusion

- 30 The proposal is for a small increase to the side extension. During the course of the application amendments have been made reducing the height and altering the openings to overcome some of the objections raised by the neighbour. It is noted that whilst these have dealt with some of the concerns, the neighbour remains concerned around the overall level of extension proposed to the above property. The Council has some sympathy with this, however in the light of the recent appeal decision which granted the bulk of the extensions to the property, (which in the Council's opinion were more harmful) the additional 75cm to the side not sufficient to sustain a reason for refusal. Further the proposed amendment is generally in line with Council policy and supplementary guidance and would not have a significantly detrimental impact on the amenity of neighbouring properties or the character and appearance of the conservation area. It is therefore recommended that planning permission be granted subject to conditions.

COMMUNITY IMPACT STATEMENT

- 31 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.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 32 As the proposed extension would have a flat roof, a water butt is recommended to encourage grey water reuse.

LEAD OFFICER	Gary Rice	Head of Development Management
REPORT AUTHOR	Germaine Asabere	Planning Officer [tel. 020 7525 5452]
CASE FILE	TP/2218-21	
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 Mr P. Woof
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 09-AP-0033

Case Number TP/2218-21

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Addition of 75cm to rear of side extension, addition of skylight and addition of door: amendment to planning permission 07-AP-1036 granted at appeal on 9th July 2008 for ground floor extension to provide additional residential accommodation.

At: 21 FRANK DIXON WAY, LONDON, SE21 7ET

In accordance with application received on 09/01/2009

and Applicant's Drawing Nos. WOOF/SWK/E01, WOOF/E03, WOOF/SWK/P01, WOOF/P03, WOOF/ROOF/R03, Design and Access Statement, Site location plan

Subject to the following condition:

- 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 No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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 3.2 'Protection of amenity', 3.12 'Quality in Design' and 3.16 'Conservation areas' of The Southwark Plan 2007.

- 3 A method for collection of rainwater from the roof of the single storey extension shall be installed on completion of the extension structure and retained for the duration of the structure.

Reason

To reduce water wastage in compliance with Policy 3.9 Water of the Southwark Plan 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, 3.12 Quality in design, 3.13 Urban Design, 3.15 Conservation of the Historic Environment and 3.16 Conservation Areas of the Southwark Plan [July 2007].

Careful consideration was given to the objections raised relating to visual and residential amenities, including impacts in relation to overlooking, noise and disturbance. However, these impacts are not considered to be such as to warrant refusal. Consideration was also had to impacts on the character and appearance of the Dulwich Wood Conservation Area where it was considered that the scheme would preserve the character and appearance of the conservation area. Accordingly, planning permission was granted, subject to conditions, as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

DISTRIBUTION LISTMUNICIPAL YEAR 2009/10**COUNCIL: DULWICH COMMUNITY COUNCIL**

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

OPEN	COPIES	OPEN	COPIES
To all Members of the Dulwich Community Council:		External:	
Cllr Nick Vineall (Chair)		Valerie Shawcross	1
Cllr Robin Crookshank Hilton (Vice Chair)		GLA Building	
Cllr James Barber		City Hall	
Cllr Toby Eckersley		Queen's Walk	
Cllr Michelle Holford		London SE17 2AA	
Cllr Kim Humphreys			
Cllr Jonathan Mitchell		<u>TRADE UNIONS</u>	
Cllr Lewis Robinson		Euan Cameron, UNISON Southwark Branch	1
Cllr Richard Thomas		Roy Fielding, GMB/APEX	1
		Mike Young TGWU/ACTS	1
Cllr Fiona Colley	1	Tony O'Brien, UCATT	1
Nagla Stevens (legal services, South Hse)	1	TOTAL DISTRIBUTION	43
Libraries (Newington & Dulwich)	2	Dated: 26 August 2009	
Local Studies Library			
Press:			
Southwark News			
Paul Rhys, South London Press, 2-4 Leigham Court Road SW16 2PD			
MEMBERS OF PARLIAMENT			
Tessa Jowell M.P			
Constitutional Support Officer	10		
OTHERS			
Geoffrey Bannister			
LBS Audit Manager			
2 nd floor,			
Central House			
Town Hall	1		

This page is intentionally blank.