

# Dulwich Community Council

## Planning

Thursday 28 July 2011

7.00 pm

Dulwich Grove United Reform Church, East Dulwich Grove, London SE22  
8RH

### Membership

Councillor Lewis Robinson (Chair)  
Councillor Robin Crookshank Hilton (Vice-Chair)  
Councillor James Barber  
Councillor Toby Eckersley  
Councillor Helen Hayes  
Councillor Jonathan Mitchell  
Councillor Michael Mitchell  
Councillor Rosie Shimell  
Councillor Andy Simmons

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**

Chief Executive

Date: Tuesday 19 July 2011



## Order of Business

- | Item No. | Title                    |
|----------|--------------------------|
| 1.       | INTRODUCTION AND WELCOME |
| 2.       | APOLOGIES                |

**Item No.****Title****3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

**4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

**5. MINUTES FROM THE PREVIOUS MEETING (Pages 4 - 7)**

To confirm as a correct record the minutes of the meeting held on 4 July 2011.

**6. DEVELOPMENT CONTROL ITEMS (Pages 8 - 12)****6.1. REAR OF 168 - 190 FRIERN ROAD, LONDON SE22 0BA**  
(Pages 13 - 37)**6.2. 6, BEAUVAL ROAD, LONDON SE22 8UQ (Pages 38 - 49)****6.3. 21 GILKES CRESCENT, LONDON SE21 7BP (Pages 50 - 61)****7. TREE PRESERVATION ORDER 397: LAND TO THE REAR OF 160 - 192 FRIERN ROAD AND REAR OF 153 - 163 BARRY ROAD, LONDON, SE22 (Pages 62 - 72)**

Recommendation: To confirm the provisional Tree Preservation Order in its entirety.

Date: Tuesday 19 July 2011

## **INFORMATION FOR MEMBERS OF THE PUBLIC**

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**CONTACT:** Beverley Olamijulo, Constitutional Officer, Tel: 020 7525 7234 or email: [beverley.olamijulo@southwark.gov.uk](mailto:beverley.olamijulo@southwark.gov.uk)  
Website: [www.southwark.gov.uk](http://www.southwark.gov.uk)

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## Dulwich Community Council

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## **DULWICH COMMUNITY COUNCIL - Planning -**

MINUTES of the Dulwich Community Council held on Monday 4 July 2011 at 7.00 pm  
at Dulwich Library, 368 Lordship Lane, London SE22 8NB

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**PRESENT:** Councillor Lewis Robinson (Chair)  
Councillor Robin Crookshank Hilton (Vice-Chair)  
Councillor James Barber  
Councillor Michael Mitchell  
Councillor Rosie Shimell  
Councillor Andy Simmons

**OFFICER** Sonia Watson, Planning Officer  
**SUPPORT:** Gavin Blackburn, Legal Officer  
Anil Apte, Transport Officer  
Beverley Olamijulo, Constitutional Officer

### **1. INTRODUCTION AND WELCOME**

The chair welcomed members of the public, councillors and officers to the community council meeting.

### **2. APOLOGIES**

Apologies for absence were received from Councillors Helen Hayes, Toby Eckersley, and Jonathan Mitchell. Councillor Rosie Shimell submitted her apologies for lateness.

### **3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

The following Members declared interests in relation to the agenda items below:

**Item 6.1 – 11 – 15 Melbourne Grove, London SE22 8RG application number 10-AP-0420**

Councillor Andy Simmons, personal and non prejudicial as he was lobbied over the above planning application and therefore agreed not to take part in the debate or decision of this item.

### **Item 7 – Proposed Traffic Calming and 20 mph speed limits in East Dulwich**

Councillor Robin Crookshank Hilton, personal and non prejudicial because she has made a predetermined decision on the above item which refers to speed humps in the area.

#### **4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

The chair agreed to accept as late and urgent a supplemental agenda which contained item 7, the proposed Traffic Calming and 20 mph speed limits in East Dulwich.

The legal advice received stated that the scheme cannot be considered 'strategic' as it is funded by Cleaner Greener Safer funding which is devolved spending and therefore any determining of statutory objections from traffic management orders must be by the community council. This advice has only just been received. Also because of the summer break, it would be unreasonable to delay implementation of the scheme until after September meeting since the initial public consultation was completed in September 2010.

#### **5. MINUTES FROM THE PREVIOUS MEETING**

##### **RESOLVED:**

That the minutes of the meeting held on the 11 May 2011 be agreed as a correct record and signed by the chair.

#### **6. DEVELOPMENT CONTROL ITEM**

##### **6.1 11-15 MELBOURNE GROVE, LONDON SE22 8RG**

*The chair announced that he would vary the order of items on the agenda. Members considered item 7 and then item 6.1.*

##### **Planning application reference number 10-AP-0420**

##### **PROPOSAL**

*Application to replace extant permission 08-AP-0579 for: Demolition of existing commercial and residential unit and the construction of Class A3 commercial space at ground floor with 3 x 1 bedroom and 1 x 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 and circulated the site plans. The officer also drew Members' attention to the addendum report which contained late comments with regard to this application.

Councillors asked questions of the planning officer.

There were no objectors present.

The applicant's agent addressed the meeting.

There were no supporters present at the meeting

Members discussed the application.

**RESOLVED:**

That planning permission for application 10-AP-0420 be granted subject to conditions as outlined in the report and addendum.

**7. THE PROPOSED TRAFFIC CALMING AND 20 MPH SPEED LIMITS IN EAST DULWICH**

This item was not circulated five clear working days of the meeting because the legal advice which has just been received stated that the scheme cannot be considered 'strategic' as it is funded by Cleaner Greener Safer funding which is devolved spending and therefore any determining of statutory objections from traffic management orders must be by the community council. It would be unreasonable to delay implementation of the scheme until after September meeting since the initial public consultation was completed in September 2010.

The transport officer was present to introduce the report. Questions were asked of the officer concerning the statutory consultation, traffic management order, speed limits and the submitted objections which had reference to the noise and vibration.

**RESOLVED:**

1. That the objections received to the statutory notice for the proposed implementation of traffic calming and 20 mph speed limits in East Dulwich were considered and rejected.
2. That the officers be instructed to make the necessary traffic management order under the relevant powers contained in section 6 of the Road Traffic Regulation Act 1984 and the scheme be implemented without any further delay.
3. That Dulwich community council noted:
  - (i) The majority were in favour of the proposed speed humps in Matham Grove, Chesterfield Grove and Ashbourne Grove.
  - (ii) The majority were in favour of a 20 mph speed limit in Matham Grove, Ashbourne Grove, Chesterfield Grove, Bassano Street and Blackwater Street.
  - (iii) The majority were in favour of a 20 mph speed limit on roads bounded by Barry Road, Lordship Lane and Whately Road as outlined in the report.



- (iv) That the road works would commence within three weeks of the decision being implementable.

**8. ANY OTHER BUSINESS**

Members of Dulwich Community Council passed the following motion:

The Dulwich Community Council congratulate teachers, parents and children who have mounted such a common sense campaign about the ill judged budget proposals from the current administration to remove school crossing patrols in Southwark. DCC also congratulates those council officials who have identified the required funding enabling the cabinet member to keep all lollipop patrols and hopes he makes a statement on the issue at council assembly on 6 July 2011.

The meeting ended at 8.00 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 28 July 2011	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All within Dulwich [College, East Dulwich & Village] Community Council area	
<b>From:</b>		Deputy Chief Executive	

## 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 Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. The matters reserved to the planning committee and community councils exercising planning functions are described in parts 3F and 3H of the Southwark Council constitution. These functions were delegated to the planning committee.

## KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

### **Community Impact Statement**

14. Community Impact considerations are contained within each item.

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

#### **Strategic Director of Communities, Law & Governance**

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. 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 planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the strategic director of communities, law and governance, and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another

appropriate enactment as shall be determined by the strategic director of communities, law & governance. The planning permission will not be issued unless such an agreement is completed.

17. 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, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. 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).
19. Section 106 of the Town and Country Planning Act 1990 as amended 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:
  - I. restrict the development or use of the land;
  - II. require operations or activities to be carried out in, on, under or over the land;
  - III. require the land to be used in any specified way; or
  - IV. 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.

20. 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 obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 <sup>nd</sup> Floor 160 Tooley Street PO Box 64529 London SE1 2TZ	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1P 5LX	The named case Officer as listed or Gary Rice 020 7525 5437

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	1 November 2010	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Management	No	No

**ITEMS ON AGENDA OF THE DULWICH C C**  
**on Thursday 28 July 2011**

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**Appl. Type** Full Planning Permission  
**Site** REAR OF 168-190 FRIERN ROAD, LONDON, SE22 0BA

**Reg. No.** 11-AP-0006  
**TP No.** TP/2592-E  
**Ward** East Dulwich  
**Officer** Sonia Watson

**Recommendation** GRANT PERMISSION

**Proposal**

Construction of a single family dwelling on basement, ground and first floor levels; access adjacent to 190 Friern Road; 2 parking spaces.

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***Item 6.1***

**Appl. Type** Full Planning Permission  
**Site** 6 BEAUVAL ROAD, LONDON, SE22 8UQ

**Reg. No.** 10-AP-3752  
**TP No.** TP/2313-6  
**Ward** Village  
**Officer** Anthony Roberts

**Recommendation** GRANT PERMISSION

**Proposal**

Dormer roof extensions to main rear roofslope and over outrigger, providing additional residential accommodation for dwellinghouse.

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***Item 6.2***

**Appl. Type** Full Planning Permission  
**Site** 21 GILKES CRESCENT, LONDON, SE21 7BP

**Reg. No.** 11-AP-1034  
**TP No.** TP/2301-21  
**Ward** Village  
**Officer** Daniel Davies

**Recommendation** GRANT PERMISSION

**Proposal**

Erection of two dormers at the rear and two rooflights to dwelling house (Use class C3)

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***Item 6.3***

Date 15/7/2011



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<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 28 July 2011	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 11-AP-0006 for: Full Planning Permission  <b>Address:</b> REAR OF 168-190 FRIERN ROAD, LONDON, SE22 0BA  <b>Proposal:</b> Construction of a single family dwelling on basement, ground and first floor levels; access adjacent to 190 Friern Road; 2 parking spaces.		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 4 January 2011		<b>Application Expiry Date</b> 1 March 2011	

## RECOMMENDATION

- 1 Grant planning permission.

## BACKGROUND INFORMATION

### Purpose

- 2 This application is before the Dulwich Community Council as it is recommended for approval and there have been more than 3 objections received.

### Site location and description

- 3 The site comprises a vacant plot of land separating the rear gardens of houses along Friern and Barry Roads. Access to the site is via a narrow gap set between 192 and 190 Friern Road. The site is bounded to the south by the lock up garages situated behind 73 - 89 (odd) Goodrich Road, to the east and north east by the rear gardens of the houses (nos 168 - 190 even) on Friern Road, to the north by the rear garden of no.166 Friern Road, to the north west by a vacant plot beyond which are the rear gardens of nos 155 - 163 (odd) Barry Road. The west of the site adjoins the rear gardens of nos 167 - 173 (odd) Barry Road.
- 4 The land is oddly shaped with the narrow access leading to a wider rectangular section and then extending in a long section of 73 metres in length and 10 metres wide. The site area of the land is 0.0984ha. The area is very overgrown with a number of trees and shrubs on the site, although sections of the site have been used for dumping of waste.

### Details of proposal

- 5 Planning permission is sought for the construction of a single family dwelling house with two parking spaces.
- 6 The house would be located at the end of the access lane to the rear of nos. 180 - 190 (even) Friern Road and 167 - 173 (odd) Barry Road. The house would be divided into



two sections with a court yard space containing the large mature pear tree.

The house would have a ground floor single storey link building separating the two separate parts of the house. The dwelling would provide a total of 5 bedrooms with two off street parking spaces. The dwelling would be set out over 2 levels, but there would also be a small basement space used for storage purposes.

- 7 The overall style of the dwelling would be kept simple with a concrete panelling system used at ground floor level and timber used to clad the external walls on the first floor. The ground floor roof will be planted sedum.

### **Planning history**

- 8 There is no planning history for this site.

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

- 9 Rear of 151 and 153 Barry Road 10-AP-0880 Planning permission was refused on 1/06/2010 for the demolition of garage at 153 Barry Road and erection of 2 x 2-bedroom and 2 x 3-bedroom semi-detached houses with 4 car parking spaces, cycle and refuse storage and associated landscaping at land to rear of 153 Barry Road, permission was refused for the following reasons;

- The location of the proposed vehicle access immediately adjoining 151 and 153 Barry Road would have an unacceptable impact on the amenity of these properties through the introduction of vehicle movements in close proximity to their windows and gardens.
- The proposed development, by reason of the limited separation distance between the two blocks of houses and resultant overlooking, together with the limited depth and level of amenity space for the 2-bedroom houses would provide poor levels of residential amenity for future occupiers of the proposed dwellings.

- 10 08-AP-1916 Planning permission was also refused for the erection of 4 x 3 bedroom houses with 4 parking spaces in November 2008. Permission was refused for the following reasons;

- The proposed 2- storey houses would result in an incongruous development that would display an unacceptable level of visual bulk and mass when viewed from 151 -165 Barry Road to the detriment of the amenity of these properties and the enjoyment of their gardens.
- The design and location of the proposed vehicle access way is inadequate in design to cater for the development including catering for pedestrian access and refuse collection and its location immediately adjoining the neighbouring property would have an unacceptable impact on the amenity of immediately adjoining residents.

- 11 06-AP-0833 - Re-development of land to the rear of 153 Barry Road to provide 3 new build houses single-storey (outline application); application assessing only siting of the dwellinghouses. Planning permission was REFUSED in March 2007 for the following reason:

*The proposed siting of the three residential units of the footprint and height proposed in this location would result in an incongruous development that would display an unacceptable level of visual bulk and mass out of character with the pattern of development in this area and to the detriment of the amenity of residents.*

- 12 Outline planning permission 06-AP-0310 for the development of the site for 6, two storey, semi-detached dwellings (seeking siting and access to be considered) was refused in April 2006 for the following reasons:
1. The proposed siting of the double storey development would result in an incongruous development that would display an unacceptable level of visual bulk and mass when viewed from surrounding properties to the detriment of the amenity of residents,
  2. The design and location of the proposed vehicle access way is inadequate in design to cater for the development including catering for pedestrian access and refuse collection and its location immediately adjoining the neighbouring property would have an unacceptable impact on the amenity of immediately adjoining residents.
- 13 Outline planning permission was granted on 11 October 1982 for the redevelopment of 153 Barry Road and the land to the rear to provide a 3 storey building fronting Barry Road and 2 single storey houses to the rear (reference: TP/2596-M/TE). Details of the following were 'reserved':
- a) siting;
  - b) detailed design;
  - c) external appearance;
  - d) extent and position of car parking and / or garages within the site (including width and position of any new vehicular access and the design and position of any new service road within the site);
  - e) landscaping;
  - f) boundary treatment.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 14 The main issues to be considered in respect of this application are:
- a) the principle of development of the site;
  - b) the impact of development of the site upon the amenity of the adjoining residential dwellings;
  - c) the impact of the proposed development of the site upon the trees subject of a Tree Preservation Order;
  - d) the impact of the proposed development upon the local wildlife;
  - e) whether the proposed design approach is acceptable;
  - f) access and car parking matters.

### **Planning policy**

#### Saved Southwark Plan Policies 2007 (July)

- 15 3.2 Protection of amenity  
3.4 Energy efficiency  
3.9 Water

- 3.11 Efficient use of land
- 3.12 Quality of design
- 3.14 Security of design
- 3.28 Biodiversity
- 4.1 Density of residential dwellings
- 4.2 Quality of accommodation
- 5.3 Walking and cycling
- 5.6 Car parking

Residential design standards SPD

London Plan 2008 consolidated with alterations since 2004

- 16 2A.1 Sustainability criteria
  - 3A.1 Increasing London's supply of housing
  - 3A.2 Borough housing targets
  - 3A.3 Maximising the potential of sites
  - 3A.5 Housing choice
  - 3A.6 Quality of new housing provision
  - 4A.3 Sustainable design and construction
  - 4A.4 Energy assessment
  - 4A.7 Renewable Energy.
  - 4A.9 Adaptation to Climate Change
  - 4A.14 Sustainable drainage
  - 4A.16 Water supplies and resources
  - 4A.19 Air quality
  - 4A.22 Waste management
  - 4B.1 Design principles for a compact city
  - 4B.8 Respect local context and communities

Core Strategy

- 17 Strategic Policy 1 Sustainable development
- Strategic Policy 2 Sustainable transport
- Strategic Policy 5 Providing new homes
- Strategic Policy 11 Wildlife and conservation
- Strategic Policy 12 Design and conservation
- Strategic Policy 13 High environmental standards

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 18 PPS1 Sustainable development
- PPS3 Housing
- PPS9 Biodiversity and Geological Conservation

**Principle of development**

- 19 A residential dwelling is acceptable in land use terms in this instance subject to relevant policies being complied with. It is considered that this dwelling constitutes backland development and the criteria for such development is set out in the Residential Design Guidelines Supplementary Planning Document. Such development is described as dwellings on sites which are located predominately to the rear of existing dwellings. It is noted that backland development, particularly for new residential units, can have a significant impact on amenity, neighbouring properties and the character of an area. To minimise impact on of such development a number of principles are set out and these are discussed with below under the headings of

amenity, residential standards, design and traffic.

- 20 PPS 3 is also relevant in this instance. A key land use issue with the determination of this application is that of building on gardens, referred to as "garden grabbing". Recent changes in government policy (PPS3 Housing) sets out that private gardens shall be removed from the brownfield definition. However, this is not at the same time conferring particular protection of this land, for example in the same way that Borough Open Land or Metropolitan Open Land are protected. It means that gardens are not classified as 'previously developed land'. The development of such areas will not contribute to the target set by the Government which is that at least 60% of development occurs on brownfield land, which means that development of housing on gardens cannot be used to contribute towards Government targets. In Southwark, housing targets are generally being met and the Council does not rely on gardens being developed in order to meet housing targets, unlike the case in a number of other parts of the country where development of gardens has been relied upon in order to meet housing delivery targets. Given the limited number of back garden developments applied for in Southwark, development on gardens would be unlikely to approach the 40% limit for non brownfield, or greenfield, development. It is not considered that the fact that back gardens are no longer 'brownfield' may in itself be used as a reason for refusal. Rather, regard still needs to be had to the site specific assessment of impacts in terms of matters such as the character of residential neighbourhoods, quality of residential accommodation, design, amenity, and transport. However, it should be noted that this site is not part of a residential garden.

- 21 The Dulwich SPD currently carries little weight as it has not yet been formally adopted by the Council. Whilst it does state that Dulwich may not be suitable for backland development, it refers back to the Residential Design Standards SPD (2008), which covers backland development within section 3.9. The principle of backland development is considered against a range of criteria, around privacy, access, amenity impact, noise and design. These are discussed in more detail within the report.

### **Environmental impact assessment**

- 22 Not required for a development of this size. It is not considered that significant environmental impacts would arise.

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

Saved policy 3.2 Protection of Amenity seeks to ensure that new development does not harm the amenity of neighbours.

- 23 Friern Road  
Privacy

The proposed dwelling would be 2 storeys high. It would be largely inward looking with openings into the courtyard space and window looking down the site. There would be windows on the first floor, which would look back towards nos. 188 and 190 Friern Road. These would be at a distance of over 21 metres which would be in line with the Residential Guidance SPD. There may be oblique views of rear gardens further along Friern Road but it is not considered that any such impacts are likely to be sufficiently harmful to warrant refusal of the scheme.

- 24 Loss of daylight and sunlight  
The proposed dwellings although 2 storeys in height would be set at a sufficient distance from the houses along Friern Road such that there would not be any significant loss of daylight or sunlight to the existing dwellings. It is acknowledged that

there may be some shadowing cast on the rear most sections of the gardens, but this in itself is not considered to be so harmful such that would warrant refusal of the application.

25 **Noise**

It is not anticipated that the new dwelling would result in harmful levels of noise, but there will be a loss of amenity to no. 190 Friern Road with the use of the land to the side of their garden forming the sole pedestrian and vehicular access way to the proposed dwelling. It is noted that whilst this is the case with no 192, the boundary for this property was higher and there were a number of outbuildings immediately adjacent to the boundary fence. As part of the proposal the applicant has indicated that a new fence of 2 metres would be erected between the site no. 190.

26 **Barry Road**

The dwellings along Barry Road benefit from long gardens of approximately 40 metres in depth. Given the distance, the proposed house is unlikely to give rise to any harmful impacts to these dwellings

27 **Reading Close**

There are two new dwellings set on a plot of land to the rear of 71 Goodrich Road. No 3 Reading Close lies closest to the proposed dwelling, although it is not directly opposite the rear of the site it lies within the northern corner and would therefore be visible from both dwellings. It is not however considered that the relationship between the proposed dwellings at Reading Close would result in any significant loss of amenity to these properties.

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

- 28 As a residential use there should be no impact to the surrounding area which is also residential.

**Traffic issues**

- 29 The proposal would include the provision of two off street parking spaces. The access to the spaces would be via the narrow access leading up to the house. The spaces would be for the residents of the dwelling only, and a turning area would be provided just in front of the new dwelling and this would allow the vehicles to enter and exit in a forward gear. The width of the access varies between 2.65 and 2.8 metres along the length of the access way, and this is sufficient for a single vehicle. No objections are raised by the Council's transport officer on the access arrangements or the level of parking, provided which are considered to be in line with policy. There are similarities to this aspect of the scheme and the refused backland schemes on Barry Road. However, whereas the narrow access to that site was to serve a number of properties, this access would only be used for a maximum of two vehicles associated with a single dwelling. Any visitors to the site would be expected to park on the street.

Whilst a number of objections cited the access arrangements, it is not considered that the concerns can be supported in the absence of an objection from the Transport officer.

**Refuse**

- 30 Wheelie bins are located within the site in the courtyard area. Due to site constraints no off street servicing facility can be provided and therefore is it acceptable for collection to take place on street from Friern Road.

Manual for Streets 6.8.9 states that residents should not be required to carry waste

- 31 more than 30m. The wheeling distance from the bin storage location to Friern Road kerbside for collection is 43m and therefore outside of these standards. However considering the site constraints, there does not appear to be a suitable alternative and on this occasion, given the development is for a single dwelling this is considered to be acceptable.

#### Cycle parking

- 32 There has been no specific area designated for cycle parking within the site. However it is considered that there would be sufficient space on site for cycle parking to be included and a condition is suggested to ensure this is provided.

#### **Design issues**

- 33 The house design and layout has been influenced by the surroundings; in particular the dwelling is in two parts with the large pear tree retained within a central courtyard. The main entrance to the building is within the southern building which contains a living room on the ground floor and four bedrooms on the floor above. A glazed bridge leads to the northern section of the house, which comprises two living areas and a kitchen. Above on a smaller footprint is another bedroom and study.
- 34 The building would be fairly simple with restricted openings within the first floor to retain heat and limit overlooking to neighbours. Timber would be used externally to clad the first floor together with a textured concrete on the ground floor. The access way would have a grasscrete or similar surface to retain the 'country lane' feel.
- 35 Concern has been raised by residents about the size and design of the dwelling. It is acknowledged that the dwelling is fairly substantial, but its location within the corner of the site represents development of a modest portion of the overall site. In terms of its design the modern approach taken is considered appropriate as is the use of timber within an area dominated by trees. Overall, officers are satisfied that saved policies 3.12 Quality in Design and 3.13 Urban Design are met.

#### **Impact on character and setting of a listed building and/or conservation area**

- 36 The proposal would not impact upon any listed building or conservation area.

#### **Impact on trees**

- 37 All of the trees within the site have been subject to a temporary Tree Preservation Order which is sought to be made permanent. The proposal does require the felling of a number of trees within the site. The grant of planning permission for the development would override any Tree Preservation Order granted and allow for the felling of some of the trees on the site.
- 38 The plan shows the location of individual specimens categorised according to the condition types listed with the relevant British standard (BS 5837: Trees in relation to construction). These describe trees in categories A to C according to their relative safe useful life expectancy, form and contribution to biodiversity. Category R trees are those which are assessed not to be worthy of retention.
- 39 Within the submitted plan (11-AP-0006 drawing number 0121 Revision D) a total of twenty five individual trees are categorised for removal (R). Seven of these are a type of evergreen Cypress which were planted as a hedge. These do not make a positive contribution to the character of the area, do not have a high biodiversity value and have outgrown their location to the detriment of other trees of greater worth. These are not included in the Order.

- 40 Tree T7 has since been felled as it was confirmed to be dangerous due to its poor condition and pronounced lean and this is therefore removed from the order.
- 41 Seventeen other trees are listed for removal (T12 to T21 inclusive, T23, T25 to T31 inclusive) which include a group of self sown sycamore trees near the centre and western boundary of the site, together with single immature specimens of Oak and Willow. Trees T20, T21 and T25 to T31 inclusive are not considered worthy of retention due to inherent structural defects and instability due to their development on and within compacted refuse. Although of lower retention category value it is recommended that the remaining trees (T12 to T19 inclusive and T23) are preserved notwithstanding the owner's objection. Should development be permitted these trees may reasonably be replaced as part of the proposed replacement planting.

### **Planning obligations (S.106 undertaking or agreement)**

- 42 The site area is below the threshold where contributions would normally be expected.

### **Sustainable development implications**

- 43 The proposed house would be constructed to be a low carbon dwelling. It is anticipated that heating normally required would be achieved through day to day use and activities such as cooking. The building would be very well insulated and a ventilation system with a heat exchanger will ventilate the building without a loss of heat to the outside. Solar hot water panels to the roof of each main block will provide most of the hot water requirements for the dwelling. There would be a high efficiency wood burner in the main living room which will burn wood from the trees felled as part of the development. All rainwater run off will be retained in tanks in the basement and reused either within the building or for garden irrigation.
- 44 Local residents have questioned the need for development of the land, which has remained untouched for a number of years. It is noted that there is Japanese knotweed on the site and certain parts of the site have been used for fly tipping. A sensitive development within the site would allow the site to be better managed in the future.

### **Other matters**

- 45 **Minimum floor areas**  
The proposed development would exceed the minimum floor areas as set out within the Residential Guidelines Supplementary Planning Document (2008).
- 46 **Density**  
The proposal would result in a density of approximately 101 habitable rooms per hectare (hrph). The density within the area is 200 - 350 (hrph). Whilst the proposed density is low, this is considered appropriate given the local context. Keeping the development to the northern end of the site allows the main wooded area to be retained intact.
- 47 **Amenity Space**  
The garden area for the dwelling would measure 415 square metres and as such would exceed current guidelines.
- 48 **Wild Life**  
A habitat survey by the London Wildlife Trust was undertaken as part of the planning application. The report recognised the biodiversity supported by the site and makes recommendations for how and when development should take place. It is considered

that these can be controlled by conditions to ensure that works take place at certain times of the year and the recommendations of the habitat survey are implemented in full. Natural England and the Council's Ecology Officer have been consulted and consider that subject to conditions, the planning permission could be granted.

49 Bats

The applicant has carried out a bat survey. The recommendation in the bat survey is that this could be a habitat for bats so provision such as bat boxes should be provided for, which a condition could require are implemented.

50 Stag beetles and slow worms

The ecology survey seems to suggest that Stag beetles probably are present and slow worms might be. A further survey in May or June was recommended, as there seems to be more chance of seeing them at that time. A condition requiring careful establishment of a loggery or similar in one part of the site should be suitable mitigation on the assumption that stag beetles and slow worms are present.

51 Fire Safety

The applicant has undertaken negotiations with the Fire service and has identified locations for dry risers to serve the building. It should be noted that this issue is covered under the Building Regulations rather than planning legislation.

52 Security

It is considered that the proposal would improve the security of the residential properties surrounding the plot as the house would provide a point of vigilance and deter anti social activity.

**Conclusion on planning issues**

53 Planning permission is sought for the construction of a new dwelling within a backland location between Friern and Barry Roads. The site has not been previously developed and has a number of trees, which are subject to protection with Tree Preservation Orders. The site supports a variety of wildlife including bats and stag beetles both of which are protected species, and tree and habitat reports have been provided as part of the planning application. The presence of protected species is not in itself a reason for preventing development provided it can be demonstrated that the development can be undertaken in a way mindful of its location and and in such as way as to maintain and encourage these habitats to thrive. The reports submitted as part of the application set out recommendations for the protection of the existing habitats and these are covered within the conditions for this application.

54 The proposal would result in the loss of 25 trees on the site, and of these the urban forester has identified 9 that should be retained. Should planning permission be granted these trees should be replaced. It is noted that 5 trees are being planted as part of the landscaping of the application, which would contribute to the 9 being sought and another 4 are requested within the conditions.

55 The development represents a low density scheme. It is acknowledged that the proposed access is limited, but unlike the Barry Road scheme adjoining the site, would only serve a single dwelling and provide access for two vehicles.

56 The design of the building is unusual, but this is a response to the site context and the desire to make a feature of the old pear tree. The building is considered to maintain satisfactory levels of privacy to the surrounding houses and gardens, and is placed sufficiently far away from adjoining dwellings such that it will not be harmful to visual amenity.



- 57 The site would be accessed via secure gates from Friern Road, with an improved boundary treatment to no. 190 Friern Road the access should not result in harmful light spillage or noise. The access was the site of a former garage and is not considered to be harmful to pedestrians on Friern Road, as cars entering and exiting the site would be doing so in a forward gear.
- 58 The proposed dwelling would be built with a low carbon footprint using good insulation and renewable energy as well as other energy efficient mechanisms. Taken as a whole it is recommended that subject to conditions, planning permission should be granted.

### **Community impact statement**

- 59 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 as above.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are dealt with by conditions subject of any planning approval granted.

### **Consultations**

- 60 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

- 61 Details of consultation responses received are set out in Appendix 2.

### **Summary of consultation responses**

- 62 Loss of green space  
Back land development contrary to Dulwich SPD and Government policy.  
Loss of privacy  
Impact on wildlife  
Loss of trees  
Development out of character with the local area  
Access way too narrow  
Fire hazard  
Visual impact of such a large building  
Hazard resulting from vehicular crossover  
Noise, light pollution

### **Human rights implications**

- 63 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with

conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

- 64 This application has the legitimate aim of providing a new residential dwelling. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

#### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 65 None.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2592-E Application file: 11-AP-0006 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5434 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

#### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour consultation letters sent

#### AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Sonia Watson, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 June 2011	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	n/a	n/a
Strategic Director of Regeneration and Neighbourhoods	n/a	n/a
Strategic Director of Environment and Housing	n/a	n/a
<b>Date final report sent to Community Council Team</b>	15 July 2011	

**Consultation undertaken**

**Site notice date:** 31/01/2011

**Press notice date:** n/a

**Case officer site visit date:** 18/02/2011

**Neighbour consultation letters sent:** 31/01/2011

**Internal services consulted:**

Transport  
Urban Forester  
Ecology Officer

**Statutory and non-statutory organisations consulted:**

Natural England

**Neighbours and local groups consulted:**

Friern Road  
Barry Road  
Goodrich Road  
Reading Close  
Full list appended at Appendix 3

**Re-consultation:**

n/a

**APPENDIX 2****Consultation responses received****Internal services**

Transport - The above application will not generate a significant negative impact on the performance and safety of the surrounding highway network. Transport have no objections to this application.

Urban Forester - See [paragraphs 37 - 41 of the officer report]

Ecology Officer - The concerns of neighbours consulted about this application do raise the issue of mitigation for loss of habitat.

I welcome the features included in this development to mitigate for the loss of habitat through the green roof, green wall and replacement trees.

I recommend a condition to retain the tree trunks of the felled trees and build a stag beetle loggery with them would be consistent with policy 3.28 and enhance the site with respect to this species.

A condition to install 6 Bird boxes spread between the building and the mature trees would again help mitigation. The developer should work with a experience ecologist to determine the best location for these boxes. the boxes should be made from woodcrete to protect them from greater spotted woodpeckers.

Light pollution should be kept to a minimum to avoid disturbance to the bat foraging recorded along the boundaries of the site.

**Statutory and non-statutory organisations**

Natural England - Following our standing advice which forms a material consideration for planning officers it is advised that planning permission could be granted (subject to other constraints) and the Authority should consider requesting enhancements.

**Neighbours and local groups**

178 Friern Road - Objects to development of green space, which will impact upon wildlife, remove a number of trees, the habitat report is based on a particular time of year rather than demonstrating a wider understanding of how the area would be affected by the removal of trees and vegetation. The proposed access is inadequate and not sufficient for emergency/refuse vehicles. The development is a fire risk. A long obscured driveway would present risks to pedestrians. There would be a loss of amenity to surrounding residents by reason of light pollution, noise and overlooking. Backland development is unsuitable in this area.

Upper Flat 190 Friern Road - Objects to development of gardens and states development would interfere with access rights currently enjoyed by 190. Access area is not wide enough. Irrevocable loss of trees and wildlife.

176 Friern Road - Objects to the style of house, being out of keeping with the surrounding houses; Dwelling will overlook the garden and interior of their property, the driveway is not wide enough to accommodate vehicles and may result in damage

to adjoining properties at 190 and 192 Vehicular access is a danger to children; the development would destroy wildlife.

151 Barry Road - Objects. The development is not in accordance with national or local policy for backland development. The access is not wide enough, adjoining properties at 190 and 192 would have to contend with traffic and associated noise and pollution. The development would result in an unacceptable level of bulk and mass; Loss of trees.

188 Friern Road - Objects. Impact on the environment, trees and wildlife; Access will not be wide enough for emergency vehicles and will present a danger to children; risk of fire spreading; light pollution from cars will shine on rear windows. Loss of light due to building, size and style not in keeping with location; inclusion of a swimming pool not in keeping; design will have a massive impact upon visual amenity, overlooking of gardens.

167 Barry Road - Objects. Housing density should not be increased; fire safety of the site; loss of any trees on site; reduction in privacy; size and style of house not in keeping with the local area; potential subsidence; impact on biodiversity; development of backland site not appropriate.

174B Friern Road - Objects. Development too high considerable visual bulk and mass; detrimental impact on amenity through loss of privacy, Dulwich SPD states Dulwich is not suitable for backland development.

163 Friern Road - Objects. Quiet residential road and deliveries to the site have already been an issue. Fire access to the site; Loss of wildlife and Stag beetles; Loss of 26 mature trees; Against Southwark's policies on back land development.

171 Barry Road – Objects. Contrary to Southwark Policy on backland development, overlooking of rear gardens on Barry Road, 2 storey would impact on visual amenity; Loss of light; Light pollution from new building; style out of keeping; surrounding houses converted into flats therefore first floor will overlook the house; risk of fire; Loss of trees; issue of highway safety with access; impact on wildlife.

Ground Floor Flat 190 Friern Road – Objects. Loss of amenity during construction and with new access to the side of the house; loss of trees; impact on wildlife; loss of green space; issue of right of way over access; danger of crossover; loss of privacy, enjoyment of outside space, noise light and vehicle views; dwelling is large and not in keeping with neighbouring developments; backland development contrary to Southwark and Government Policy.

151A Friern Road – Objects. Safety of crossover, reduction in on street parking, impact on privacy and increase in vehicular movement; loss of trees and impact upon wildlife; development out of character with the locality.

159 Friern Road – Objects. Development not sufficiently changed from the withdrawn scheme, site access too narrow, backland development contrary to SPD, flytipping is not a reason to allow development to take place, development would be detrimental to visual amenity.

170 Friern Road – Objects. Development will affect light, views and security of all houses it backs onto; loss of trees and impact on wildlife; safety on crossover; out of character with local area.

172 Friern Road - Objects, impact on visual amenity, loss of light and light pollution, size and style of dwelling out of character with local area; overlooking of neighbouring

gardens; access way not wide enough; access hazard to children; risk of fire; impact upon wildlife and trees.

159B Barry Road - Objects, intrudes on privacy, compromise security, design out of character, impact on wildlife and trees, too many developments in the area.

148 Friern Road - Objects, contravene backland development policy; impact on trees and wildlife; fails to preserve green space; development would affect views, light and privacy of houses surrounding the development.

### Neighbour consultation letters sent

206A FRIERN ROAD LONDON SE22 0BA  
 206B FRIERN ROAD LONDON SE22 0BA  
 198A FRIERN ROAD LONDON SE22 0BA  
 198B FRIERN ROAD LONDON SE22 0BA  
 200A FRIERN ROAD LONDON SE22 0BA  
 157A BARRY ROAD LONDON SE22 0JP  
 159A BARRY ROAD LONDON SE22 0JP  
 175A BARRY ROAD LONDON SE22 0JP  
 69A GOODRICH ROAD LONDON SE22 0EQ  
 69B GOODRICH ROAD LONDON SE22 0EQ  
 69C GOODRICH ROAD LONDON SE22 0EQ  
 168B FRIERN ROAD LONDON SE22 0BA  
 150A FRIERN ROAD LONDON SE22 0BA  
 150B FRIERN ROAD LONDON SE22 0BA  
 156A FRIERN ROAD LONDON SE22 0BA  
 183 BARRY ROAD LONDON SE22 0JP  
 185 BARRY ROAD LONDON SE22 0JP  
 166A FRIERN ROAD LONDON SE22 0BA  
 166B FRIERN ROAD LONDON SE22 0BA  
 168A FRIERN ROAD LONDON SE22 0BA  
 156B FRIERN ROAD LONDON SE22 0BA  
 160A FRIERN ROAD LONDON SE22 0BA  
 160B FRIERN ROAD LONDON SE22 0BA  
 177A BARRY ROAD LONDON SE22 0JP  
 FIRST FLOOR AND SECOND FLOOR FLAT 151 BARRY ROAD LONDON SE22 0JP  
 FIRST FLOOR AND SECOND FLOOR FLAT 190 FRIERN ROAD LONDON SE22 0BA  
 FIRST FLOOR FLAT 155 BARRY ROAD LONDON SE22 0JP  
 164A FRIERN ROAD LONDON SE22 0BA  
 174A FRIERN ROAD LONDON SE22 0BA  
 174B FRIERN ROAD LONDON SE22 0BA  
 GROUND FLOOR FLAT 146 FRIERN ROAD LONDON SE22 0BA  
 GROUND FLOOR FLAT 176 FRIERN ROAD LONDON SE22 0BA  
 FIRST FLOOR FLAT 176 FRIERN ROAD LONDON SE22 0BA  
 GROUND FLOOR FLAT 151 BARRY ROAD LONDON SE22 0JP  
 GROUND FLOOR FLAT 155 BARRY ROAD LONDON SE22 0JP  
 162B FRIERN ROAD LONDON SE22 0BA  
 159B BARRY ROAD LONDON SE22 0JP  
 THE ELMS 147 BARRY ROAD LONDON SE22 0JR  
 157B BARRY ROAD LONDON SE22 0JP  
 179A BARRY ROAD LONDON SE22 0JP  
 187A BARRY ROAD LONDON SE22 0JP  
 189A BARRY ROAD LONDON SE22 0JP  
 187B BARRY ROAD LONDON SE22 0JP  
 189B BARRY ROAD LONDON SE22 0JP  
 162A FRIERN ROAD LONDON SE22 0BA  
 175B BARRY ROAD LONDON SE22 0JP  
 177B BARRY ROAD LONDON SE22 0JP  
 179B BARRY ROAD LONDON SE22 0JP  
 152 FRIERN ROAD LONDON SE22 0BA  
 154 FRIERN ROAD LONDON SE22 0BA  
 158 FRIERN ROAD LONDON SE22 0BA  
 144 FRIERN ROAD LONDON SE22 0BA  
 148 FRIERN ROAD LONDON SE22 0BA  
 178 FRIERN ROAD LONDON SE22 0BA  
 180 FRIERN ROAD LONDON SE22 0BA  
 164 FRIERN ROAD LONDON SE22 0BA  
 172 FRIERN ROAD LONDON SE22 0BA  
 142 FRIERN ROAD LONDON SE22 0BA  
 GROUND FLOOR FLAT 190 FRIERN ROAD LONDON SE22 0BA  
 FLAT B 181 BARRY ROAD LONDON SE22 0JP  
 149A BARRY ROAD LONDON SE22 0JP  
 149B BARRY ROAD LONDON SE22 0JP  
 146B FRIERN ROAD LONDON SE22 0BA  
 71 GOODRICH ROAD LONDON SE22 0EQ  
 1 READING CLOSE LONDON SE22 0DY  
 3 READING CLOSE LONDON SE22 0DY  
 FLAT A 181 BARRY ROAD LONDON SE22 0JP  
 170 FRIERN ROAD LONDON SE22 0BA  
 182 FRIERN ROAD LONDON SE22 0BA  
 153 BARRY ROAD LONDON SE22 0JP

161 BARRY ROAD LONDON SE22 0JP  
83 GOODRICH ROAD LONDON SE22 0EQ  
171 BARRY ROAD LONDON SE22 0JP  
173 BARRY ROAD LONDON SE22 0JP  
163 BARRY ROAD LONDON SE22 0JP  
167 BARRY ROAD LONDON SE22 0JP  
169 BARRY ROAD LONDON SE22 0JP  
81 GOODRICH ROAD LONDON SE22 0EQ  
192 FRIERN ROAD LONDON SE22 0BA  
194 FRIERN ROAD LONDON SE22 0BA  
196 FRIERN ROAD LONDON SE22 0BA  
184 FRIERN ROAD LONDON SE22 0BA  
186 FRIERN ROAD LONDON SE22 0BA  
188 FRIERN ROAD LONDON SE22 0BA  
75 GOODRICH ROAD LONDON SE22 0EQ  
77 GOODRICH ROAD LONDON SE22 0EQ  
79 GOODRICH ROAD LONDON SE22 0EQ  
202 FRIERN ROAD LONDON SE22 0BA  
204 FRIERN ROAD LONDON SE22 0BA  
73 GOODRICH ROAD LONDON SE22 0EQ  
159 FRIERN ROAD LONDON SE22 0AZ  
161 FRIERN ROAD LONDON SE22 0AZ  
157 FRIERN ROAD LONDON SE22 0AZ  
155A FRIERN ROAD LONDON SE22 0AZ  
155B FRIERN ROAD LONDON SE22 0AZ  
151A FRIERN ROAD EAST DULWICH LONDON SE22 0AZ  
UPPER FLAT, 190 FRIERN ROAD EAST DULWICH LONDON SE22 0BA  
176 FRIERN ROAD EAST DULWICH LONDON SE22 0BA  
151 BARRY ROAD LONDON SE22 0JP



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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 J. Edgley Edgley Design	<b>Reg. Number</b>	11-AP-0006
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2592-E
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Construction of a single family dwelling on basement, ground and first floor levels; access adjacent to 190 Friern Road; 2 parking spaces.

**At:** REAR OF 168-190 FRIERN ROAD, LONDON, SE22 0BA

**In accordance with application received on 04/01/2011 08:09:29**

**and Applicant's Drawing Nos.** 1002- 0101 B; 0102 rev B, 0101 B, 0110 F, 0111 C, 0120 E, 0121 F, 0122 G, 0130 B, 0131 F, 0140 D, 0160 C, 0161 C, 0162 C, 0201 B, 0220 B, 0230 E, 0231 E, 0320 D, 0321 D; Design and access statement; Extended Phase 1 Habitat Survey Report (London Wildlife Trust August 2010); Tree Survey Report (Wassells Arboricultural Services October 2010); Eco Control Solutions Proposal to eradicate Japanese Knotweed (17/08/2010).

**Reasons for granting planning permission.**

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

a] Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.4 (Energy Efficiency) advises that development should be designed to maximise energy efficiency.

Policy 3.6 (Air Quality) advises that permission will not be granted for development that would lead to a reduction in air quality.

Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed.

Policy 3.9 (Water) seeks to ensure that all developments should incorporate measures to reduce the demand for water, recycle grey water and rainwater, and address surface run off issues, and have regard to prevention of increase in flooding and water pollution.

Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design.

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

Policy 3.14 (Designing out Crime) seeks to ensure that development in both the private and public realm is designed to improve community safety and crime prevention.

Policy 4.1 (Density of residential development) states that residential development will be expected to comply with a range of density criteria taking into account the quality and impact of any non residential uses, and in relation to efficient use of land, having regard to factors such as location and public transport accessibility levels, facilitating a continuous supply of housing in London, but subject to high quality housing being provided and balanced against the need for other

uses which also contribute to the quality of life.

Policy 4.2 (Quality of residential accommodation) states that planning permission will be granted for residential accommodation provided that they achieve good quality living conditions; and include high standards of accessibility, including seeking to ensure that all new housing is built to Lifetime Homes Standards; privacy and outlook; natural sunlight and daylight; ventilation; space including suitable outdoor/green space; safety and security; protection from pollution, including noise and light pollution

Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area

Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

#### Core Strategy 2011 Policies

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Soutwark's diverse population.

Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car.

Strategic Policy 5 Providing new homes, requires that developments meet the housing needs of people by providing high quality new homes in attractive environments, particularly in growth areas.

Strategic Policy 11 Open Spaces and Wildlife protects important open spaces, trees and woodland from inappropriate development.

Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces.

Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

b) Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS 1 Sustainable development, PPS3 Housing; PPS9 Biodiversity and Geological Conservation.

Particular regard was had to:

- objections in relation to character and appearance and the foregoing design policies, where it is considered that the new building have been designed in a sensitive and sympathetic manner that integrates with the surrounding area, subject to conditions of consent in particular in relation to materials and detailing.
- objections in relation to impacts on amenities and the foregoing urban design policies. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of sunlight and daylight, outlook and privacy, and noise and disturbance.
- Sustainable Development. The proposal is considered to provide for sustainable development having regard to environmental criteria in accordance with the policies summarised above, through the appropriate consideration of measures such as energy efficiency, carbon dioxide reduction through on site renewables, materials, waste, and green roof,
- transport and highways impacts of the scheme which are considered to be acceptable having regard to the with the policies summarised above.
- objections in relation to the effects of the scheme on trees and wildlife both on the site and surrounding the site and in terms of landscaped amenity which have been addressed satisfactorily particularly having regard to visual amenity and biodiversity, subject to conditions of consent.
- concerns about and effects of the scheme in terms of the overall loss of open space on the site which are considered to have been addressed satisfactorily having had regard to the redevelopment of the site which would continue to provide a good level of openness within the site.
- objections received in relation to, and other matters relating to, the impacts of the scheme on the surrounding area during the construction phase such as noise and traffic impacts which can be adequately mitigated through compliance with conditions of consent
- other policies which may have been considered, but in this instance are not considered to have such weight as to justify a refusal of permission. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

**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 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

1002 - 0120 E; 1002 - 0121 F; 1002 - 0122 G; 1002 - 0130 B; 1002 - 0131 F; 1002 - 0140 D, 1002 - 0220 B; 1002 - 0230 E; 1002- 0231 E; 1002 - 0320 D; 1002 - 0321 D

## Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 Samples of the timber cladding 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 material and in the interest of the appearance of the building in accordance with Saved Southwark Plan Policy 3.12 Quality in design and Strategic Policy 12 Design and conservation of the Core Strategy 2011.

- 4 Before any above grade work hereby authorised begins, detailed drawings [*scale 1:50*] of a hard and soft landscaping scheme to include a total of 9 new replacement trees as well as showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or 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 in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS:4428 Code of practice for general landscaping operations, BS:3996 Nursery stock specification, BS:5837 Trees in relation to construction and BS:7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

## Reason

In order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with Saved Southwark Plan Policies 3.12 Quality in Design, 3.13 Urban Design and 3.28 Biodiversity and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

- 5 An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, prior to works commencing on site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

a survey of the extent, scale and nature of contamination;  
an assessment of the potential risks to:

- i) human health,
- ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- iii) adjoining land,
- iv) groundwaters and surface waters,
- v) ecological systems,
- vi) archaeological sites and ancient monuments;
- vii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

## Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Southwark Plan policy 3.1 Environmental effects, Strategic Policy 13 High environmental standards of the Core Strategy 2011 and PPS 23 Planning and Pollution Control.

- 6 Subject to the findings of Condition 5, (Site Characterisation), if deemed necessary pursuant to Condition 5, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The scheme shall be implemented in accordance with the remediation details as approved in writing by the Local Planning Authority.

## Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Southwark Plan policy 3.1 Environmental effects, Strategic Policy 13 High environmental standards of the Core Strategy 2011 and PPS 23 Planning and Pollution Control.

- 7 Before any work hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:
- A detailed specification of construction works for each phase of the development including consideration of environmental impacts and the required remedial measures;
  - A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
  - Details of arrangements for publicity and promotion of the scheme during construction;
  - A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental Code of Construction and GLA Best Practice Guidance.

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

## Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Saved Southwark Plan Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality, 3.10 Hazardous Substances, Strategic Policy 13 High environmental standards of the Core Strategy 2011 and PPS23 Planning and Pollution Control.

- 8 Prior to works commencing on site, details of the means by which any existing trees 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 to and approved in writing by the Local Planning Authority, and the protective measures shall be installed and retained throughout the period of the works in accordance with any such approval given and 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, no cement mixers or generators may be used, no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Arboriculturalist under the supervision of the developer's appointed Arboriculturalist. 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.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [1 year ([see endnote 10](#))] from [the date of the occupation of the building for its permitted use].

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard

[3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the

#### Reason

To ensure the protection of the existing trees in accordance with Saved Southwark Plan Policies 3.2 Protection of Amenity, 3.28 Biodiversity and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

- 9 The existing trees on the site, which are to be retained, shall be protected and the site and the trees shall be managed in accordance with the recommendations contained in the submitted Arboricultural Report by Wassells Arboricultural Services. In any case, notwithstanding the presence of or validity of an arboricultural report, all works must adhere to BS5837: Trees in relation to construction and BS3998: Recommendations for tree work.

Location of trees on and adjacent to development sites

The plans and particulars submitted in accordance with condition [9] above shall include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with [paragraph \(a\)](#) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs [\(c\)](#) and [\(d\)](#) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in [paragraph \(a\)](#) above.

The plans and particulars submitted in accordance with condition [9] above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

These works and measures shall include compliance with the details as set out in the Arboricultural Report and a pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site.

All tree protection measures and subsequent works required pursuant to that pre-commencement meeting and the Arboricultural report shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

In the interests of preserving the health of the tree and to maintain the visual amenity of the site, in accordance with Saved Southwark Plan Policies 3.2 Protection of amenity, 3.13 Urban design, 3.28 Biodiversity and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

- 10 Before any work hereby authorised begins, details of the foundation works [to include details of a trial hole(s) or trench(es) to check for the position of roots] to be used in the construction of this development showing how the roots of the tree(s) will be protected shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval

given. All works shall adhere to National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area in accordance with Saved Southwark Plan Policy 3.28 Biodiversity and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

- 11 Before any above ground work hereby authorised begins, details of the green brown roofs (including a specification and maintenance plan) to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, in accordance with Saved Southwark Plan Policies 3.2 Protection of amenity and 3.28 Biodiversity and Strategic Policy 13 High environmental design of the Core Strategy 2011.

- 12 Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In the interests of visual and residential amenity in accordance with Saved Southwark Plan Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design and Strategic Policy 12 Design and conservation of the Core Strategy 2011.

- 13 Before the first occupation, 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

To ensure 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 Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

- 14 The car parking spaces shown on the drawings hereby approved, shall be made available, and retained for the purposes of car parking for vehicles of residents of the development and no trade or business shall be carried out thereon.

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 Saved Southwark Plan Policies 3.2 Protection of Amenity, 5.2 Transport Impacts, 5.6 Car Parking and Strategic Policy 2 Sustainable transport of the Core Strategy 2011.

- 15 Notwithstanding the provisions of Classes A, B, C, D, E, F and H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2008 (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the dwelling.

Reason

To safeguard the character and the amenities of the premises and adjoining properties in accordance with Saved Southwark Plan Policy 3.2 Protection of Amenity and 3.12 Quality in Design and Strategic Policy 12 Design and conservation of the Core Strategy 2011.

- 16 No tree, bush, bramble, scrub, tall grassland or hedges shall be removed during the critical nesting period between 1st April and 31st August, unless the area is thoroughly checked and any work carried out under the supervision of a qualified ecologist.

## Reason

These areas are potential breeding areas for local birds and their removal during the nesting season could affect any breeding birds which are protected by the Wildlife and Countryside Act 1981 as amended. No provisions can be made for the destruction of occupied bird nests, eggs or young for development purposes. This will ensure compliance with Saved Policy 3.28 Biodiversity of the Southwark Plan and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

- 17 The development shall be undertaken in accordance with the recommendations of the Bat assessment report for the London Wildlife Trust dated 20 September 2010.

## Reason

In order that the development complies with PPS 9 Biodiversity and Geological Conservation and other legislation relating to Wildlife and Conservation of habitats and to ensure compliance with Saved Policy 3.28 Biodiversity of the Southwark Plan and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

- 18 The tree trunks of the felled trees shall be retained to be used to build a stag beetle loggery within the wooded area to the rear of the site.

## Reason

In order that the scheme encourages local wildlife, in accordance with Saved Southwark Plan Policies 3.28 'Biodiversity' and 3.2 'Protection of Amenity' and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

- 19 Prior to the commencement of work on site a detailed plan showing the location of bat houses to the trees at the rear of the site shall be provided to and approved by the Local Planning Authority to encourage and provide habitats for the local bat population. The plans shall be implemented as approved.

## Reason

In order that the scheme encourages local bats where it appears they may already have an existing commuting route in accordance with Saved Southwark Plan Policies 3.28 'Biodiversity' and 3.2 'Protection of Amenity' and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

- 20 Prior to the commencement of work on site a detailed plan showing the location of six bird boxes spread between the building and the mature trees. The developer should work with an experienced ecologist to determine the best location for these boxes. The boxes should be made from woodcrete to protect them from greater spotted woodpeckers. The plans shall be implemented as approved.

## Reason

In order that the scheme encourages local birds in accordance with Saved Southwark Plan Policies 3.28 'Biodiversity' and 3.2 'Protection of Amenity' and Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011.

- 21 Before the first occupation of the building cycle storage facilities shall be provided within the site and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

## 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 Saved Southwark Plan Policy 5.3 Walking and Cycling and Strategic Policy 2 Sustainable transport of the Core Strategy 2011.

- 22 Details of any external lighting [including design, power and position of luminaires] of external areas surrounding the building shall be submitted to (2 copies) and approved by the Local Planning Authority before any such lighting is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

## Reason:

In order that the Council may be satisfied as to the details of the development in the interest of the residential amenity of the area and the impact of any lighting on local wildlife in accordance with Saved Southwark Plan Policies 3.2 Protection of Amenity, 3.14 Designing out Crime and 3.28 Biodiversity and Strategic Policies 11 Open Spaces and Wildlife, 12 Design and conservation and 13 High environmental standards of the Core Strategy 2011.





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<b>Item No.</b> 6.2	<b>Classification:</b> Open	<b>Date:</b> 28 July 2011	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-3752 for: Full Planning Permission  <b>Address:</b> 6 BEAUVAL ROAD, LONDON, SE22 8UQ  <b>Proposal:</b> Dormer roof extensions to main rear roof slope and over outrigger, providing additional residential accommodation for dwellinghouse.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 23 December 2010		<b>Application Expiry Date</b> 17 February 2011	

## PURPOSE

- 1 For Dulwich Community Council consideration due to the number of objections received.

## RECOMMENDATION

- 2 Grant planning permission.

## BACKGROUND INFORMATION

### Site location and description

- 3 The application site is a 2 storey terrace dwellinghouse located on the western side of Beauval Road. The properties on this road are all of similar style and size with a number of properties having some form of extension. It should be noted that no. 4 Beauval Road sits on a slightly lower ground level to the application site
- 4 The application site is not listed, but located within the Dulwich Village Conservation Area.

### Details of proposal

- 5 Planning permission is sought for a rear and side roof extension to the main rear roofslope and over the outrigger, providing additional residential accommodation for dwellinghouse.
- 6 The extension to the main rear slope would measure 5.190 metres wide, 2.5 metres high and 2.5 metres in depth and would consist of a timber framed sash window. The extension on the outrigger would measure 4 metres wide, 2.4 metres high on the horizontal face and 1.7 metres high on the vertical face and 3 metres in depth and would consist of a timber framed sash window with opaque glazing. The materials to be used for this development would match the of the existing building and will include

3 conservation rooflights to the front of the property.

- 7 The scheme has been revised since it was first submitted, reducing the overall bulk of the extension proposed.

### **Planning history**

- 8 None

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

- 9 4 Beauval Road  
Planning permission (01-AP-1787) was refer granted in September 2002 for the conversion of loft space together with the construction of a rear dormer window to provide additional living accommodation.
- 10 2 Beauval Road  
Planning permission (06/AP/2402) was refused May 2007for a rear mansard roof extension to the main roof slope and outrigger.  
  
Planning permission (07/AP/2633) was granted in January 2008 for the erection of a side extension and 2 dormer extensions on the rear elevation and the outrigger.
- 11 8 Beauval Road  
Planning permission (08/AP/2061) was granted in October 2008 for a dormer extensions to rear and side roof planes as well as 2 rooflights to the front elevation and two rooflights to the side elevation; to provide additional residential accommodation for dwellinghouse.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 12 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
  - b) design of the proposed extension
  - c) impact on the amenity of the neighbouring properties and the Dulwich Village Conservation Area.

### **Planning policy**

- 13 Saved 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
  - 3.18 Setting of Listed Buildings, conservation areas and word heritage sites
- 14 Residential Design Standards SPD (2008)  
Dulwich Village conservation area appraisal.

London Plan 2008 consolidated with alterations since 2004

15 N/A

Core Strategy16 Strategic Policy 12 - Design and conservation  
Strategic Policy 13 - High Environmental StandardsPlanning Policy Guidance (PPG) and Planning Policy Statements (PPS)

17 PPS 5: Planning for the historic environment

**Principle of development**

18 There are no objections in principle to extending residential dwellings, subject to their impacts upon neighbouring residential properties, the host dwelling and the Dulwich Village Conservation Area.

**Environmental impact assessment**

19 None

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

20 The development would not impact upon no. 8 Beauval Road to any significant degree and any impact resulting from the development would be to the occupiers at 4 Beauval Road.

21 The extension over the outrigger would be at a height that could create some potential for overlooking towards the adjoining property at number 4. It is suggested that a condition be added to the proposal requiring this window to be obscured and top hung opening only so that the potential for any overlooking is minimised. It is not considered that the roof lights proposed to the other side of the outrigger extension diminish the level of privacy to the adjoining property.

22 In terms of daylight and sunlight the proposed roof extension would not exceed the height of the existing roof slopes, so whilst there may be some impact due to the additional bulk, it is considered that the side outrigger extension would not cause any harmful loss of daylight or sunlight to the adjoining property at no. 4. The lightwell areas are quite narrow and most of the sunlight is gained from the west and this situation would not change as a consequence of the proposal.

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

23 The proposed development is residential, a use which conforms to the residential nature of the area. It is not anticipated that any nearby or adjoining uses will have an adverse impact on the amenity of occupiers of the proposed development.

**Traffic issues**

24 There are no traffic issues arising as a result of this application.

**Design issues**

24 The proposal raises no fundamental issues with regards to its appearance. The

proposed extension would use materials to match the existing building. In addition, the proposed development would mirror the roof extensions at no. 8 Beauval Road which was granted planning permission in 2008.

#### **Impact on character and setting of a listed building and/or conservation area**

- 25 There are no listed buildings close to the application site, however, the site is in the Dulwich Village Conservation Area.
- 26 The impact of this proposal on the heritage asset - the Dulwich Village conservation area and its setting - is considered against the requirements of PPS5 - Planning for the Historic Environment. Policy HE 9.4 of PPS5 – states that : "*Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:*  
*(i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and*  
*(ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.*"
- 27 This proposal will have a nominal impact on the character and appearance of the conservation area. There is no loss of historic fabric and no impact on the viewer's appreciation of the rear of the properties in the conservation area or its setting.

#### **Impact on trees**

- 28 No trees would be affected by the works

#### **Planning obligations (S.106 undertaking or agreement)**

- 29 Not required

#### **Sustainable development implications**

- 30 N/A

#### **Other matters**

- 31 No other matters were identified.

#### **Conclusion on planning issues**

- 32 It is not considered there is any adverse impact on the character of the dwelling nor on the character of the Conservation Area resulting from the proposed development on the rear property. The size of the proposal is adequate for this property and would be located at the rear of the building and not visible from the public domain. Further subject to conditions, it is not considered that the proposal would be so harmful such that would diminish the amenity currently enjoyed by the adjoining properties. It is therefore recommended that planning permission be granted.

#### **Community impact statement**

- 33 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.

- 34 a) The impact on local people is set out above.
- 35 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified.
- 36 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

- 37 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

- 38 Details of consultation responses received are set out in Appendix 2.

### **Summary of consultation responses**

- 39 **6 Dovercourt Road**  
The development isn't in keeping with the surrounding architecture. Suggest looking at the other loft conversion in the neighbouring houses such as no 2, no.4 and no.8, which have been built sympathetically to the style of architecture, also with the same window design which are different from the proposed plans. This objection was subsequently withdrawn.
- 40 **4 Beauval Road**  
Objects on the grounds that the proposed extension in the loft would cause significant harm to our residential amenities by reason of its siting, scale and design, and that the design is not in keeping with the objective of the Dulwich Conservation Area to positively preserve or enhance the character or appearance of the Conservation Area
- 41 **3 Dovercourt Road**  
Raises concerns about a design matching the adjoining property at no. 8 but not taking account of its own context with the adjoining neighbour at no. 4 which sits at a lower level thus resulting in overlooking as a result of the dormer extending across the outrigger.
- 42 It looks out of character with other loft conversions on the road.
- 43 The council received Written Representation from Greer Pritchard (planning & urban design) via email on the 14th February made on behalf of Isabel & Don Marshal in relation to planning application 10/AP/3752 at 6 Beauval Road, Dulwich, London.
- 44 This report represents the interests and objection of immediate neighbours who live at 4 Beauval Road. They have engaged Greer Pritchard to represent them and advise on the application  
This report discusses the context of the area, the policy framework, and reason why it is considered the applications should be refused. There are sound and well established policy ground to refuse these application on, by reason of its:  
A) Failure to preserve or enhance the character or appearance of the conservation area.  
B) Failure to meet the appropriate standards of architectural design as set out in the policy framework and enhance the quality of the built environment.  
C) The application would cause demonstrable harm to the amenity of neighbouring properties through loss of outlook, privacy and light

Dulwich Society

- 45 I have viewed the plans and elevation drawings submitted and have a number of concerns about the present proposals which do not, in my view, maintain or enhance the amenity of the Conservation Area.

### Human rights implications

- 46 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 47 This application has the legitimate aim of providing additional residential accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

#### Strategic Director of Communities, Law & Governance

- 48 None.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2313-6 Application file: 10-AP-3752 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5458 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Anthony Roberts, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	30 June 2011	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	no	no
Strategic Director of Regeneration and Neighbourhoods	no	no
Strategic Director of Environment and Housing	no	no
<b>Date final report sent to Community Council Team</b>		15 July 2011

**APPENDIX 1****Consultation undertaken**

- 49 **Site notice date:** 28/01/2011
- 50 **Press notice date:** 13/01/2011
- 51 **Case officer site visit date:** 11/02/2011
- 52 **Neighbour consultation letters sent:** 28/01/2011
- 53 **Internal services consulted:**  
None
- 54 **Statutory and non-statutory organisations consulted:**  
None
- 55 **Neighbours and local groups consulted:**
- 4 BEAUVAL ROAD LONDON SE22 8UQ
  - 8 BEAUVAL ROAD LONDON SE22 8UQ
  - 3 DOVERCOURT ROAD LONDON SE22 8SS
  - 5 DOVERCOURT ROAD LONDON SE22 8SS
- 56 **Re-consultation:** None



**APPENDIX 2****Consultation responses received****Internal services**

57 None

**Statutory and non-statutory organisations**

58 None

**Neighbours and local groups**

59 None

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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.

<b>Applicant</b>	Mr S. Crabtree	<b>Reg. Number</b>	10-AP-3752
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2313-6
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Dormer roof extensions to main rear roofslope and over outrigger, providing additional residential accommodation for dwellinghouse.

**At:** 6 BEAUVAL ROAD, LONDON, SE22 8UQ

**In accordance with application received on 23/12/2010**

**and Applicant's Drawing Nos.** BVR-0001, BVR-0005, BVR-0006, BVR-0007, BVR-0011 Rev C, BVR-0012 Rev D, BVR-0013 Rev D, BVR-0014 Rev C, BVR-0030, BVR-0031. BVR-0000 site plan, Design and Access Statement

**Reasons for granting planning permission.**

a] Policy 3.2 - Protection of Amenity, which requires that permission will not be granted where it would cause a loss of amenity, 3.12 - Quality of Design which require high level of design in all new developments, Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments, Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

b] Core Strategy 2011- Strategic Policy 12 Design and conservation advise that development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in, and Strategic Policy 13 High Environmental Standards advise that development will help us live and work in a way that respects the limits of the planets natural resources, reduces pollution and damage to the environment and help us adapt to climate changes.

c] PPS 5 Planning and the historic environment

Particular consideration was given to the impact of the proposed development to the adjoining residential properties located at 4 and 8 Beauval Road, however It was considered that there would be no detrimental impacts such that would erode the level of amenity currently enjoyed such that would warrant refusal of planning permission. Consideration was also had on the impact of the proposal on the Dulwich Village Conservation Area, where it was felt that the scheme would satisfy the criteria as set out in PPS 5. It was therefore appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

**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 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: BVR-0011 Rev C, BVR-0012 D, BVR-0013 D, BVR-0014 C.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 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 Strategic Policy 12 - Design and Conservation, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.12 'Quality in Design', 3.13 'Urban Design' and Policy 3.15 Conservation of the Historic Environment of the Southwark Plan (2007).

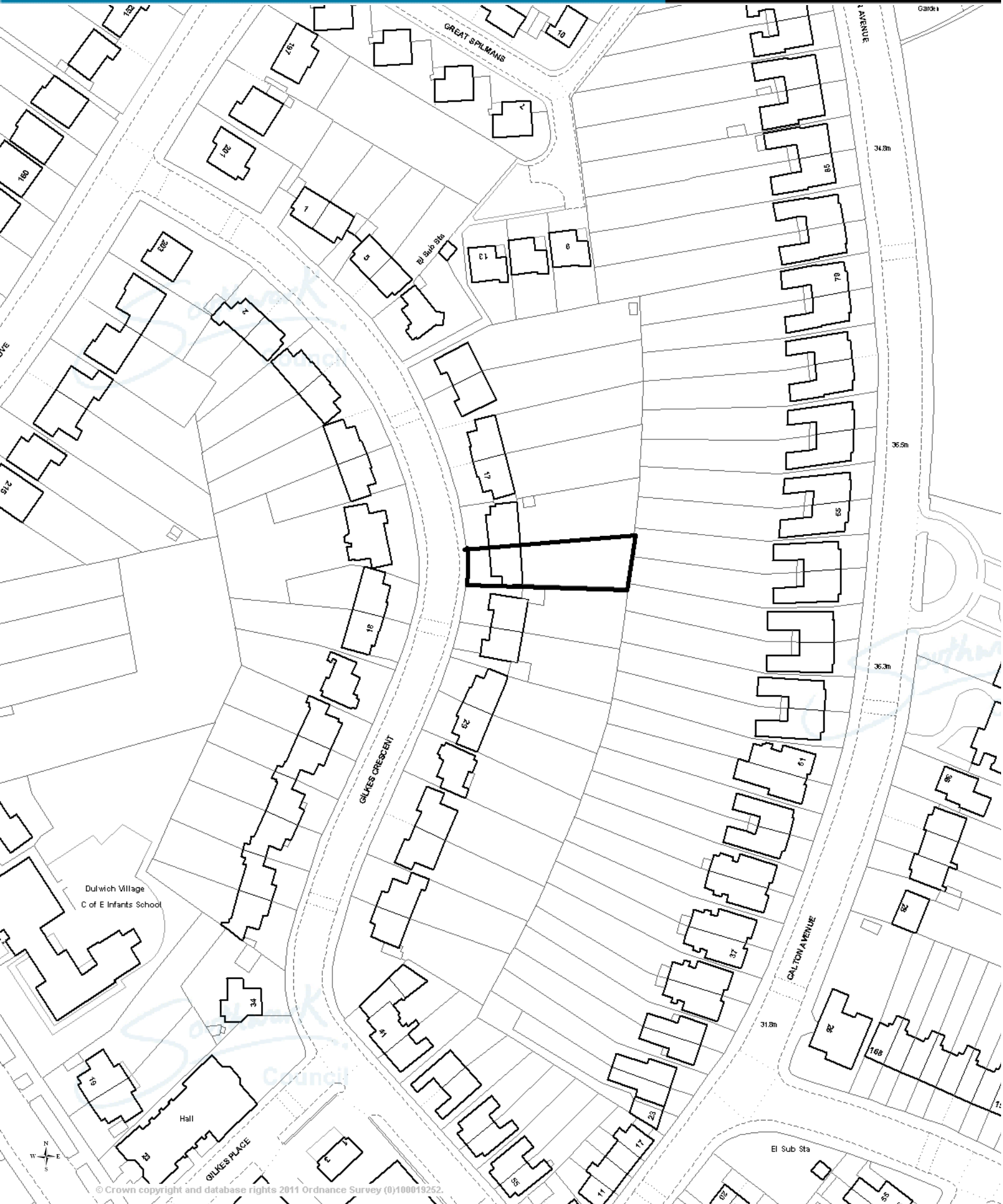
- 4 The window on the north elevation of the dormer roof extension (facing onto no. 4 Beauval Road) shall be obscure glazed and top hung opening only and shall not be replaced or repaired otherwise than with obscure glazing without the prior written approval of the Local Planning Authority.

**Reason**

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 4 Beauval Road from undue overlooking in accordance with Saved Policy 3.2 'Protection of Amenity' Southwark Plan (2007) and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

—

Date 15/7/2011



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<b>Item No.</b> 6.3	<b>Classification:</b> Open	<b>Date:</b> 28 July 2011	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 11-AP-1034 for: Full Planning Permission  <b>Address:</b> 21 GILKES CRESCENT, LONDON, SE21 7BP  <b>Proposal:</b> Erection of two dormers at the rear and two rooflights to dwelling house (Use class C3)		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 11 April 2011		<b>Application Expiry Date</b> 6 June 2011	

### RECOMMENDATION

- 1 To grant planning permission, subject to conditions.

### BACKGROUND INFORMATION

- 2 To consider the application owing to the number of objections received.

### Site location and description

- 3 The application relates to a property which is a semi-detached house. Most properties along this road are semi-detached although there are detached houses. The detailed design and relationships between buildings vary to the front and rear of properties. Rear dormers extensions were observed at 23 Gilkes Crescent and 17 Gilkes Crescent.
- 4 The property is in the Dulwich Village Conservation Area, but is not a listed building.

### Details of proposal

- 5 The proposal seeks planning permission to erect two rear dormers and two conservation roof lights.

### Amendments

- 6 Amendments received by the council on May 26th which reduced the height, depth and width of the dormer. It was also clarified that the dormer windows would be dressed in lead and that the fascia would be painted white. Amendments were also made to the site plan to more accurately reflect the position of the adjoining property at 23 Gilkes House in response to comments made.

- 7 Both dormers would have a reduced:

Depth: 1.99 metres (previously 2.11 metres)  
 Height: 1.45 metres (previously 1.55 metres)  
 Width: 1.90, metres (previously 2.88 and 2.44 metres)

### **Planning history**

- 8 No planning history of relevance.

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

- 9 19 GILKES CRESCENT  
No planning history of relevance.
- 10 23 GILKES CRESCENT  
07/AP/1367 Full planning permission was REFUSED to erect a ground and first floor extension in front of existing ground floor side extension and installation of rooflight and bay window extension to rear of existing ground floor extension, all to provide additional residential accommodation for dwellinghouse. 15/08/2007.

The REASONS for REFUSAL were that:

- 1) The proposed first floor portion of the extension by virtue of its location, depth, size and bulk would have a detrimental effect on the amenity of the adjoining semi-detached house and garden at No. 21 Gilkes Crescent, particularly with respect to its light and outlook, that would result in an unneighbourly relationship with the adjoining property; and
  - 2) The proposed first floor portion of the extension by virtue of its location, size and bulk would have a detrimental effect on the setting and character of the Dulwich Village Conservation Area, particularly with respect to the result loss of differentiation between the subject site and the adjoining semi-detached dwelling at 21 Gilkes Crescent.
- 11 An appeal was made by the applicant which was dismissed by the Planning Inspectorate on 3/09/2008
- 12 03/AP/1825 Full planning permission was REFUSED to erect a two storey side extension. 14/11/2003.

The REASON for REFUSAL was that the extension by virtue of its depth, size and bulk would have a detrimental effect on the amenity of adjoining semi-detached house and garden at No. 21 Gilkes Crescent, particularly with respect to its light and outlook, that would result in an unneighbourly relationship with the adjoining property. a 0001598 Planning permission GRANTED to erect a single storey extension. 15/02/2001.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 13 The main issues to be considered in respect of this application are:
- a) the impact of the development on the amenity of nearby dwellings
  - b) the design of the proposed dormers and whether they would preserve or enhance the character and appearance of the conservation area

## **Planning policy**

### Saved Southwark Plan Policies 2007 (July)

- 14 3.2 'Protection of amenity'  
 3.12 'Quality in design'  
 3.13 'Urban design'  
 3.16 'Conservation areas'

Dulwich Village Conservation Area Appraisal (2006)

Residential Design Standards Supplementary Planning Document (2008)

### Core Strategy

- 15 Strategic policy 12 'Design and Conservation'  
 Strategic Policy 13 - High Environmental Standards

### **Principle of development**

- 16 There is no objection to the principle of erecting dormers at this location. There would be no conflict with policy.

### **Environmental impact assessment**

- 17 Not required.

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

- 18 Policy 3.2 seeks to ensure development would not harm the standard of amenity for occupiers nearby.

19 Visual amenity

Concerns were raised that the dormers would be too wide, have windows out of proportion and that proposed detailing and materials would result in harm to visual amenity.

- 20 A detailed assessment has been provided under the 'design' and 'conservation' section of this report.

21 Daylight and sunlight/Privacy

No issues identified. No objections received.

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

- 22 No impacts identified. The site and the surrounding area would remain in residential use.

### **Traffic issues**

- 23 No impacts identified.

### **Design issues**

- 24 Policies 3.12 and 3.13 require development to be of high standard of architectural design and to relate well to surrounding dwellings.
- 25 Concerns were raised that the design, scale, bulk and massing of the proposed roof dormers would harm the character and appearance of the Conservation Area. More specifically that they would be too wide and lack appropriate detailed design. It was also suggested that north most dormer should be pitched and the southern dormer replaced by a conservation roof light similar to one approved at 16 Gilkes Crescent.
- 26 Amendments were received in response to concerns reducing the width and scale of the dormers and amending the materials that would be used for their construction. Both dormers would retain flat roofs but have a much narrower width and proportions, and be clad in lead and have white fascia trims.
- 27 It is accepted the dormer at 16 Gilkes Crescent conforms with design guidance and is of a good standard of design. However that development does not preclude alternative approaches to roof extensions in this area. Guidance in the councils design guidance requires proposals to firstly relate well to the host dwelling and have regard local context to achieve good design.
- 28 There is no objection to the dormer having a flat roof at this location as similar designs were observed at 25, 23, 17 and 15 Gikes Crescent. While flat roofs are no efficient, in terms of rainwater, they are prevalent on this side of Gilkes Crescent and would be considered acceptable in accordance with design guidance as they would appear similar to dormers on either side.
- 29 The amended materials would now comply with adopted design guidance and appropriately respond to the character of the conservation area. Their appearance would be acceptable in design terms and comply with policy.
- 30 There are no objections to the proposed roof lights, which while facing the public highway would be obscured by large trees. Nowwithstanding this, their appearance is unlikely to result in harm to visual amenity.
- 31 There are no objections to the proposed roof lights, which while facing the public highway would be obscured by large trees. Nowwithstanding this, their appearance is unlikely to result in harm to visual amenity.

**Impact on character and setting of a listed building and/or conservation area**

- 32 Policy 3.16 Conservation areas requires development to preserve the character and appearance of the conservation area. As noted in the design section of this report the proposal has made an acceptable response with regard to its materials and its immediate context. In this regard the development would preserve the character and appearance of this part of the Dulwich Village conservation area.
- 33 Policy HE7.2 of PPS5 requires local planning authorities to take into account the nature of the significance of a heritage asset and the value that it holds for this and future generations. As the site is in Dulwich Village conservation area regard has been given to the adopted Conservation Area Appraisal
- 34 The appraisal document makes no particular reference to the character of dwellings along Gilkes Crescent, which is typically residential and of varied detailed design. The dormers would not be visible from the street and in terms of their general design relate well to the dwelling and its surroundings. For this reason the proposal would preserve the character and appearance of the conservation area and comply with policy HE7.2



of PP5, the Dulwich Village Conservation Area Appraisal and saved policy 3.16.

#### **Impact on trees**

35 No trees would be affected by this proposal.

#### **Planning obligations (S.106 undertaking or agreement)**

36 Not required.

#### **Sustainable development implications**

37 The development would improve the quality of residential accommodation and result in an addition that would harmonise with the character of the dwelling at its setting within the conservation area. For this reason the proposal would accord with policy and is considered sustainable in accordance with the Core Strategy 2011.

#### **Other matters**

38 Comments were made that drawing 191-12 does not show the garage on the land of 23 Gilkes Crescent correctly nor the driveway in front of No. 21. It is accepted that the relationship of the adjoining site is not shown correctly on the plans but that the plans are considered accurate in terms of the site that would be developed and that the identified inaccuracy has been taken into account, and no considered such that it would prejudice the assessment of the proposal.

#### **Conclusion on planning issues**

39 After careful consideration, the design of the scheme has been amended to overcome concerns and would harmonise much better with the character of the dwelling. It would achieve a high standard of design and comply with policy. It has appropriately responded to the local context where there are a number of much wider flat roof dormers and on balance would preserve the character and appearance of the dwelling. The proposal would comply with the relevant saved policies of the development plan and for this reason is recommended for approval.

#### **Community impact statement**

40 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.

41 a) The impact on local people is set out above.

#### **Consultations**

42 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

#### **Consultation replies**

Details of consultation responses received are set out in Appendix 2.

43 Summary of consultation responses

Letters of objection were received from 14 and 19 Gilkes Crescent and the Conservation Area Advisory Group. A letter detailing comments was received from 23

Gilkes Crescent.

### Human rights implications

- 44 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 45 This application has the legitimate aim of providing additional residential accommodation in connection with a residential dwelling house. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

- 46 None.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2301-21 Application file: 11-AP-1034 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5461 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

### AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Daniel Davies, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	7 July 2011	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No.	None received.
Strategic Director of Regeneration and Neighbourhoods	No.	None received.
Strategic Director of Environment and Housing	No.	None received.
<b>Date final report sent to Community Council Team</b>		15 July 2011

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 05/05/2011

**Press notice date:** 21/04/2011

**Case officer site visit date:** 05/05/2011

**Neighbour consultation letters sent:**

27 April 2011

**Internal services consulted:**

Design and conservation team.

**Statutory and non-statutory organisations consulted:**

Conservation Area Advisory Group (CAAG)

**Neighbours and local groups consulted:**

61 Carlton Avenue

63 Carlton Avenue

59 Carlton Avenue

19 Gilkes Crescent

23 Gilkes Crescent

**Re-consultation:** Not required

**APPENDIX 2****Consultation responses received****Internal services**Design and conservation team:

No objection in principle, but recommend a reduction in width and height of dormers to three and two panes wide.

**Statutory and non-statutory organisations**Conservation Area Advisory Group - Objection to the design of the dormers

## Comments :

A proposal to enlarge a nice late Arts and Crafts house built circa 1925. The design proposed here is not very sympathetic. The proposed kitchen extension seems too large for the scale of the existing house as does the proposed new dormers to the roof. The designer need to look more carefully at the distinctive proportional character of the Arts and Crafts scene on the handsome Gilkes Crescent. Typically narrower and taller proportions used in contrast to the more spreading proportions shown on this proposal.

**Neighbours and local groups**

Letters of objections were received from:

14 Gilkes Crescent:

The main concerns were that:

- 1) The dormers would be too wide; and
- 2) That the windows would be out of proportion to the space on the roof

19 Gilkes Crescent:

The main concerns were that:

1) the design, scale, bulk and massing of the proposed roof dormers would harm the character and appearance of the Conservation Area. More specifically that it would be too wide, would occupy more than 32% of the rear roof space and that one of the dormers should be replaced by a conservation roof light. In addition to this comments were made that design, detailing and materials of the dormer would be considered unacceptable and out of character with the area and that concrete tiles would compromise the integrity of the host dwelling.

Comments were received from:23 Gilkes Crescent

That drawing 191-12 does not show the garage on the land of 23 Gilkes Crescent correctly nor the driveway in front of No. 21.

That the dwelling appears further forward in relation to the garage extension that it does in reality. That part of the site, as drawn, appears to cut across the front garden at No. 23.

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## RECOMMENDATION

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

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<b>Applicant</b>	Mr B Cook	<b>Reg. Number</b>	11-AP-1034
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2301-21
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Erection of two dormers at the rear and two rooflights to dwelling house (Use class C3)

**At:** 21 GILKES CRESCENT, LONDON, SE21 7BP

**In accordance with application received on** 01/04/2011 08:00:27

**and Applicant's Drawing Nos.** Site location plan; 191-100, 191-101, 191-102, 191-103, 191-104, 191-105, 191-106C, 191-107F, 191-108D, 191-109B, 191-110, 191-111A, 191-112 E; DESIGN AND ACCESS STATEMENT.

**Reasons for granting planning permission.**

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

- a] Strategic Policy 12 - Design and Conservation which requires the highest possible standards of design for buildings and public spaces and Strategic Policy 13 - High Environmental Standards which requires developments to meet the highest possible environmental standards of the Core Strategy 2011.
- b] Saved Policies 3.2 (Protection of amenity) which advises that permission will not be granted where it would cause a loss of amenity); 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design, 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments and 3.16 (Conservation Areas) states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials, of the Southwark Plan (July 2007).
- c] Residential Design Standards SPD (2008).
- d] Dulwich Village Conservation Area Appraisal (2006)
- e] Planning Policy Statement 5 - Planning for the historic environment

Particular regard was had to the design of the scheme, its impact on the character and appearance of the dwelling and surrounding conservation area and its impacts on the amenity of the adjoining properties. It was considered that the scheme would be not have any impacts that would be such that they would warrant refusal and 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.

**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 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 191-106C, 191-107F, 191-108D, 191-109B, 191-110, 191-111A, 191-112 E.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 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.

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 Strategic Policy 12 - Design and Conservation, Strategic Policy 13 - High Environmental Standards of The (Draft) Core Strategy 2011 and Saved Policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.16 'Conservation areas' of the Southwark Plan (2007).

<b>Item No.</b> 7	<b>Classification:</b> Open	<b>Date:</b> 28 July 2011	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>Development Management Confirmation of Tree Preservation Order 397:</b>  <b>Address:</b> Land to the rear of 160 to 192 Friern Road and to the rear of 153 to 163 Barry Rd  <b>Proposal:</b> Confirmation of a Tree Preservation Order in respect of various native and other trees.		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		

## PURPOSE

- 1 To confirm the protected status of trees which are subject to a provisional tree preservation order.

## RECOMMENDATION

- 2 Confirm the provisional Tree Preservation Order in its entirety.

## BACKGROUND

### Site location and description

- 3 The site is an unused area of open space to the rear of gardens on Friern Rd which adjoins a strip of land behind rear gardens on Barry Rd. Both sites are characterised by self seeded young and mature trees together with characterful domestic pear trees associated with former orchard cultivation.

### Planning history

- 4 Rear of 190 Friern Road planning application 10-AP-2526 for permission to build a 2-storey plus basement dwelling house (Use Class C3); off street parking for 2 cars; access alongside no. 190 Friern Road and house located behind 178-190 Friern Road was withdrawn following recommendation for refusal due in part to the unacceptable loss of trees protected with a woodland TPO.

TPO number 384 was raised following a request from local residents and Cllr Jonathan Mitchell on behalf of local residents to ensure valuable wildlife habitat was protected, which appeared to be threatened by development proposals. As part of this request trees at the adjoining site to the rear of Barry Road were also included.



A provisional Tree Preservation Order number 384 was raised on the 21<sup>st</sup> June 2010. This was not confirmed following receipt of objections from the owners of the trees. One objection in respect of the description of the trees was addressed and the Tree Preservation Order re-issued under number 397 on 14<sup>th</sup> March 2011 in order to more adequately define those trees worthy of protection.

Application number 11-AP-0006 proposes to develop the site via the construction of a single storey house and associated clearance and landscaping works. A number of trees are to be removed and planted as part of the development which will affect amenity and screening. On inspection of the site it appears that at some time in the past some trees have been removed from the rear of Barry Road. There are grounds to believe that the trees on this site are under pressure and without protection maybe removed.

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

#### **5 Land to the rear of 153 to 163 Barry Rd.**

Rear of 151 and 153 Barry Road 10-AP-0880 Planning permission was refused on 1/06/2010 for the demolition of garage at 153 Barry Road and erection of 2 x 2-bedroom and 2 x 3-bedroom semi-detached houses with 4 car parking spaces, cycle and refuse storage and associated landscaping at land to rear of 153 Barry Road, permission was refused for the following reasons;

- The location of the proposed vehicle access immediately adjoining 151 and 153 Barry Road would have an unacceptable impact on the amenity of these properties through the introduction of vehicle movements in close proximity to their windows and gardens.
- The proposed development, by reason of the limited separation distance between the two blocks of houses and resultant overlooking, together with the limited depth and level of amenity space for the 2-bedroom houses would provide poor levels of residential amenity for future occupiers of the proposed dwellings.

08-AP-1916 Planning permission was also refused for the erection of 4 x 3 bedroom houses with 4 parking spaces in November 2008. Permission was refused for the following reasons;

- The proposed 2- storey houses would result in an incongruous development that would display an unacceptable level of visual bulk and mass when viewed from 151 -165 Barry Road to the detriment of the amenity of these properties and the enjoyment of their gardens.
- The design and location of the proposed vehicle access way is inadequate in design to cater for the development including catering for pedestrian access and refuse collection and its location immediately adjoining the neighbouring property would have an unacceptable impact on the amenity of immediately adjoining residents.

06-AP-0833 - Re-development of land to the rear of 153 Barry Road to provide 3 new build houses single-storey (outline application); application assessing only siting of the dwellinghouses. Planning permission was REFUSED in March 2007 for the following reason:

*The proposed siting of the three residential units of the footprint and height proposed in this location would result in an incongruous development that would display an unacceptable level of visual bulk and mass out of character with the pattern of development in this area and to the detriment of the amenity of residents.*

Outline planning permission 06-AP-0310 for the development of the site for 6, two storey, semi-detached dwellings (seeking siting and access to be considered) was refused in April 2006 for the following reasons:

1. *The proposed siting of the double storey development would result in an incongruous development that would display an unacceptable level of visual bulk and mass when viewed from surrounding properties to the detriment of the amenity of residents,*
2. *The design and location of the proposed vehicle access way is inadequate in design to cater for the development including catering for pedestrian access and refuse collection and its location immediately adjoining the neighbouring property would have an unacceptable impact on the amenity of immediately adjoining residents.*

Outline planning permission was granted on 11 October 1982 for the redevelopment of 153 Barry Road and the land to the rear to provide a 3 storey building fronting Barry Road and 2 single storey houses to the rear (reference: TP/2596-M/TE). Details of the following were 'reserved':

- a) siting;
- b) detailed design;
- c) external appearance;
- d) extent and position of car parking and / or garages within the site (including width and position of any new vehicular access and the design and position of any new service road within the site);
- e) landscaping;
- f) boundary treatment.

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 6 Adverse impact on the amenity and biodiversity of the area due to the threat to remove individual trees and tree groups.

### **Planning Policy**

- 7 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

### **Arboricultural considerations**

- 8 Assessment of submitted arboricultural report

A tree strategy plan was provided on the 7<sup>th</sup> December following a site visit with officers,

the owner of land to the rear of Friern Road and their arboriculturist on November 24<sup>th</sup> 2010 (appendix 2).

An assessment of individual trees was undertaken and a plan agreed as a basis for further clarification as to which trees it was agreed could be preserved without objection.

The plan shows the location of individual specimens categorised according to the condition types listed with the relevant British standard (BS 5837: Trees in relation to construction). These describe trees in categories A to C according to their relative safe useful life expectancy, form and contribution to biodiversity. Category R trees are those which are assessed not to be worthy of retention.

Within the submitted plan (11-AP-0006 drawing number 0121 Revision D) a total of twenty five individual trees are categorised for removal (R). Seven of these are a type of evergreen Cypress which were planted as a hedge. These do not make a positive contribution to the character of the area, do not have a high biodiversity value and have outgrown their location to the detriment of other trees of greater worth. These are not included in the Order.

Tree T7 has since been felled as it was confirmed to be dangerous due to its poor condition and pronounced lean and this is therefore removed from the order.

Seventeen other trees are listed for removal (T12 to T21 inclusive, T23, T25 to T31 inclusive) which include a group of self sown Sycamore trees near the centre and western boundary of the site, together with single immature specimens of Oak and Willow. Trees T20, T21 and T25 to T31 inclusive are not considered worthy of retention due to inherent structural defects and instability due to their development on and within compacted refuse. Although of lower retention category value it is recommended that the remaining trees (T12 to T19 inclusive and T23) are preserved notwithstanding the owner's objection. Should development be permitted these trees may reasonably be replaced as part of the proposed replacement planting.

Three over-mature Pear trees are included for retention. These are likely to be remnant plantings from an orchard which is shown on historical maps for the site. Although they display some structural defects these are not so severe as to warrant removal and the trees' age, rarity, importance to wildlife and historical context make them of most importance for protection. Their preservation is agreed by the owner.

A number of category C trees are also shown to be retained, These are smaller Sycamore trees located on the eastern perimeter which screen the site from adjacent rear gardens along Friern Road and there is no objection to their preservation.

A large Lombardy Poplar tree is shown outside the site for retention as are trees of significant sizes within rear gardens. The plan does not show the trees to the rear of Barry Road that are in a different ownership.

Five trees are shown as replacement planting to provide screening. That is not a consideration for the purposes of deciding whether to preserve the existing trees.

9 Assessment of damage to property

None witnessed or indicated as relevant.

10 Assessment of amenity value

The trees provide major visual amenity due to their size, age, condition and rarity. The number of large trees, which are either fully or partially visible from rear gardens, make a significant contribution to the character of the area. Larger specimens and other native species also have high biodiversity value and as habitat for protected species.

## 11 Tree evaluation assessment for making Tree Preservation Order

Considerations:

- Although not fully visible to the public, the trees are a prominent feature to a large number of adjacent properties due to the extent of the site.
- Due to their height and size the trees are of some landscape value due to their presence within groups and as screening.
- A number of fruit trees are of historical value due to the previous land use for horticulture and as an orchard.
- The trees are characteristic of rear gardens which form important links for wildlife.
- There are also significant biodiversity benefits due to the density and age of mature trees. These features are not common outside of parks or other woodland the nearest of which are in Camberwell Old Cemetery and Peckham Rye Common.

The trees therefore have a significant amenity value.

The trees were assessed as attaining an overall score of 15 (out of a potential total 25) under the Tree Evaluation Method for Tree Preservation Orders (TEMPO), resulting in a decision guide indicating that the placing of a Tree Preservation Order is definitely merited.

It is important to note that although trees may individually be categorised as lower value, their contribution to a group as a whole will often merit retention due to their usefulness to screening, historical context, as wildlife habitat or in relation to the group's overall aesthetic appeal.

The tree numbers below relate to those in the Order a copy of which is attached as Appendix 2. They do not correspond to those surveyed in the owner's submitted arboricultural report. This is because that report did not number R category trees.

Tree numbers T1 to T9 form a discrete group of larger trees within the northern area of the site behind 168 to 190 Friern Road. This is comprised of mature self sown Sycamore trees of good to fair condition. Although leaning and of poorer form, tree number T7 is recommended for inclusion due to its contribution to the group, particularly in relation to screening, and the potential for this specimen to be pruned in order to reduce hazard. Should this tree need to be removed for safety reasons the TPO designation will secure a suitable replacement. This group is the most important in terms of biodiversity and landscape due its size and maturity.

Tree numbers T10 to T19 form a second group near the centre of the site. These are smaller and lesser condition trees. Trees T10, T11, T14 and T15 are of particular value for screening as are T23, T24, T32 and T33. Trees T13, T16, T17, T18, T19, T20 and T21 are important for the cohesion of the group. This group also includes a small Plum tree T12.

A third sub-group is centred around a large domestic Pear tree T22 which has the highest value of any individual tree for retention.

A final group of Sycamore and an Oak tree is located to the southern boundary comprising trees T25 to T30.

Two other mature Pear trees are located on the boundary at T34 and T35 near to recently planted Fig trees T36 and T37.

Lastly for this site, two mature trees which contribute to the woodland site are included at locations on the boundary outside the site (T38 and T39). Although Lime tree T39 is of relatively poor form with significant defects it is not immediately hazardous and may either be managed as a pollard or removed and replaced.

Finally, tree group G1 consists of ten semi-mature Sycamores to the rear of garden fencing at 153 to 163 Barry Rd. This strip of trees is a remnant of woodland similar to that at 168 to 190 Friern Road before the site was cleared for a proposed development which was subsequently refused. Apart from its contribution to wildlife habitat the trees offer a buffer or screen between the rear gardens and any future development that might be permitted on this site.

Those trees not specifically identified, contribute to the group as a whole, and screen the rear gardens of the area thereby contributing to its leafy character. They constitute a substantial area of woodland which is comparatively rare and therefore of value in an urban/suburban location.

### **Consultations**

- 12 The following points have been made in support of the Tree Preservation Order

155 Barry Road

The trees substantially add to enjoyment of the local environment

They add shade to local gardens

They provide screening around the local gardens

There are not that many trees in the area between Barry Road and Friern Road

They add to the biodiversity of the local area

Ground Floor 190 Friern Road

Since 2006, 4 planning applications have been submitted for the land behind 153 Barry Road which was an old orchard and market garden. Almost all trees were subsequently removed and the land has been left bare of the trees and other flora and fauna it supported, affecting the wider environment as well as the general amenity of the area's inhabitants.

Since 1985 there have been 10 formal planning applications or unique approaches to develop the land behind Friern Road. Each application/enquiry has been refused or rebuffed in clear terms, or withdrawn. I feel strongly that unless a TPO is applied to all (or at least all significant/meritorious) trees on both parcels of land, we will continue to live under the threat that prospective developers will be tempted to do as the owner of 153 Barry Road has done, and clear the land in advance of being granted planning permission, when there is absolutely no guarantee that it ever will.

I do not feel this overly prejudices any landowner in terms of development, as any particular tree(s) covered by the TPO may of course be felled under the authority of detailed planning permission (ideally with the tree being replaced).

For the reasons set out above, I fully support the provisional order being confirmed.

The Council may wish to consider the wider merit of retaining (so far as remains possible) the habitat as a 'green lung' habitat in this part of London, something a TPO would presumably foster.

178 Friern Road

We have lived on Friern Road for the last eight years and our garden backs on to this space. We chose to live in this house partly because of the garden and the protection the wooded area at the end of the garden provided.

This green space is a natural haven for a variety of forms of wildlife. Birds nesting, squirrels, foxes, stag beetles as well as bats have all been personally sighted by us in this area. The trees directly behind our property are mature Sycamore trees over 40 feet tall and provide both a sanctuary for wildlife but also a screen from other neighbours. At ground level there are wild flowers, fungus and dead wood for stag beetles and other insects. Removal of these trees and shrubs would harm the local sustainability of these species.

We make substantial use of our outdoor space with our two young children and would be greatly affected by the removal of these trees. We are fortunate enough to have a private green sanctuary which is not overlooked or subject to noise and this will be lost if these trees are removed. There are so few green spaces like this left in this area because of the high level of building activity that it is important to fight to keep them and within the local community we feel very strongly about this. The site provides tranquillity and space in an area surrounded by housing as well as providing protection from the mass of buildings around. This would be lost if the trees were removed and would have an unacceptable impact on the amenities of the local properties. This would also increase the light pollution at night.

Removal of trees could affect the drainage of the land. The drainage is naturally managed now but the area could become water logged with the removal of the trees as occurred in the land adjacent on Barry Road.

We urge the council to keep the preservation order in place in full and to do all it can to protect what local biodiversity we have.

182 Friern Road

The TPO should be kept in place as the area provides habitat for other wildlife including birds, bats and stag beetles.

The area has an historical connection to Friern Manor dairy farm and orchard.

The trees act as a 'lung' between houses and reduce noise.

The trees are supported in their growth by an underground stream at this location.

They provide significant enjoyment and amenity.

The following objections to the previous order were received :

153 Barry Rd

a) The trees are incorrectly labelled and identified.

b) There is no evaluation as to the trees worthiness for protection.

c) Lack of an assessment on the effect of tree retention and potential subsidence to properties.

d) Interference with the right to enjoy private property and unreasonableness due to the delay in making the order.

Rear of 168 – 190 Friern Rd

e) A permanent TPO which includes certain self seeded, poor form and hazardous trees is not necessary. Poor condition trees should be removed and replaced in suitable locations using native species.

f) The site has been unmaintained for many years and has been used as a fly tipping ground. The removal of dangerous and noxious waste would be hampered by a permanent TPO. The presence of this waste also underlines the unsuitability of the land for permanent protection- it is not a pristine environment.

### **Officer's response**

13 a) A new Tree Preservation Order has dealt with these issues.

b) The new Tree Preservation Order has amended identification to individual trees and this report records how those trees have been assessed both individually and collectively. Factors taken into account include:

1. Visibility of the tree, on the street and in its local area
2. Species, rarity, whether it is indigenous, value to local biodiversity
3. health of tree, whether it displays any ill health
4. Lifespan of tree, etc

Whilst it is acknowledged that individual trees vary in quality collectively they make a significant contribution to the amenity of the area and are worthy of preservation.

c) The requirement to assess the impact on nearby buildings is unnecessary given the distance away from properties (26m) which are beyond the maximum likely zone of influence of tree roots. There is no evidence of damage or risk to the boundary wall.

d) It is acknowledged that it has taken time to bring this matter to a conclusion that has been due to the need to better identify the trees in question and to allow time for inspection of the trees by those Members who wish to prior to reaching a decision. The delay in confirming the order is within the six month period of the current provisional Tree Preservation order No 397.

e) Although trees may individually be categorised as lower value, their contribution to a group as a whole will often merit retention due to their usefulness to screening, historical context, as wildlife habitat or in relation to the group's overall aesthetic appeal. Should trees be assessed as presenting an unacceptable risk these may be removed on condition that appropriate replacements, including native species, are planted.

f) No restriction is imposed which would prevent the removal of hazardous material where this does not damage protected trees. Work to remove such material has been undertaken. If evidence is provided that a tree needs to be removed to remedy contaminated land that matter can be considered separately on its own merits. An environment does not need to be pristine for trees to be worthy of preservation. In this instance the scarcity of woodland whether pristine or otherwise in the area has been a factor in assessing these trees importance to the local area.

## 14 Conclusion

Should the TPO not be confirmed there remains an immediate threat of the trees being removed. Protection is lost after the provisional six month period elapses. The trees are not protected by another designation since they are not within a conservation area.

The amount of tree and canopy cover within rear gardens has historically been under increasing pressure resulting in gradual and significant loss.

Since details of individual trees worthy of protection have now been clarified it is therefore reasonable to proceed to confirm the Tree Preservation Order.

If adequate information to support removal is received in future the need for removal or pruning work can be reassessed in respect of individual trees.

It is open to Members to vary the Tree Preservation Order by removing some trees from it, if they do not accept in full the recommendation to confirm the Tree Preservation Order

## COMMUNITY IMPACT STATEMENT

15 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.

16 The impact on local people is set out above; there will be a loss of biodiversity, screening and visual amenity if the trees are removed.

The European Convention of Human Rights requires public authorities such as the Council to have regard to individuals Human Rights as well as pursuing legitimate policy objectives such as protection of the environment.

In this instance the right to enjoy ones possessions under Article 1 of the first Protocol and the right to a private life, family and home within Article 8 maybe engaged. It is considered that whilst these rights maybe engaged they may apply to both tree owners and adjacent residents and do not compel the authority to determine this matter either way, but instead should be considered with the planning and environmental considerations identified in the report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Tree Preservation Files Planning Application Files	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403/2090 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov .uk</a> Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>



**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Oliver Stutter, Senior Planner, Urban Forester	
<b>Version</b>	Final	
<b>Dated</b>	7 July 2011	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No.	None received.
Strategic Director of Regeneration and Neighbourhoods	No.	None received.
Strategic Director of Environment and Housing	No.	None received.
<b>Date final report sent to Community Council Team</b>		15 July 2011

## **APPENDIX 1**

### **Consultation responses received**

#### **Internal services**

Legal

#### **Statutory and non-statutory organisations**

None

#### **Neighbours and local groups**

Supporters

Ground Floor 190 Friern Road

178 Friern Road

182 Friern Road

155 Barry Road

Objections

Mr Jake Edgley Rear of 166 to 190 Friern Road

Mr Abdul Waheed 153 Barry Rd

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

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