

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.1	OPEN	15 December 2010	Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-1015 for: Full Planning Permission  <b>Address:</b> 64 WORLINGHAM ROAD, LONDON, SE22 9HD  <b>Proposal:</b> New two bed dwelling house on ground, first and second floors located in between no's 64 and 66 Worlingham Road.		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 05/05/2010		<b>Application Expiry Date</b> 30/06/2010	

### **RECOMMENDATION**

- 1 To grant planning permission, subject to conditions.

### **BACKGROUND INFORMATION**

- 2 To consider the application which has received 6 objections.

#### **Site location and description**

- 3 The site is located at a bend in the road and occupies the land between two semi-detached dwellings. The dwellings are brick built but have differing architectural styles: 66 having projecting bays, gable ends and constructed from red brick; 64 constructed from yellow stock brick, having chamfered bays and a hipped roof in terracotta tile.
- 4 The surrounding area is typically residential and a short walk from Lordship Lane, Goose Green and East Dulwich Station.
- 5 The site has a PTAL of 4 and is within a controlled parking zone.
- 6 The building is not listed, but is not located within a conservation area.

#### **Details of proposal**

- 7 The proposal seeks permission to erect a new dwelling house that would occupy a site between 64 and 66 Worlingham Road.
- 8 The dwelling would be three storeys having the following internal floor areas:  
  
 Ground floor: 34 sq m  
 First floor: 21 sq m  
 Second floor: 17 sq m
- 9 It would also provide a rear garden measuring 50 sq m and a balcony/terrace area of

2.85 sq m.

- 10 The ground floor would provide a main living area/kitchen. There would be a staircase at the front of the house leading up to the first floor bedroom and second floor bedroom/study area with roof terrace.

### **Planning history**

- 11 None of relevance.

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

#### **63 Worlingham Road**

- 12 No planning history of relevance.

#### **66 Worlingham Road**

- 13 No planning history of relevance.

#### **40 Crystal Palace Road**

- 14 0000087 Planning permission was GRANTED on 24/03/2000 to retain a front porch to dwelling house.

### **KEY ISSUES FOR CONSIDERATION**

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

- 15 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) impact on the amenity of nearby occupiers
  - c) design

#### **Planning policy**

- 16 Southwark Plan 2007 (July)
- 3.2 'Protection of amenity'
  - 3.4 'Energy efficiency'
  - 3.7 'Waste reduction'
  - 3.11 'Efficient use of land'
  - 3.12 'Quality in design'
  - 3.13 'Urban design'
  - 4.2 'Quality of accommodation'
  - 5.2 'Transport impacts'
  - 5.3 'Walking and cycling'
  - 5.6 'Car parking'

#### **Principle of development**

- 17 The scheme would have a density of 250 habitable rooms per hectare and in this respect in accordance with density standards in the Southwark Plan. There would therefore be no objection to the scheme provided it would positively respond to the constraints of the site and its surroundings; have acceptable amenity effects and

provide a good standard of amenity in accordance with the relevant saved policies of the Southwark Plan (2007).

### **Environmental impact assessment**

18 Not required.

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

19 Policy 3.2 seeks to protect the standard of amenity for adjoining occupiers which is particular concern as objectors have indicated that the development would result in an unacceptable loss of light. This section of the report will explain the considerations given when evaluating the proposals impact having regard to representations submitted by neighbours and guidance in the Residential Design Standards Supplementary Planning Document and the Building Research Establishments (BRE) daylight and sunlight tests.

20 Guidance in the Residential Design Standards Document is based on a 'good practice guide' published by the BRE. It seeks to ensure good conditions in the local environment and ensure that there is enough sunlight and daylight on or between buildings for good interior and exterior conditions.

21 To measure the impact of new development on neighbouring properties the analysis has focused on 2 particular tests:

i) the daylight test

ii) the sunlight test

22 *The daylight test*

With regard to the objections received, rear windows at 42, 44 Crystal Palace would face the affected development. The test required to be used in this instance is the 25 degree angle test. In assessing the impact of the scheme, a line was drawn on plan at a 25 degree angle up towards the development. The principle of the assessment technique is that where the proposed development is higher than the 25 degree line, there may be an unacceptable loss of daylight to the affected window.

23 The line drawn, intersected at a point marginally below the ridge of the main roof at 64 Worlingham Road but did not intersect with the roof of the proposed new dwelling. This is largely because the height of the ridge of the proposed new roof would sit at a lower level than established roof forms either side. In this respect the design of the scheme minimises any impact in terms of daylight and sunlight and would be in accordance with the councils Residential Design Standards Supplementary Document and would not result in an unacceptable loss of light.

24 Objections were also raised by occupiers at 66 Worlingham and 50 Crystal Palace Road, each of which would have windows located at a right angle to the proposed development. The test required in this instance is the 45 degree angle daylight test requiring a line to be drawn at 45 degrees upwards from the centre of the affected window towards the property. In assessing the impact of the scheme in this way, the assessment seeks to determine if the proposed development would affect daylight and sunlight by reason of the developments width and height to that extent that it would result in an unacceptable loss of daylight to the affected windows. The assessment in this instance focused upon the impact at windows at 66 Worlingham Road based on the assumption these would be most affected, owing to its proximity to the proposed development.

- 25 The line drawn would not intersect any part of the proposed dwelling, particularly as its design is such that it sits flush with the first and second floor building line at 66 and 64 Worlingham Road. While the proposed scheme would project further than the building line at ground floor level, it would not intersect the 45 degree angle line and so in this respect the design of the scheme would be such that it would not create unacceptable impacts on neighbours.
- 26 The same 25 degree and 45 tests are used to assess the impact of development on sunlight. In this regard, the effects of the scheme were also considered to be acceptable and would not result in harm.
- 27 Both these assessments demonstrate that in planning terms the scheme would meet the technical requirements set out in the council guidance and BRE best practice. However due regard was also be given to the qualitative concerns raised by objectors and the specific context of the site and the proposed relationship between the existing and proposed new dwellings.
- 28 Two objections were concerned that the impact of the scheme would be most felt both in the morning and early evening (42 and 44 Crystal Palace Road). The concern was that the visual break between properties at 66 and 64 Worlingham provides a level of amenity that, in the event of approval would be harmed.
- 29 The specific gardens under consideration in this instance are west facing benefiting from modest views between 64 and 66 Worlingham Road. The important factor here being the vertical sky component and the quality of the view and corresponding level of daylight received at those affected windows.
- 30 In establishing the existing relationship it was observed that views from affected windows are already limited by the width and height of properties on Worlingham Road and the irregular corner plot relationship between these dwellings and the ridge height of roofs beyond Worlingham Road. These factors form an important in contextualising assessment to enable a judgement to be made on the effect of the new dwelling on the views and daylight enjoyed by occupiers, particularly at 42 and 44 Crystal Palace Road.
- 31 The proposed ridge height would be approximately 2 metres above the height of existing roofs that already limit views and daylight and sunlight to properties on Crystal Palace Road. However these properties would retain views of the sky and receive good levels of daylight and sunlight, particularly when we consider the outcome of the daylight test set out in good practice. After careful consideration, it was considered that the level of amenity that would result , in the event of approval, would be in accordance with guidance on the Residential Design Standards SPD. In this respect, the proposal was not considered likely to cause harm to the extent that would warrant the refusal of planning permission.
- 32 Loss of privacy  
Concerns were raised that the scheme would result in the loss of privacy, particularly as a result of the proposed balcony area.
- 33 The balcony would be at third floor level, between the top floor and the side of the hipped roof at No. 64 Worlingham Road. It is accessed from the study and forms a narrow outdoor terrace of, 2.85 sq m. Both ends of the terrace area have been set back 1.2 metres and would have screens, removing views and the potential for overlooking toward properties at the front and rear of the proposed dwelling as shown on drawing WR (00)04 P4. For these reasons the balcony area is not anticipated to result in an unacceptable loss of privacy, however a condition requiring the materials of the screen to be obscure glazed is recommended to safeguard the standard of

privacy.

- 34 At first floor level, the proposed dwelling would have a rear bedroom window that would have views towards the rear gardens of dwellings on Crystal Palace Road. These views would be similar to those from 64 and 66 Worlingham, although narrower owing to the position of the window between both adjoining dwellings. While the views from this window would not be dissimilar to those at first floor level either side of the dwelling, the distance of this windows from the closest rear window on Crystal Palace Road is 14 metres which is less than the 21 metre minimum distance recommended in the Residential Design Standards SPD. After careful consideration, it was considered that the shortfall in distance could be mitigated by way of a condition if the window under consideration were to be obscure glazed and non-opening upto a height of 1.7 metres in the first floor bedroom. This would mitigate any loss of privacy and ensure that garden areas are not overlooked from the new dwelling house.
- 35 Based on this analysis, the scheme would on balance have an acceptable impact in terms of daylight and sunlight and privacy and would be in accordance with policy 3.2.

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

- 36 The development is located within a residential area and intended for occupation by a couple or small family. Nearby uses are also residential and include a nearby school, and various other local convenience outlets along Lordship Lane and Goose Green. Taking this into account there, are no concerns that the nearby amenity uses would adversely affect occupiers of proposed development.

#### **Traffic issues**

- 37 The site benefits from good access to public transport (PTAL of 4) and is not located within a controlled parking zone.
- 38 While no details have been provided of plans to accommodate a vehicle, the site is limited in size and any occupiers likely to use on-street car parking. Concerns were raised by residents that the development would put pressure on local parking facilities. However, owing to the modest size of the dwelling its is unlikely that vehicles used by future occupiers would significantly impact on the operation and safety of the surrounding highway network, particularly as it not a controlled parking zone. Notwithstanding this, no objections were received from the Southwark Transport Team to this proposal.
- 39 Concerns were raised that the scheme would not provide dedicated facilities for bicycles or wheelchairs. While wheelchair adaptable housing is encouraged, there is no requirement to make this provision on a small scale scheme that would provide a single dwelling. In terms of bicycle parking, it is considered that there would be sufficient space in either the front or rear garden space to accommodate cycle storage in accordance with policy.
- 40 For these reasons there are no concerns that the proposal would result in traffic issues and would be compliant with policies 5.2 and 5.3

#### **Design issues**

- 41 The proposal would provide a single dwelling on a plot within a residential area infilling the gap between two existing houses. In this respect development is required to respond to the site and its context, having particular regard to height, scale and

massing and alignment in accordance with guidance point 3.9 of the Residential Design Standards SPD.

- 42 From the front the design of the dwelling is contemporary having horizontal timber louvers and glass paneling along its vertical plane. The stair case is expressed as a curved vertical glazed element, set slight back from the front of number 66. Between the stair element and number 64 is the entrance door, which would be timber and slightly set back. While timber would contrast with the dominant brick character of nearby dwellings, the development has sought to respond its adjoining dwellings through the continuation of horizontal bands, broadly in line with the brick work at and the appearance of a traditional door and proportions of window at first floor level.
- 43 While objections were received regarding the use of timber and its appearance in the context of surroundings, it considered that the scheme development would successfully respond to the contrasting heights, architectural detailing and alignment of each adjoining property to achieve a design solution that is very much contemporary within a traditional setting.
- 44 The development would in large part appear 'light weight' and not dominate the properties either side and in this respect not considered to detract from the appearance of adjoining houses or their contribution to the street scape.
- 45 There is no presumption against the contemporary design of dwellings, even where there is a dominant material type or architectural style. Guidance does however seek to ensure design solutions positively respond to the local context and does not create visual amenity concerns. The scheme would on the contrary be an innovative addition in terms of infill development and appropriate in terms of its height, scale and massing in the context of adjoining sites, however a condition is recommended to ensure that timber and glazing used along the front elevation would be submitted and approved in writing by the local planning authority before any development commences in the interest of safeguarding visual amenity.
- 46 To the rear the development would be vertically aligned with the rear wall of each adjoining property, and finished in white render. It would create a garden of 50 sq m in and erect a timber fence of 1.8 metres to which there is no objection.

#### Quality of accommodation

- 47 The dwelling would provide a large open plan kitchen and living area and two bedrooms. The kitchen, bedrooms bathroom and living area would all exceed the minimum requirements set out in the Residential Design Standards SPD 2008 and so in this regard the development would provide a good quality of residential accommodation.
- 48 It would have a garden of approximately 50 sq metres which would meet the minimum set out in the Residential Design Standards SPD 2008 and therefore would be acceptable.
- 49 Following an analysis of the plans it is considered that there would be ample room within the curtilage of the dwelling to accommodate waste storage facilities and there are no immediate concerns that its design would prejudice the implementation of sustainable waste management practices on site. Notwithstanding this, a condition requiring details of domestic refuse storage to be submitted and approved in writing is recommended.

#### Energy

- 51 Policy 3.4 seeks to ensure all development are designed to maximise energy

efficiency and to minimise and reduce energy consumption and carbon dioxide emissions. While the applicant has not provided information on the specific measures that would help contribute towards minimizing the consumption of the dwelling the proposal will need to be built in accordance with current building regulations and in this respect is likely to perform to a better environmental standard than other nearby houses. For this reason, there are no objections to the design of the proposal.

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

52 None.

#### **Impact on trees**

53 None.

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

54 Not required as the scheme falls below the threshold for a s106 contribution.

#### **Sustainable development implications**

55 The proposal would result in the creation of a residential dwelling on previously developed land, and in this respect would be considered sustainable.

#### **Other matters**

56 There was a concern that the development would result in the loss of space for emergencies in the event of fire. It has been assumed that the space referred to would be the gap between the dwellings, which is in formal ownership of occupiers at 64 Worlingham Road. Occupiers at this site have not indicated that this space is or has been used as an emergency access point nor are there any formal records to indicate that the site has been formally designed or designated for that use.

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

57 The proposal would provide a new dwelling within a residential area that, although contrasting in appearance, would have a minimal impact on amenity to nearby dwellings, provide good quality residential accommodation and positively contribute to the streetscene at this part of Worlingham Road. On balance, it is considered that the benefits of providing quality residential accommodation and an interesting addition to the streetscene would outweigh the impact on views from the rear from Crystal Palace Road which after careful consideration would be acceptable in accordance with guidance in the Residential Design Standards SPD and BRE best practice. For this reason it is recommended that this proposal is approved.

#### **Community impact statement**

58 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.

#### **Consultations**

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

### **Consultation replies**

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

61 Summary of consultation responses  
11 responses from 6 objectors.

### **Human rights implications**

62 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.

63 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**

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

64 None received.

### **REASONS FOR LATENESS**

65 Not applicable.

### **REASONS FOR URGENCY**

66 Not applicable.



## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2665-64 Application file: 10-AP-1015 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquires telephone: 020 7525 5403 Planning enquires 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>	5 November 2010
<b>Key Decision</b>	No.

### CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER

Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	None.	None received
Strategic Director of Regeneration and Neighbourhoods	None.	None received.
Strategic Director of Environment and Housing	None	None received.
<b>Date final report sent to Constitutional / Scrutiny Team</b>		6 December 2010

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 21/06/2010

**Press notice date:** Not required.

**Case officer site visit date:** 21/6/2010 (accompanied)

**Neighbour consultation letters sent:** 12/05/2010

#### Internal services consulted:

Design Surgery  
Transport Planning

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

None.

#### Neighbours and local groups consulted:

As listed in IDOX Enterprise.

**Re-consultation:** 22/07/2010, 26/07/2010 and 13/10/2010.

**Consultation responses received**

**Internal services**

Design Surgery - Raised concerns regarding the initial submitted scheme citing concern regarding its design. Following amendments received on the 14th July and 8th October 2010, they were of the opinion that the design concerns had been resolved and recommended that the proposal be put forward for approval.

**Statutory and non-statutory organisations**

None received.

**Neighbours and local groups**

11 Letters of objection received from 6 objectors:

44 Crystal Palace Road (1)  
50 Crystal Palace (1)  
66 Worlingham Road (1)  
42 Crystal Palace Road (2)  
53 Crystal Palace Road (1)

Main issues raised were that proposal would result in:

- Loss of daylight and sunlight (42,44,50,66)
- Overlooking and loss of privacy as result of balcony area (42, 44)
- A visually overbearing development (66)
- Materials that would appear incongruous with the surrounding buildings and detract from the character of the street scene (42, 44)
- Pressure on parking provision in the area and the loss of an off street parking space (42 44,)
- The loss of space for emergencies in the event of fire (42, 44)
- Loss of a green area (42)
- Overdevelopment (42)
- Absence of facilities for bicycles or wheelchairs (42)