

Item No. 6.1	Classification: OPEN	Date: 13 January 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-2135 for: Full Planning Permission Address: SITE TO THE REAR OF 28 CRESCENT WOOD ROAD, LONDON, SE26 6RU Proposal: Redevelopment of 10 derelict garages on backland site into a single storey 3-bedroom family house with basement.		
Ward(s) or groups affected:	College		
From:	Head of Development Management		
Application Start Date 30/07/2010		Application Expiry Date 24/09/2010	

RECOMMENDATION

- 1 Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

- 2 This item is presented to Members of the Dulwich Community Council, as more than three letters of objection have been received.

Site location and description

- 3 The site lies within the Dulwich Wood Conservation Area and adjoins the boundary with a Grade II listed building at 41 Sydenham Hill. The original curtilage of no. 28 was subdivided at the rear and had a solid palisade fence demarcating the new boundary with a row of low level single storey garages at the back of the site. The site rises in level from the front of no.28 and adjoins the back gardens of nos. 40 Crescent Wood Road and 41 and 81 Sydenham Hill. The rear of the site is bounded by Leylandii trees in the rear garden of 41 Sydenham Hill and there are two Beech trees to the west.

Details of proposal

- 4 Planning permission is sought for the redevelopment of the site to provide a single family dwelling house laid out over two floors. The proposed dwelling would be designed in a 'U' shaped form and would include parking space and amenity space.
- 5 The proposed house would be located on the rear site boundary and would measure 17.375 m wide, 13.7m deep and 3.4 metres high, when measured from ground level. A portion of the dwelling would be over two floors with the creation of a basement on the shorter section of the building.
- 6 The dwelling would be constructed as an inward looking house, with the glazing in the centre of the 'u'. The basement glazing would be in the south-eastern corner of the building.

- 7 The main living accommodation would be located on the ground level and arranged to be largely open plan, whereas the basement would provide 3 bedrooms.
- 8 It is proposed to use timber with frameless windows, and the flat roof would be planted.

Planning history

- 9 Planning permission was refused (07/AP/2381) on 21/01/2008 for the redevelopment of the site into 5 x 3 storey residential dwellings. The proposal was refused for the following reasons;
1. The proposed development by reason of the cramped layout, excessive footprint in a confined space and lack of gardens for future occupiers would represent an overdevelopment of the site out of keeping with the urban grain and pattern of development in this part of the Dulwich Wood Conservation Area
 2. The development by reason of the proposed materials, extensive footprint, style, indistinct built form incorporating an overhang to the front elevation would fail to respect the character and appearance of the Dulwich Wood Conservation Area
 3. The proposed scheme fails to provide a good quality of accommodation by reason of the poor internal layout providing only one entrance / exit located to the front elevation and no provision of garden space for future occupiers
 4. The proposed development by reason of its location on the boundary of the garden of No. 79 Sydenham Hill Road would be detrimental to the enjoyment of the use of the garden of No. 79 Sydenham Hill Road and would unreasonable compromise the development potential of No. 79 Sydenham Hill Road
 5. The bin storage area by reason of its location in proximity to the proposed parking spaces and distance from Crescent Wood Road would lead to conflict with the proposed parking spaces and difficulty in accessing the bin stores detrimental to the amenity of local residents
 6. The proposed four off-street car parking spaces by reason of its unworkable layout, insufficient manoeuvring space for accessing / exiting the spaces and inadequate number would lead to an increase in on-street parking in the surrounding streets
 7. The proposed development by reason of failure to submit information to justify or enable the Local Planning Authority to assess the loss of trees in the Dulwich Wood Conservation Area would be unacceptable.

Planning history of adjoining sites

- 10 03-AP-1023: In September 2003 planning permission was granted for the construction of a roof extension to the main building to form a new third floor to provide 2 flats; the erection of a two storey side extension at 1st and 2nd floor levels to extend 2 flats on each of the first and second floors, alterations to door and window openings on south and east elevations.

The application site is shown as part of the site area considered under this 2003 permission; however it appears that the occupants of no. 28 Crescent Wood Road have never had access to this land, which was subsequently given a separate title and sold. This matter has been raised in letters from residents. However, the fact

that this land has not been included within the development of 28 Crescent Wood Road has not been raised as an enforcement complaint, and given the passage of time since the conversion, and that the land has now been formally subdivided, it is not considered expedient to pursue this further.

- 11 Planning permission was granted in 1969 for the change of use of the building at 28 Crescent Wood Road to 19 self-contained bed-sit flats together with the erection of 10 garages and parking bays for 10 cars at the rear of the site.

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) the impact of the building upon the setting of the Dulwich Wood Conservation Area.
 - c) the impact of the building on the amenity of the surrounding residential dwellings.

Planning policy

Southwark Plan 2007 (July)

- 13
- 3.2 Protection of amenity
 - 3.4 Energy efficiency
 - 3.7 Waste reduction
 - 3.9 Water
 - 3.12 Quality in design
 - 3.13 Urban design
 - 3.15 Conservation of the historic environment
 - 3.16 Conservation areas
 - 3.18 Setting of world heritage sites, listed buildings and conservation areas
 - 4.1 Density
 - 4.2 Quality of the residential accommodation
 - 5.3 Walking and Cycling
 - 5.6 Car parking

Core Strategy

- 14 The Council submitted the draft Core Strategy to the Secretary of State on 26 March 2010 and the Examination in Public hearings took place in July 2010. The Core Strategy policies should be considered as currently having no weight when determining planning applications as they are awaiting the Inspector's report and his finding of soundness. Applications should continue to be determined pending receipt of the Inspector's report primarily in accordance the saved policies in the Southwark Plan 2007 and the London Plan 2008.
- 15 The Inspector's report on the Core Strategy is expected in December 2010. With a recommendation of soundness from the inspector there will be a very high degree of certainty that the Core Strategy will be adopted and that a number of existing Southwark Plan policies will be replaced. In view of this, on publication of the inspector's report, all core strategy policies should be given significant weight in

determining planning applications. Less weight should be given to existing policies which are soon to be replaced. Formal adoption of the core strategy is expected in January 2011.

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

- 16 PPS 5 Planning for the historic environment
PPS 3 Housing

Residential Design Standards Supplementary Planning Document

Principle of development

- 17 There are no objections in principle to the provision of a dwelling within this location. The site is already concreted over and developed with a row of garages which have been disused for some time. In the earlier scheme for 5 dwellings, the amount and size of the buildings, rather than the principle of the development, formed the basis for refusal.
- 18 A residential dwelling is acceptable 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.

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 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, character and appearance of conservation areas, quality of residential accommodation, design, amenity, and transport.

The circumstances are slightly different to true 'garden grabbing' here in that the site is currently developed with garages. Notwithstanding, the advice of PPS3 has been treated as a material consideration.

Environmental impact assessment

- 19 Not relevant for an application of this type or size.

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

- 20 41 Sydenham Hill - the proposal site adjoins the north eastern corner of the grounds surrounding this Grade II listed building. Currently the garages lie close to this boundary. The proposed new dwelling would be located 5 metres from the boundary. The dwellings at no. 41 are some distance from the shared boundary and although the new building would be visible it is not considered that the proposal would be detrimental to the residential amenity of the occupants of this dwelling.
- 21 81 Sydenham Hill - The proposal adjoins the land on the northern boundary of this site. The dwelling at no. 81 sits within substantial gardens and on the boundary with the garages, is screened with a leylandii hedge. There are also two mature beech trees close to this boundary. The proposal would not impinge on the amenity currently enjoyed by this property due to its single storey appearance and enclosure of the site by a high timber fence.
- 22 77 Sydenham Hill - the proposal does not immediately adjoin the boundary of this dwelling and given the modest height of the proposed building it is unlikely to impact on the amenity of this property.
- 23 26 Crescent Wood Road - The rear boundary of this site is almost in line with the rear boundary of the existing flats at 28 Crescent Wood Road and the application site, given the more easterly location of the new dwelling it is unlikely that the proposal would have any impact upon the amenity of residents within this dwelling.
- 24 28 Crescent Wood Road - This is a substantial property set over 4 floors. The dwellings within this property are the closest to the proposed dwelling, with a number of its windows looking out onto the site. The house has been so designed to maintain a discreet presence at the rear. Currently the site is enclosed by a timber fence of about 2.7 metres. It is proposed to have a solid timber section of the house along this boundary which would maintain a fence-like appearance but with an increase in height of less than 1 metre.
- 25 In terms of privacy, the nearest windows of the dwelling are 21 metres from the rear windows of no 28 Crescent Wood Road, and this is in compliance with the Residential Design Guidance SPD. The design of the new dwelling would be such that the privacy of the residents within no. 28 and the occupants of the new dwelling would be retained, with limited views between the uppermost floors of no. 28 and the proposed dwelling.
- 26 Concern has been raised around the vehicular and pedestrian access to the dwelling diminishing privacy for no. 28. The rear of no. 28 is already used for parking, requiring residents to walk along the side of the dwelling to the main entrance. The proposal would provide a parking space for the unit and as a single dwelling house should not result in a significant traffic or pedestrian movement such that would significantly erode the residential amenity of the main building.
- 27 Concerns have also been raised around security of no. 28. Currently there are two gates either end of the building. From visits to the property, these have always been open, and it is therefore currently possible to enter the site and walk to the rear. The current application would not change this situation.

- 28 40 Crescent Wood Road - The proposal would adjoin a rear corner section of the back garden, and would appear as a high fence on this boundary. Given the distance from the main dwelling it is unlikely to have any significant amenity impacts to this dwelling.

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

- 29 The surrounding area is residential and there is unlikely to be any negative impacts as a result of the proposed use.

Traffic issues

- 30 The proposal would use the existing crossover to access the site, and the parking area is sufficient for a single vehicle. However there are no parking restrictions within the area and there is sufficient on street parking for visitors or additional vehicles associated with the property.

Design issues

- 31 The timber external construction is appropriate for the building's location amongst well wooded gardens. The building is single storey above ground and is surrounded by high fencing and trees so should not affect the setting of the listed buildings nearby. The proposed dwelling includes an extensive flat roof, and this would be planted which would visually improve the amenity of the surrounding area.
- 32 Samples of all external materials should be provided especially for the timber cladding, which if of poor quality can weather badly.

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

- 33 The proposal is for a new dwelling on land currently occupied with garages. The dwelling would be set behind a high fence and as such would have a limited amount of visibility from the public domain
- 34 The impact of this proposal on the heritage asset - the Dulwich Wood 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."
- 35 This proposal will have a nominal impact on the character and appearance of the conservation area. There is no loss of historic fabric and minimal impact on the viewer's appreciation of the rear of the properties in the conservation area or its setting. It is not considered that there would be any impact to the setting of any listed buildings as the proposal is discreetly designed and located at a sufficient distance away.

Impact on trees

- 36 There are two beech trees to the west of the site but there are other trees located on adjoining land. In respect of the beech trees, these will require some pruning to

improve their overall condition. The adjoining trees would not require any work other than the Leyland cypress hedge which requires trimming on the application site side. A detailed arboricultural report has been submitted with the application and this sets out a methodology for the protection of the tree root areas. Should planning permission be granted it is recommended that conditions be imposed to ensure this is undertaken.

Planning obligations (S.106 undertaking or agreement)

- 37 Not required for a dwelling of this size.

Sustainable development implications

- 38 The proposal would incorporate energy efficiency within its design, with high performance windows. Rainwater would be collected in water butts for irrigation of the garden and grey water would be collected and reused. The majority of the hot water for the proposed dwelling would be provided by a solar collector located on the flat roof.

Other matters

- 39 Quality of accommodation
The proposed dwelling would provide a generously proportioned 3 bedroomed dwelling, with a large private garden of 188 sq metres.
- 40 Density
The proposal would result in a residential density of 208hrph, this is within the range of 200 - 350 hrph for dwellings within the suburban zone. Taking account of the converted building to the front and the remaining land the overall the density rises to 361 hrph. This is only marginally over the top of the range, and given the proposal is in compliance with other areas of policy and is not considered to be harmful to residential amenity. It is not considered that the overall density level can be seen as sufficient reason to warrant refusal of the scheme.
- 41 Refuse
Waste would be collected by the existing bin store area of no. 28 Crescent Wood Road. It is suggested that a condition be imposed for details of the bins and storage area to ensure that the area is able to cope with waste from an additional residence.
- 42 Wildlife
The site is entirely hard landscaped; the trees on and around the site would be retained, with the proposed building sited further away from the trees than the existing garages. The introduction of soft landscaping and the provision of a green roof should improve the potential for wildlife within the space. A condition is suggested requiring a landscape plan to be provided prior to commencement of works on site.

Conclusion on planning issues

- 43 Planning permission is sought for the construction of a 3 bedroom house over two levels. The proposal would be simply designed and discreetly hidden behind a high fence. In terms of amenity it is not considered that the proposal would detract from the residential amenity of the adjoining residential occupants. The new dwelling would result in the removal of the existing derelict garages and with the retention of the trees on the site is considered to be an improvement to the Dulwich Wood Conservation Area. Consideration has been given to the concerns raised by objectors, much of which could be controlled by conditions. Therefore the granting of

planning permission is recommended.

Community impact statement

44 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.

Consultations

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

Consultation replies

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

Summary of consultation responses

47 Loss of privacy to no. 28 Crescent Wood Road
Density
Impact on trees and wildlife
Land should be used by flats of no. 28 for parking/gardens
Existing refuse area needs to be improved
Trees should be protected
General concerns around construction

Human rights implications

48 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.

49 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

50 N/a

REASONS FOR LATENESS

51 N/a

REASONS FOR URGENCY

52 N/a

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2570-8 Application file: 10-AP-2135 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: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Planning Officer	
Version	Final	
Dated	17 December 2010	
Key Decision	Grant Planning Permission	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team		30 December 2010

Consultation undertaken

Site notice date: 09/08/2010

Press notice date: 12/08/2010

Case officer site visit date: 10/03/2010

Neighbour consultation letters sent: 09/08/2010, 20/09/2010

Internal services consulted:

Transport
Waste Management
Arboricultural Officer

Statutory and non-statutory organisations consulted:

Thames Water

Neighbours and local groups consulted:

83 SYDENHAM HILL LONDON SE26 6TQ
81 SYDENHAM HILL LONDON SE26 6TQ
26 CRESCENT WOOD ROAD LONDON SE26 6RU
24 CRESCENT WOOD ROAD LONDON SE26 6RU
77 SYDENHAM HILL LONDON SE26 6TQ
FLAT 8 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 7 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 9 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
55 CRESCENT WOOD ROAD LONDON SE26 6SA
53 CRESCENT WOOD ROAD LONDON SE26 6SA
59 CRESCENT WOOD ROAD LONDON SE26 6SA
57 CRESCENT WOOD ROAD LONDON SE26 6SA
51 CRESCENT WOOD ROAD LONDON SE26 6SA
42 CRESCENT WOOD ROAD LONDON SE26 6RU
40 CRESCENT WOOD ROAD LONDON SE26 6RU
46 CRESCENT WOOD ROAD LONDON SE26 6RU
44 CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 15 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 14 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 17 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 16 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 13 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 10 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 1 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 12 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 11 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 4 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 3 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 6 HIGH TREES MANSIONS 28 CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 5 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 21 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 19 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 18 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 20 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 2 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
22 CRESCENT WOOD ROAD SE26 6RU
26 CRESCENT WOOD ROAD SE26 6RU
STABLE FLAT 41 SYDENHAM HILL LONDON SE26 6TH
THE LODGE 41 SYDENHAM HILL LONDON SE26 6TH
GAMEKEEPERS COTTAGE 41 SYDENHAM HILL LONDON SE26 6TQ
BELTWOOD 41 SYDENHAM HILL LONDON SE26 6TH

Dulwich Society

Re-consultation:

n/a

Consultation responses received

Internal services

Transport - Raise no objections
Waste management - no comments received.
Arboricultural Officer - no comments received.

Statutory and non-statutory organisations

Thames Water - Raise no objections.

Neighbours and local groups

Flat 6 28 Crescent Wood Road - Not completely against the application, but has concerns around the size scale and potential impact on amenity and existing trees and wildlife. Feels the basement area may impact on trees. There will be a loss of privacy and security, no space for refuse collection freeholder did not maintain refuse area well and this would result in the overuse of this facility. Concerned about subsidence.

Flat 18 28 Crescent Wood Road - Too close to the original dwelling adding to already high density. The proposal would build right up onto the boundary with no. 28. The original plans for no.28 specified this area for garden garages for residents. The proposal will create privacy issues for no. 28 where there is little physical separation between the two properties and residents of the new dwelling would have to pass land already occupied by the residents of no 28. Proposal will negatively affect existing residents of no. 28 with comings and goings, Crescent Wood Road doesn't need more housing as it already has the Contisbury estate. Development would set precedent for other landowners to do the same.

No 15 28 Crescent Wood Road - Proposal to carve land from rear of no. 28, will build up to the boundary line with no. 28, the original plan was for garden garages for this property, high density.

No 22 Crescent Wood Road - Requests that trees are preserved and building does not exceed one storey.

No 24 Crescent Wood Road - Generally supports the application but concerned about overspill parking already felt from the main building onto the road. Would like building to remain as one storey. Would like the trees to be protected during the course of construction.

No. 26 Crescent Wood Road - Concern that house with a basement would transform into two storeys over time, subject to the property not increasing further in height does not oppose the development.

No. 40 Crescent Wood Road - Would like conditions to restrict building height and to retain the trees. Trees should be TPO'ed, no materials, chemical or noxious substances should be stored or used that would damage the trees, area should be designated for vehicles associated with the development, other comments made with respect to tree protection and construction management.

No address provided - Would like conditions to restrict building height and to retain the trees.

No address provided - The previous redevelopment of the main building should have provided 20 parking spaces in this area. The proposal will impact on the trees in the garden on no. 81.