

Item No. 6.1	Classification: Open	Date: 09 February 2010	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-3022 for: Conservation Area Consent Address: 266 TURNEY ROAD, LONDON, SE21 Proposal: Demolition of existing building.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 26/10/2010		Application Expiry Date 21/12/2010	

RECOMMENDATION

- 1 Grant conservation area consent.

BACKGROUND INFORMATION

Site location and description

- 2 The application relates to a 2-storey 1960s building located on the south-eastern side of Turney Road, on the junction with Boxall Road. It comprises 4 garages at ground floor level and a 1-bedroom flat above. Access to the flat is via steps leading up to a raised terrace at the side of the building, facing Boxall Road.
- 3 Dulwich Hamlet Junior School is on the opposite side of Turney Road, there is a 1960s bungalow immediately to the east (268 Turney Road), a tarmac turning area and garages associated with 266 Turney Road and 50-60 Dulwich Village to the south and 2-storey houses to the west, on the opposite side of Boxall Road.
- 4 The site forms part of the Dulwich Village Conservation Area, an archaeological priority zone, the suburban density zone and an air quality management area; 52 Dulwich Village which is located to the east of the site is grade II listed.

Details of proposal

- 5 Conservation area consent is sought for demolition of the existing building on the site.

Planning history

- 6 10-AP-3023 - Erection of 2-storey dwelling, following demolition of existing building on the site (Use Class C3). UNDER CONSIDERATION.
- 7 10-AP-0034 - Erection of 2-storey plus basement dwelling, following demolition of existing building (Use Class C3). Planning permission was REFUSED in March 2010 for the following reasons:

1. *The proposed new dwelling by reason of its general design and inappropriate detailing would introduce and incongruous aesthetic to the historic context of the area and would fail to preserve the character or appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in design', 3.13 'Urban design' 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan 2007.*

2. *The design of the proposed dwelling would sit uncomfortably within both Turney and Boxall Roads, in particular it fails to address the cohesive frontages of Turney Road or the sensitive proportions of the semi-detached houses that neighbour the site, nor does it seek to preserve some of the prevailing heights on these frontages. contrary to policies 3.12 'Quality in design', 3.13 'Urban design' 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan 2007.*

3. *The proposed second bedroom located within the basement would have no outlook and poor access to natural daylight due to the small enclosed lightwell and ground level rooflight upon which it would rely. It is not considered that such an arrangement would provide a satisfactory level of accommodation for a habitable space and as such is contrary to Policies 3.2 Protection of amenity, 4.2 Quality of residential accommodation of the Southwark Plan 2007 and to the Residential Design Guidelines Supplementary Planning Document, 2008.*

4. *The proposed development, by reason of the location of a terrace at first floor level on the shared rear (southern) boundary of the site may be prejudicial to the future development of the adjoining portion of land fronting Boxall Road, contrary to policy 3.11 'Efficient use of land' of the Southwark Plan 2007.*

- 8 10-AP - 0047 - Demolition of existing building comprising 4 garages and a flat (Use Class C3). Application for conservation area consent REFUSED in March 2010 for the following reason:

In the absence of an approved scheme for the redevelopment of the site, the proposal would result in a harmful gap site which would fail to preserve or enhance the character or appearance of this part of the Dulwich Village Conservation Area, contrary to policy 3.16 'Conservation areas' of the Southwark Plan 2007.

- 9 08-AP-0809 - Demolition of existing building and erection of a 2-storey dwellinghouse with additional accommodation in the roofspace, integral garage and terrace at first floor level (Use Class C3). Planning permission was REFUSED in July 2008 for the following reasons:

1. *The proposed development, owing to its height and proximity to 268 Turney Road would result in loss of light and overshadowing to this property and would have an oppressive and overbearing impact upon a bedroom window in its west-facing flank wall, contrary to policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.*

2. *The proposed development, by reason of the location of windows on the shared rear (southern) boundary of the site would be prejudicial to the future development of the land at the rear of the site and to the amenity of future occupiers of 266 Turney Road, contrary to policies 3.2 'Protection of Amenity' and 3.11 'Efficient use of Land' of the Southwark Plan 2007.*

3. *The proposed development would result in an over-provision of parking facilities which would encourage traffic into the area and would be contrary to the objectives of encouraging alternative means of travel, contrary to policy 5.2 'Car Parking' and appendix 15 of the Southwark Plan 2007.*

4. The proposed development by reason of its inappropriate massing, raised circular rooflight and inappropriate materials would fail to preserve the character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.16 'Conservation Areas' of the Southwark Plan 2007.

10 08-AP-0814 - Demolition of existing house (application for Conservation Area Consent) - WITHDRAWN in August 2008.

11 Planning permission for the existing building and the bungalow at 268 Turney Road was GRANTED in 1968 (reference: TP/2292/50).

Planning history of adjoining sites

12 None relevant.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

13 The main issue to be considered in respect of this application is:

a) the impact on the character and appearance of this part of the Dulwich Village Conservation Area.

Planning policy

Southwark Plan 2007 (July)

14

3.15 - Conservation of the historic environment

3.16 - Conservation areas

3.18 - Setting of listed buildings, conservation areas and world heritage sites
Dulwich Village Conservation Area Appraisal (February 2006)

Core Strategy

15 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.

16 The Inspector's report on the Core Strategy is expected in early 2011. 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 will follow in 2011.

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

17 PPS5: Planning for the Historic Environment

Impact on the character and appearance of this part of the Dulwich Village Conservation Area

- 18 Policy 3.16 of the Southwark Plan states that within conservation areas there will be a general presumption in favour of retaining buildings that contribute positively to the character or appearance of the conservation area.
- 19 The existing building on the site which would be demolished is a garage block with flat above, within a tarmac site. The building is of a modern design faced in concrete and with roller shutter doors to the garages, and is not a positive contributor to the conservation area.
- 20 In these instances, the harm to the heritage asset of the conservation area as a whole has to be assessed as set out in PPS5. 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.*"
- 21 In this instance the loss of the building can be considered acceptable given its poor quality and because there is a concurrent planning application for a replacement building on the site which officers consider to be acceptable; a condition linking the demolition of the existing building on the site to a valid contract for redevelopment is recommended. Subject to this, it is considered that the proposal would preserve the character and appearance of this part of the Dulwich Village Conservation Area.

Other matters

- 22 There are no other matters arising from the proposal.

Conclusion on planning issues

- 23 The existing building does not positively contribute to the conservation area and there is an acceptable scheme for a replacement building on the site. It is therefore recommended that conservation area consent be granted as the character and appearance of this part of the conservation area would be preserved.

Community impact statement

- 24 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.
- 25 a) The impact on local people is set out above.

Consultations

- 26 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.

Summary of consultation responses

- 27 One representation has been received in support of the application on the grounds that the writer is happy to support the demolition of the very unattractive building on the site provided it is carried out in conjunction with the granting of planning permission for a new dwelling.
- 28 Two representations have been received objecting to the application although the issues raised relate to the concurrent planning application (reference:10-AP-3022). Objections are raised on the following grounds:
1. Loss of light;
 2. Loss of view;
 3. Loss of a garage which is leased to a neighbouring property;
 4. Access to the replacement garage would be inconvenient;
 5. Impact of vibrations and building works on the stability and security of neighbouring properties;
 6. Harm to highway safety;
 7. The anticipation of the construction impacts is affecting the health of a neighbouring resident;
 8. Overlooking;
 9. Queries what precautions would be taken to minimise construction impacts.

Human rights implications

- 29 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.
- 30 This application has the legitimate aim of demolishing an existing building. 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

N/A.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2292-50 Application file: 10-AP-3022 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 5410 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	Victoria Lewis, Planning Officer	
Version	Final	
Dated	13 January 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to the Community Council Team	1 February 2011	

Consultation undertaken

31 **Site notice date:** 09/11/2010

Press notice date: 04/11/2010

Case officer site visit date: 09/11/2010

Neighbour consultation letters sent: 05/11/2010

Internal services consulted: None.

Statutory and non-statutory organisations consulted:

32 English Heritage

33 **Neighbours and local groups consulted:** Notification letters have been sent to properties on Turney Road, Dulwich Village and Boxall Road.

Re-consultation: N/A.

Consultation responses received

Internal services N/A.

Statutory and non-statutory organisations

English Heritage

- 34 This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Neighbours and local groups

64 Dulwich Village

- 35 Support the application on the grounds that the writer is happy to support the demolition of the very unattractive building on the site provided it is carried out in conjunction with the granting of planning permission for a new dwelling.

268 Turney Road

- 36 Object to the application on the following grounds:
- 1.) Loss of light;
 - 2.) Loss of view;
 - 3.) Loss of a garage which is leased to a neighbouring property;
 - 4.) Access to the replacement garage would be inconvenient;
 - 5.) Impact of vibrations and building works on the stability and security of neighbouring properties;
 - 6.) Harm to highway safety;
 - 7.) The anticipation of the construction impacts is affecting the health of a neighbouring resident.

52 Dulwich Village

- 37 Object to the application on the following grounds:
- 1.) Loss of light to gardens of 50 and 52 Dulwich Village;
 - 2.) Overlooking;
 - 3.) Loss of light to 268 Turney Road;
 - 4.) Harm to highway safety;
 - 5.) The works would cause stress to a neighbouring resident;
 - 6.) Inconvenience during construction work;
 - 7.) Queries what measures would be put in place to minimise disruption, noise, mess and general dust that would filtrate the surrounding buildings.

