

Item No. 6.3	Classification: OPEN	Meeting Date: 19 January 2012	Meeting Name: Nunhead and Peckham Rye Community Council
Report title:	Development Management planning application: Application 11-AP-2575 for: Full Planning Permission Address: 124-126 RYE LANE, LONDON, SE15 4RZ Proposal: Single storey rear extension with alterations, to provide garage/store for commercial unit (A1 Use Class). (Retrospective application).		
Ward(s) or groups affected:	The Lane		
From:	Head of Development Management		
Application Start Date 15 August 2011		Application Expiry Date 10 October 2011	

RECOMMENDATION

- 1 Grant planning permission.

BACKGROUND INFORMATION

- 2 This application is brought before members as 3 objections have been received.

Site location and description

- 3 The application site refers to the building and plot located at 124/126 Rye Lane, Peckham Rye, London. The existing building is a three storey building with roof accommodation and commercial unit at ground floor. The commercial unit is single storey and projects beyond the first floor building line at both the front and rear of the property in context with the surrounding built form along this section of Rye Lane, whereby the upper floors of the buildings are set back from the ground floor commercial frontage at street level.
- 4 The application refers specifically to the ground floor commercial unit and the currently unauthorised single storey extension to the rear of the property.
- 5 The application site is bounded to the north and south by adjoining commercial properties with residential accommodation at upper levels, to the east by Rye Lane and bounded to the west by Choumert Grove Car Park. Immediately to the south of the extension in question lies Quantock Mews, a residential development located on a narrow strip of land accessed from Choumert Road.
- 6 The application site lies within Rye Lane Conservation Area that was recently designated on 18 October 2011, but it is not listed. In land use terms the area lies within the Peckham Town Centre area and is characterised by mixed use commercial and residential.

Details of proposal

- 7 Planning consent is sought for the retention of and revisions to an unauthorised single storey rear extension to the ground floor commercial unit. The existing extension involved enclosing the rear yard area by forming a roof to span both the existing boundary walls. The yard was then fully enclosed with a rear wall and sliding doors to provide access to the new store. This application seeks to revise the as-built unauthorised extension to overcome the previous reasons for refusal under planning application 09-AP-2480, and remedy the adverse impact on amenity caused by the existing unauthorised rear extension, that resulted in the serving of an Enforcement Notice on 11 July 2011. The notice had an effective date of 11 August 2011 and a compliance period of one month.
- 8 The height of the existing parapet wall to adjacent to Quantock Mews is 3500mm; however the application proposes a reduction of the parapet wall to 2440mm. Furthermore, the rear elevation of the extension facing the Choumert Grove Car Park, would be stepped, resulting in a 1400mm section of the elevation perpendicular to the boundary with Quantock Mews matching the height of the proposed boundary wall at 2440mm. The elevation and roof height would then step up by 840mm with the construction of the new parapet wall (1400mm from the boundary with Quantock Mew) to a height of approximately 3280mm for the remaining 6550mm of the elevation. A mono pitch roof would rise from a height of 2900mm to 3250mm behind the parapet new parapet.
- 9 The elevation would be rendered in white and grey to match the existing
- 10 It is considered that the height of the boundary wall on site prior to the formation of the extension measured approximately 2400mm.

Planning history

- 11 09-AP-2480
Retention of single storey rear extension to provide a store for commercial unit.
Refused on 14/06/2010 for the following reason/s:

The development, due to the height of the extension along the boundary of the application site adjacent to Quantock Mews, results in an overbearing impact and excessive sense of enclosure, leading to poor outlook for the residents of Nos. 9 and 10 Quantock Mews. As such the proposal is contrary to Policy 3.2 - Protection of Amenity of The Southwark Plan 2007 (July).

The development, by reason of the poor standard of finish, particularly on the boundary walls and parapet adjacent to Quantock Mews, results in a loss of visual amenity that is detrimental to both the surrounding area and the residents of Quantock Mews whose properties are bounded by the application site. As such the proposal is contrary to Policy 3.2 - Protection of Amenity and Policy 3.12 - Quality in Design of The Southwark Plan 2007 (July).
- 12 95/AP/0287
Installation of new shop front.
Granted on 29/03/1995
- 13 09/EN/0324
Increase in height of parapet wall along southern boundary and the installation of a roof to create a rear extension without planning permission.

Enforcement notice served on 11/07/2011.

Further action has been held in abeyance following negotiation, as this application seeks to regularise the unauthorised development, while overcoming the previous issues for refusal under 09-AP-2480 outlined above.

The requirements of the notice are:

- (i) *Remove the roof from the rear extension;*
- (ii) *Reduce the height of all the parapet and boundary walls of the rear extension to 2.38 metres, (shown for the purposes of illustration only on plan MT/2A(1));*
- (iii) *Any part of the boundary wall requiring reconstruction following these works is to be rebuilt in brick, rendered and painted white to match the remaining wall;*
- (iv) *Remove from the Land all waste, materials and debris resulting from complying with (i) to (iii) above.*

- 14 06/EN/0590
Open shopfront
Case closed

Planning history of adjoining sites

- 15 0200249
29-33 Choumert Grove
Redevelopment of the site comprising 2x3 bedroom two storey houses fronting Choumert Grove and a terrace of 10x3 bedroom part two/ part three storey houses to the rear with 13 car parking spaces and outdoor amenity space.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 16 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 on the residential, commercial and visual amenity of the area and the setting of the Rye Lane Conservation Area
 - c) Design quality.

Planning policy

Core Strategy 2011

- 17 Strategic Policy 12 – Design and conservation
Strategic Policy 13 - High Environmental Standards of the Core Strategy.

Southwark Plan 2007 (July) - saved policies

- 18 Policy 3.2 - Protection of Amenity

Policy 3.12 - Quality in Design
Policy 3.13 - Urban Design
Policy 3.16 - Conservation areas

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

- 19 PPS5 – Planning for the Historic Environment.
PPG18 - Enforcing Planning Control

Principle of development

- 20 The development raises no land use issues that will result in a conflict of use detrimental to amenity. The development accords with the relevant policies of The Southwark Plan 2007 (July) with regards to amenity and is considered acceptable in principle.

Environmental impact assessment

- 21 The development lies outwith the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1995 and as such an EIA is not required.

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

- 22 Quantock Mews lies south/south east of the extension. Given the position of Quantock Mews to the south of the development and the fact that the windows in question are orientated due north, it is considered that the development will have no impact in terms of a loss of daylight/sunlight and there will be no detrimental overshadowing. The dwellings at Quantock Mews pass the daylight and sunlight tests specified by the Building Research Establishment and the development will cause no marked reduction in available sunlight.
- 23 The application proposes the decrease in height of the boundary wall from the existing height of 3500mm to 2440mm, and the construction of a new parapet wall at a height of 3280mm, 1400mm to the north of the boundary wall.
- 24 In light of this revision, it is considered that the proposal would improve the current outlook and level of amenity due to the reduction in the sense of enclosure. As, Quantock Mews is located on what is considered a narrow, constrained site, the reduction in height of the boundary wall would alleviate the increased sense of enclosure caused by the parapet wall of the unauthorised extension.
- 25 It is considered that the proposal would remedy the harm to residential amenity of the occupiers of Nos. 9 and 10 Quantock Mews caused by the existing unauthorised rear extension, if implemented. Subsequently, a 3 month implementation condition is recommended if planning permission is granted.
- 26 The boundary wall prior to the construction of the unauthorised extension was approximately 2400mm in height and would increase to 2440mm following the implementation at proposal. It is not considered that the raised height of the wall will aid access to the gardens/dwellings of Quantock Mews and the increased height of the wall is not in itself considered to reduce security.
- 27 Three objections have been received from residents who object to the proposal in terms of loss of light and a sense of enclosure. However, in light of the above points,

the proposed development is acceptable in amenity terms and compliant with saved policy 3.2 Protection of Amenity of the Southwark Plan and Strategic Policy 13 High Environmental Standards of the Core Strategy.

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

- 28 There are no land use issues that will result in a conflict of use detrimental to the amenity of the occupiers of the proposed development.

Traffic issues

- 29 The development relates to the enclosure of the existing rear yard and as such will not intensify the commercial operations currently undertaken on site. As such it is not considered that there are any significant transport or traffic issues relevant to the determination of this application.
- 30 The regularisation of vehicular access to the application site via the car park is considered acceptable in principle, as adjoining commercial properties have established existing access gates.
- 31 Comments from the council's Transport Planning Team note that the proposals are not forecast to increase trip generation to the site. There is only a minimal increase in floor area and the area is intended to be used for the storage of stock for an existing commercial unit. The adjacent property already has a vehicular access from the Choumert Grove car park. Therefore we would not object on these grounds.

Design issues

- 32 The revised design of the extension is functional and appropriate to the rear of the commercial property. It is now considered an appropriate scale with regards to the adjacent dwellings along Quantock Mews, as is the height of the proposed boundary wall between the application site and the Quantock Mews dwellings.
- 33 It is considered that the proposed development would have an acceptable standard of finish that would not have an adverse impact on the visual amenity of the area.
- 34 In light of the above points, the proposal would not harm the character or appearance of the existing building when viewed from the west. The proposal complies with saved policy 3.13 Quality in Design of the Southwark Plan and Strategic Policy 12 Design and Conservation of the Core Strategy.
- 35 However, as the property is located within the Rye Lane Conservation Area the proposed extension has to accord with further planning policies. Subsequently, design issues regarding the proposal and the setting of the conservation area are set out in the section below.

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

- 36 Policy 3.16 - Conservation Areas states that planning permission will be granted for new development, including the extension or alteration of existing buildings provided that the proposals:

i. Respect the context of the conservation area, having regard to the content of

Conservation Area Appraisals and other adopted Supplementary Planning Guidance / Documents; and

ii. Use high quality materials that complement and enhance the conservation area; and

iii. Do not involve the loss of existing traditional features of interest which make a positive contribution to the character or appearance of the Conservation Area; and

iv. Do not introduce design details or features that are out of character with the area, such as the use of windows and doors made of aluminium, uPVC or other non-traditional materials.

37 It is considered that as the proposed extension is sited to the rear of the property and is in a mixed residential and commercial area, it will not have a negative effect on the character and appearance of the Rye Lane Conservation Area, whose primary value is found on Rye Lane. The design of the extension is functional and appropriate to the rear of the commercial property. It will not introduce new design details that are out of character within the Conservation Area. Subsequently, it is considered that the proposal complies with the saved policies 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan (2007).

38 The impact of this proposal on the heritage asset - the setting of the Rye Lane Conservation Area - is considered against the requirements of PPS5 - Planning for the Historic Environment. Policy HE 9.4 of PPS5 – which 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."

39 In this instance the proposal, due to its design and position will not have a detrimental impact on the character and appearance of the Rye Lane Conservation Area or the appearance of the host building.

Impact on trees

40 The development will have no adverse impact on any trees.

Planning obligations (S.106 undertaking or agreement)

41 No planning obligations or S106 Agreements are required as part of this planning application.

Sustainable development implications

42 The development involves the reuse of existing brownfield land and as such is considered sustainable in principle. The formation of the single storey rear extension itself does not present any further issues with regards to sustainable development.

Other matters

43 None identified.

Conclusion on planning issues

- 44 The proposed development is considered acceptable in terms of scale and massing and the subsequent impact on the residential amenity of the adjacent occupiers of 9 and 10 Quantock Mews. Revisions have been undertaken by the applicant following the refusal of planning application 09-AP-2480 and serving of an enforcement notice on the unauthorised extension,
- 45 Furthermore, is considered that the proposal preserves the character and appearance of the Rye Lane conservation area and subsequently complies with saved policies 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan (2007) and Policy SP12 of the Core Strategy (2011). Accordingly, the application is being recommended for approval. Accordingly, the application is being recommended for approval.

Community impact statement

- 46 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

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

Consultation replies

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

49 Summary of consultation responses

The three neighbour objections were received from the initial consultation. No further responses were received following the re-consultation.

Neighbour Objection - 8 Quantock Mews.

- 50 Loss of daylight and sunlight, and reduced security

Neighbour Objection – 9 Quantock Mews

- 51 Loss of daylight and sunlight, and reduced security

52 Neighbour Objection – 7 Quantock Mews

Loss of daylight and sunlight, sense of enclosure, and allowing vehicular access to the application property will limit development potential.

53 Transport Planning Team

No objection

54 Planning Enforcement Team

No objection

Human rights implications

- 55 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.
- 56 This application has the legitimate aim of providing increased storage space for a commercial unit. 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

- 57 None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2732-124 Application file: 11-AP-2575 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 5604 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	Tom Buttrick, Planning Officer	
Version	Final	
Dated	5 January 2011	
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 Constitutional Team		9 January 2012

Consultation undertaken

Site notice date: 22/11/2011

Press notice date: Not applicable for first consultation. Re-consultation due to conservation area designation - 01/12/2011

Case officer site visit date: 19/19/2011

Neighbour consultation letters sent: 19/19/2011

Internal services consulted:

Transport Planning Team
Planning Enforcement Team

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

8 QUANTOCK MEWS LONDON SE15 4RG
118 RYE LANE LONDON SE15 4RZ
9 QUANTOCK MEWS LONDON SE15 4RG
7 QUANTOCK MEWS LONDON SE15 4RG
122 RYE LANE LONDON SE15 4RZ
120 RYE LANE LONDON SE15 4RZ
GROUND FLOOR AND FIRST FLOOR 128 RYE LANE LONDON SE15 4RZ
10 QUANTOCK MEWS LONDON SE15 4RG
1 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ
2 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ
FLAT 4 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ
3 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ
7 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ
8 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ
5 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ
6 SEDNEM COURT 118-120 RYE LANE LONDON SE15 4RZ

Re-consultation:

A re-consultation was undertaken on 22/11/2011 after the application site was designated within the Rye Lane Conservation Area. No further responses were received as a result of this re-consultation.

Consultation responses received

Internal services

Transport Planning Team

The proposals are not forecast to increase trip generation to the site. There is only a minimal increase in floor area and the area is intended to be used for the storage of stock for an existing commercial unit.

The adjacent property already has a vehicular access from the Choumert Grove car park. Therefore we would not object on these grounds. We do not feel a vehicular access at this location would cause any highway issues. If the applicant feels that they would require any amendments to the car park in terms of access we feel this would be a private matter between the land owners of the car park (this happens to be Southwark Council) and there selves.

Planning Enforcement

No objection.

Statutory and non-statutory organisations

Not applicable.

Neighbours and local groups

Neighbour Objection - A. Armourer, Quantock Mews.

Loss of daylight and sunlight, and reduced security

Neighbour Objection – J King, 9 Quantock Mews

Loss of daylight and sunlight, and reduced security

Neighbour Objection – J Collingridge, 7 Quantock Mews

Loss of daylight and sunlight, sense of enclosure, and allowing vehicular access to the application property will limit development potential.