

1.1	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 09.07.09
	From HEAD OF DEVELOPMENT MANAGEMENT		Title of Report DEVELOPMENT CONTROL
Proposal (08/AP/3015) Construction of a dormer window extension and use of the premises as office space (in retrospect). The site is located to the rear of 2 Bawdale Road, rear of 165-171 Lordship Lane, rear of 80-84 Whateley Road, and includes the building adjacent to 84 Whateley Road.		Address 2A BAWDALE ROAD, LONDON, SE22 9DN Ward East Dulwich	
Application Start Date 13/01/2009		Application Expiry Date 10/03/2009	

PURPOSE

- 1 To consider the above application which has been referred to the Dulwich Community Council for determination due to the level of public interest and history of the application site.

RECOMMENDATION

- 2 Grant Detailed Planning Permission, subject to conditions.

BACKGROUND

Site location and description

- 3 The application site refers to the building and plot described as '2A Bawdale Road' although its main frontage is in fact onto Whateley Road, East Dulwich, London. The site is 'L-shaped' and bounded by the rear of No.2 Bawdale Road, the rear of Nos.165-171 Lordship Lane and the rear of Nos.80-84 Whateley Road. The building which is the subject of this application is located immediately adjoining No.84 Whateley Road.
- 4 The character of the surrounding area is mixed, with commercial (mainly retail) premises along Lordship Lane with residential accommodation on upper floors. The immediate locality of Whateley Road and Bawdale Road is predominately residential in nature. A roofing/builders' yard adjoins the application site to the north (this is related to premises on Lordship Lane).
- 5 Access is taken to the application premises via an access way sited adjacent to 2 Bawdale Road. This involves access through the roofing/builders yard referred to above. It is understood that rights of access over this access way have been the subject to private legal action in the past and that the applicant may not have a legal right of access over this land. This is, however, a private matter that does not involve the Council. Access is also possible via gates on the Whateley Road frontage.

- 6 The application site contains a motor vehicle repair workshop at ground floor level, with construction work to extend the building to the rear and at upper levels largely complete at the time of this application. The application site does not refer to any listed buildings and is not located within a conservation area.

Details of proposal

- 7 Planning consent is sought for the erection of a rear roof extension and continuation of the use of the premises as office space in relation to the ground floor garage use. The dormer window will be set below the ridge height of the main roof and will measure 2400mm in width, 3200mm in depth and 2000mm in height. The face and cheeks of the dormer will be clad in natural slate to match the existing property. If granted this permission will replace the existing partially constructed dormer structure.
- 8 The initial plans submitted with the application were considered unacceptable and likely to have an adverse impact on the visual and residential amenity of the area as the proposed dormer failed to comply with adopted policy and supplementary planning guidance on residential design. The Council have been involved in ongoing discussions with the applicant which has resulted in this revised scheme for a reduced dormer with alternative materials.

Planning history

- 9 Planning permission was refused (06-AP-0903) dated 20.11.06 for the construction of a first and second floor extension for use as offices with new stair access to rear, together with refurbishment of existing ground floor /garage and new roller shutters (the site is located to the rear of 2 Bawdale Road, rear of 165-171 Lordship Lane, rear of 80-84 Whateley Road, and includes the building adjacent to 84 Whateley Road). The applicant appealed against the refusal of planning permission and the subsequent enforcement notice however the appeal was dismissed 04.06.07.
- 10 Planning permission was granted [03-AP-1533] dated 06/11/2003 for the construction of a first floor extension to provide a new office (Class B1). Conditions required the submission and approval of facing and roofing materials, and for the flank wall facing No.84 Whateley Road to be white rendered. This extension projected forward of the adjoining terrace (84 Whateley Road onwards) to reach the same level as the flank wall of 171 Lordship Lane. The first floor level was sloped back from the front and also at the rear. To the rear, the first floor extension projected approximately 2.5m beyond the rear wall of the adjoining dwelling No.84 Whateley Road, although this was all sloping form (the maximum height of the flat roof stopped 0.5m before the rear wall of No.84). A single storey element was sited to the rear.
- 11 Permission was refused [02-AP-1851] dated 03/12/2002 for the construction of a first floor extension to create a new office and a link to the existing building at the rear. The application was refused due to the detrimental impact on the amenity of the occupiers of No.84 Whateley Road by reason of overlooking and loss of privacy.
- 12 Permission was granted [99-AP-0573] dated 20/07/1999 for the variation of Condition 1 of 96-AP-0251. Hours of use were restricted by Condition to 07.30-18.00 Mondays to Fridays, 08.00–13.00 Saturdays and not at all on Sundays or Public Holidays.
- 13 A Certificate of Lawfulness for an Existing Use or Development was granted [98-AP-1373] dated 27/11/1998 for the use of the site and premises for car repairs.
- 14 A Certificate of Lawfulness for an Existing Use or Development was refused [96-AP-1144] dated 09/01/1997 for the use of the site and premises for car repairing. This Certificate was refused due to lack of evidence that the use had been begun and subsequently carried out continuously for more than 10 years.

- 15 Permission was granted [96-AP-0251] dated 29/04/1996 for the continued use for the storage of building materials.
- 16 A Certificate of Lawfulness for an Existing Use or Development was refused [95-AP-1134] dated 13/02/1996 for the storage of building materials. This Certificate was refused due to lack of evidence of continuous use for 10 years or more.
- 17 Permission was refused [1634-82] dated 22/11/1982 for change of use to general storage purposes.

Planning history of adjoining sites

- 18 There is no planning history of adjoining sites that is of relevance.

FACTORS FOR CONSIDERATION

Main Issues

- 19 The main issues in this case are:
- a] The principle of the development in terms of land use and conformity with strategic policies.
 - b] The impact on the visual and residential amenity of the area.
 - c] The design and appearance of the building and its visual impact on the streetscene.
 - d] Transport issues and highway implications.
 - e] All other relevant material planning considerations.

Planning Policy

- 20 Southwark Plan 2007 [July]
Policy - 3.2 Protection of Amenity
Policy - 3.11 Efficient Use of Land
Policy - 3.12 Quality in Design
Policy - 3.13 Urban Design
Policy - 5.2 Transport Impacts
Policy - 5.3 Walking and Cycling
- 21 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]
SPD: Residential Design Standards

Consultations

- 22 Site notice date: 15.01.09 Press notice date: n/a
- 23 Neighbour consultation letters sent: 19.01.09
- 24 Case officer site visit date: 04.03.09
- 25 Internal consultees
Transport

Enforcement

26 Statutory and non-statutory consultees
No consultations required.

27 Neighbour consultees
As detailed on Acolaid.

28 Re-consultation
Re-consultation not required.

Consultation replies

29 Internal consultees
All comments received in response to the proposed development have been summarised and addressed below;

30 Transport - No objections.
Response - Noted.

31 Enforcement - No objections.
Response - Noted.

32 Statutory and non-statutory consultees
Not applicable.

33 Neighbour consultees
Following consultation, two letters of objection and one letter of support have been received from the occupiers of 167 Lordship Lane and Nos.84 and 82 Whateley Road respectively, the main points of the letters of objection have been summarised and addressed below;

34 Objection - The plans submitted are not accurate.
Response - Noted, the plans initially submitted had a minor inaccuracy that was pointed out to the applicant and subsequently addressed.

35 Objection - The development represents over-development of the site.
Response - The dormer window, having been revised, is now considered acceptable in terms of scale and massing and as such will adequately contextualise with the host dwelling and adjacent properties.

36 Objection - The development has been refused several times, the appeal has been dismissed and enforcement notice upheld yet nothing has changed.
Response - This application refers to the dormer window and construction work has begun, however the dormer window has been revised and as such will need to be constructed in accordance with the approved plans. This application serves to regularise the unauthorised works.

37 Objection - The development encroaches on other peoples land.
Response - This application is for the retention of the dormer window and continued B1 Use, as such issues with encroachment are not relevant, nor are they a planning matter. The encroachment referred to however is part of the unauthorised works upheld by the Planning Inspectorate in the Councils Enforcement Notice and as such should be rectified.

38 Objection - The development is out of context with the surrounding area.

Response - The dormer window, having been revised, is now considered acceptable in terms of scale and massing and as such will adequately contextualise with the host dwelling and adjacent properties.

39

Objection - The building does not appear to be structurally sound and has no facilities such as toilets.

Response - This is not a planning issue or a material consideration. Issues with regards to safety and structural soundness should be addressed by Building Control in line with the relevant British Building Regulations. The proposed office space however does not provide toilets and as such would provide a sub-standard working environment.

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Objection - The development will have an adverse impact on daylight and sunlight and levels of privacy.

Response - The dormer window will have no adverse impact in terms of daylight and sunlight or a loss of privacy. This objection seems to refer to the unauthorised works upheld by the Planning Inspectorate in the Councils Enforcement Notice and as such should be rectified.

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Re-consultation
Not applicable.

PLANNING CONSIDERATIONS

42 Principle of development

There are no objections to the principle of a roof extension or the use of the premises (upper floors) for office space associated with the garage use and there will be no apparent conflict of use. The proposed development, following ongoing discussions with the planning department and subsequent revisions is considered to comply with the relevant policies of The Southwark Plan 2007 (July) namely Policy - 3.2 Protection of Amenity, Policy - 3.10 Efficient Use of Land, Policy - 3.11 Quality in Design, Policy - 3.13 Urban Design, Policy - 5.2 Transport Impacts and Policy - 5.3 Walking and Cycling. As the works are in compliance with the development plan they are considered acceptable in principle.

43 Environmental impact assessment

An environmental impact assessment is not required as part of this application.

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

The dormer window extension is acceptable in terms of scale and massing and represents a typical form of roof development evident throughout the immediate area. The retention of the office use will have no adverse impact on the amenity of surrounding occupiers or neighbours.

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

The application site is located within a residential area however the immediate area is characterised by commercial premises. As such there will be no significant conflict of use detrimental to the amenity of the occupiers of the development.

46 Traffic issues

The Councils Transport Department have raised no objections on highways grounds.

47 Design issues

The dormer window extension is acceptable in terms of its scale and massing and the

detailed design. The dormer window has been reduced in width, height and depth and now shows an acceptable portion of roof on all sides, giving the appearance of a typical dormer window extension. The revised materials, namely slate to clad the face and cheeks of the dormer are also considered more acceptable in this location responds positively to the surrounding townscape and context.

- 48 **Impact on character and setting of a listed building and/or conservation area**
The proposed development will have no adverse impact on either the character or setting of any listed buildings or conservation areas.
- 49 **Impact on trees**
The proposed development will have no adverse impact on any trees.
- 50 **Planning obligations [S.106 undertaking or agreement]**
No planning obligations or Section 106 Agreements are required as part of this planning application.
- 51 **Other matters**
None identified.
- 52 **Conclusion**
The dormer window extension is considered acceptable in terms of its scale, massing and detailed design and respects the immediate context with the host building and surrounding area. The development will have no adverse impact on the visual amenity of the area and complies with the relevant policies of The Southwark Plan 2007 (July). As such it is recommended that detailed planning permission be granted subject to conditions that ensure the existing structure is removed and the consented scheme is implemented.

COMMUNITY IMPACT STATEMENT

- 53 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] There are no issues relevant to particular communities/groups.
- c] There are no likely adverse or less good implications for any particular communities/groups.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 54 The proposal raises no sustainable development implications.

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