

5	Classification OPEN	Decision Level CAMBERWELL COMMUNITY COUNCIL	Date 29/10/2009
From Fennel Mason		Title of Report DEVELOPMENT CONTROL	
Proposal (08-AP-1564) Conversion of the property into 4 self-contained flats (comprising 2 x 2 bedroom, 1 x 1 bedroom and 1 x studio units) including the retention of part of the existing lower ground extension and construction / retention of the upper ground floor rear extension, including the formation of a rear dormer and installation of 2 rooflights to the front roof slope.		Address 10 MAUDE ROAD, LONDON, SE5 8NY Ward Brunswick Park	

PURPOSE

- 1 To consider the above application which is for Community Council consideration due to the number of objections received.

RECOMMENDATION

- 2 To grant planning permission subject to conditions.

BACKGROUND

Site location and description

- 3 The application property is located toward the western end of Maude Road within a predominantly residential area. The property is comprised of a four storey (including lower ground floor level) mid terrace residential property.
- 4 The site has had an extensive Planning and Enforcement history (see Planning History Section below for further details). At present there is an occupied residential unit at lower ground floor level with an extensive unauthorised extension occupying the majority of the rear garden. There is a smaller upper ground floor rear extension above part of this. The rest of the building itself has been part converted into 4 residential units, the shells are complete but they are not in a state to be occupied at present. In addition, there is a loft conversion and a rear dormer window installed. All works are unauthorised as they do not benefit from planning permission.
- 5 As explored further within the planning history of neighbouring sites section below, there are a number of other existing (both approved and historic extensions) along this row of terraces. Rear extensions presently exist at 12, 14 and 18 Maude Road, these all double storey in height. Furthermore, as apparent on an aerial photograph, there are other extensions to the rear further along the terrace, some being full width.
- 6 The site does not lie within a Conservation Area and the existing property is not listed. The site is not located within a Controlled Parking Zone (CPZ) and the Public Transport Accessibility Level (PTAL) rating of 3.

Details of proposal

- 7 Planning permission is sought to convert the property into 4 self-contained flats, comprising 2 x 2 bedroom, 1 x 1 bedroom and 1 x studio units. The application has been revised and the applicant has changed one of the previous 2 bedroom units into a 1 bedroom unit to improve the layout.
- 8 Associated works would require part retention of the lower ground floor rear extension, extending a maximum of 4300mm from the main part of the dwelling, the retention of the existing upper ground floor rear extension (with removal of the existing parapet), and an infill between this and 12 Maude Road. The lower ground floor and upper ground floor extensions are to be constructed in brickwork to match adjoining properties.
- 9 Furthermore, it is also proposed to construct a rear dormer window and the installation of 2 velux windows to the front roofslope to allow for the conversion of the roofspace.
- 10 The original plans submitted with this application did not include the unauthorised lower ground and upper ground floor rear extensions, as the applicant claimed these were existing. The application has subsequently been amended to include these extensions, although being reduced in depth in the case of the lower ground floor extension. The application for the upper ground floor rear extension remains as built (plus an additional side infill).

Planning history

- 11 An Enforcement Notice was issued in October 1996 requiring that the use of the premises as a House in Multiple Occupation is ceased. The Enforcement Notice was appealed and subsequently dismissed in September 1997.
- 12 A Section 215 Notice was issued in June 2007 requiring that all building materials, building rubble, refuse, household furniture and appliances are removed from the rear garden.
- 13 There is also a current Planning Enforcement Investigation underway relating to the conversion of the property into self-contained units and rear extensions without the benefit of planning permission.
- 14 An Enforcement Notice was served on 26 June 2009 (taking effect on 29 July 2009) for the conversion of the property into 4 self-contained flats, and the construction of a full width basement (lower ground) floor level rear extension, there is no planning permission for any rear extension, and the extension was constructed post conversion of the property into HMO / flats. Therefore, the full extent of the lower ground floor, and the slight increase in the upper ground floor rear extensions are in the opinion of the Council unauthorised.
- 15 The owner has made an appeal to the Planning Inspectorate and at the time of writing it is scheduled that a Public Inquiry will be held early in 2010. This proposed planning application is an endeavour to regularise the current works, to an acceptable level, which would provide a good standard of residential amenity for future occupiers, whilst attempting to reduce any impact on neighbouring occupiers to an acceptable level. Should consent be granted, it is likely that that the Planning Enforcement Appeal will be withdrawn.

Planning history of adjoining sites

- 16 Planning permission was **granted** in July 1988 for the conversion of the dwelling house into 4 self-contained flats at **6 Maude Road**.

- 17 Planning permission was **granted** in June 1975 for the change of use of the dwellinghouse into a maisonette and two bedsitter units at **8 Maude Road**.
- 18 Planning permission (01-AP-1142) was **granted** in December 2001 for the conversion of the ground / basement maisonette to form 2 self-contained flats, with rear mansard construction at **8 Maude Road**. This has been implemented.
- 19 Planning permission (02-AP-1860) was **refused** for the conversion of the roofspace to provide a self-contained flat with the construction of a rear dormer at **8 Maude Road**. The application was refused due to the substandard residential accommodation which would result.
- 20 Planning permission was **granted** in July 1988 for the conversion of the dwellinghouse into 3 self-contained flats at **12 Maude Road**.
- 21 Planning permission (07-AP-2401) was **granted** in April 2008 for the conversion of the dwellinghouse into 4 self-contained flats including the construction of rear extensions and a dormer window at **12 Maude Road**. This appears to have been implemented.
- 22 Planning application (07-AP-2402) is **undetermined** for the conversion of the dwellinghouse into 4 self-contained flats including the construction of a mansard roof and associated roof lights at **12 Maude Road**.
- 23 Planning permission was **granted** in June 1977 for the change of use from a dwellinghouse to 2 self-contained maisonettes with the reconstruction and extension of the existing rear extension at **14 Maude Road**.
- 24 Planning permission was **granted** in February 1996 for the retention of the existing extension at lower ground floor and conversion of property into 4 self-contained flats at **18 Maude Road**.

FACTORS FOR CONSIDERATION

Main Issues

- 25 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 of the development on the amenities of adjoining occupiers.
 - c] the quality of residential accommodation for future occupiers.
 - d] the impact of the development on the character of the area and host building.
 - e] potential transport impacts.

Planning Policy

- 26 Southwark Plan 2007 [July]

Policy 3.2 - Protection of Amenity
Policy 3.12 - Quality in Design
Policy 3.13 - Urban Design
Policy 3.7 - Waste Reduction
Policy 4.2 - Quality of Residential Accommodation

Policy 4.3 - Mix of Dwellings
Policy 5.2 - Transport impacts
Policy 5.3 - Walking and Cycling
Policy 5.6 - Car Parking

Residential Design Standards SPD 2008

Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

PPS1: Delivering Sustainable Development.

Consultations

27 Site Notice:

11 September 2008 and 30 September 2009

28 Press Notice:

N/A

29 Neighbour Consultees

15 September 2008 and 1 October 2009

30 Site Notice:

A site visit was undertaken on 11 September 2008 by the agent and the case officer only and again on 30 September 2009.

31 Internal Consultees

Waste Management
Transportation Team
Planning Enforcement

32 Statutory and non-statutory consultees

None

33 Neighbour consultees

Refer to consultee list in Acolaid

34 Re-consultation

Required given the amended application site notice 30 September 2009 and neighbour consultee letter 1 October 2009.

Consultation replies

35 Internal Consultees

Waste Management - no reply received

Transportation Team - In order to comply with the Southwark Plan – Policy 5.3 any residential must provide cycle storage at a minimum ratio 1.1 per residential unit, these must be convenient, secure and weatherproof in order to comply with policy. The Transportation Team request plans showing a cycle store for minimum of 4 cycles.

Maude Road has a medium (TfL indicative) PTAL and is not covered by a CPZ and Council would therefore normally require some off street car parking. Given the site constraints this proposal is unable to provide any off street parking and the Transportation Team do not formally object for this reason. However, it should be noted that as this part of the borough is not covered by a CPZ there are no means of controlling overspill parking, although there is a CPZ extension proposed for this immediate area.

Should this CPZ extension become adopted, then future planning permissions for conversions would be able to exempt occupiers from obtaining parking permits.

Planning Enforcement - comments comments provided within the planning considerations below.

Neighbour consultees

36 A total of 7 objections were received from the following during the initial consultation of the application:

9 Maude Road
11 Maude Road
21 Maude Road
22 Maude Road
23A Maude Road
24 Maude Road
27c Maude Road
22 Graces Road

37 The concerns can be summarised as follows:

38 The increase in the number of occupants to the premises would increase refuse, noise and general disturbance; The development would exacerbate the parking situation on this street where there are no current parking controls; The site is close to the flood plain and subsidence can place the whole terrace at risk; The rooflights and dormer would be unsympathetic to the building; There would be a loss of family sized accommodation; The works undertaken are of the poorest quality and have rendered the building as dangerous; The applicant has continued to flout planning law; Construction impacts eg noise, dust.

39 A total of 1 letter in support has been submitted by 18 Maude Road (owned by the applicant), in addition to a signed petition which has been received with 3 signatories. The petition states that the writers do not consider the scheme would have a negative impact on the amenities of others in the street as most of the street is already flats. The letter in support states that as most of the street is flats there should be no reason to withhold permission in this case; in relation to bin storage most residents keep their bins on the street so there should be no problems if that happens in this case; flat occupiers are less likely to have cars so parking should not be a problem; and the rear dormer is like those existing in the terrace.

Additional consultation on the revised proposal

40 At the time of writing the consultation period for the present version of the scheme had not reached 21 days. However, the Community Council Meeting is scheduled to be held at least 21 days from date of renotification, and any further representations received will be reported to Members by way of an addendum report.

PLANNING CONSIDERATIONS

Principle of development

- 41 The proposal involves conversion of the existing dwelling into 4 self-contained residential units, and in accordance with policy 4.3 of the UDP there is a requirement that the original dwellinghouse should have a minimum floor area of 130m². The existing dwellinghouse exceeds this floor area considerably, and therefore provided that the conversion meets the minimum room size and unit floorspace standards, it is considered that a conversion of the premises would be acceptable in principle, subject to assessment of the quality of the accommodation and impacts on amenities of surrounding residents and other potential impacts.
- 42 The proposed rear dormer would be set in from the party walls with the adjoining boundaries and is also below the ridge line of the roof as well as being set marginally above the eaves. There is a precedent of rear dormers of similar size and appearance within the vicinity of the site, in particular the two immediate adjoining properties of 8 and 12 Maude Road. The proposed erection of a rear dormer window is therefore considered acceptable in principle.
- 43 In relation to the retention of part, and construction of the remainder of the proposed rear extensions, consideration needs to be given to the established built form, character and appearance of the area, in addition to the impacts on adjoining occupiers. In this circumstance it is considered that the reduced nature and extent of the proposed rear extensions would be acceptable in principle, as set out further below.

Amenity

Quality of Accommodation

- 44 The proposed development will provide 4 self-contained flats which have been assessed against the minimum individual room and overall floor area requirements as outlined within section 2.3 of the Residential Design Standards [SPD] 2008. The individual rooms and overall units all meet these standards, as follows:

Lower Ground Floor Flat (2 bed) - overall unit size 68.0m², open plan living / dining / kitchen is 27.0m², bedroom 1 is 7.0m², bedroom 2 is 12.2m² and the bathroom is 4.0m².

Upper Ground Floor Flat (1 bed) - overall unit size 57.0m², open plan living / dining / kitchen is 27.3m², bedroom 1 is 21.2m² and the bathroom is 5.8m².

First Floor Flat (studio) - overall unit size 35.1m², open plan area is 31.0m² and the bathroom is 3.5m².

Second and Third Floor Flat (2 bed) - overall unit size 65.7m², open plan living / dining / kitchen is 27.3m², bedroom 1 is 7.8m², bedroom 2 is 15.3m² and the bathroom is 5.4m² (as measured above 1.5m height).

- 45 The Residential Design Standards have been set to provide guidance on what constitutes a good quality of residential accommodation, which is required pursuant to Policy 4.2 'Quality of residential accommodation' of the Southwark Plan, for example unit and room size standards to ensure that an adequate amount of space is provided within each proposed unit, layout and stacking of units, and sunlight and daylight standards. Whilst these standards are minimum, and exceeding these standards is preferable, there is some flexibility, especially for conversions where it is recognised that in some cases the configuration of an existing building may preclude full compliance with the standards.
- 46 In this instance, it is considered that the units and individual rooms meet the minimum standards as outlined within the SPD, and given that the stacking is acceptable, there

is sufficient storage space, and there is an acceptable level of natural daylighting, that the proposed flats would provide a good standard of residential accommodation for future occupiers.

- 47 As with the majority of dwelling conversions, the remaining rear garden will be retained as outdoor amenity space for the future occupiers of the lower ground floor basement flat. Given that the site at present contains building materials and other waste, and the fact that part of the unauthorised lower ground floor rear extension will need to be removed to facilitate this scheme (should consent be granted), a condition is recommended to be imposed requiring details of a landscaping scheme to be provided for approval to the Council, prior to occupation of the units.

Neighbouring Amenity

- 48 There are other existing extensions to the rear of this row of terraces. The most recent planning permission of which is associated with the adjoining property to the east, 12 Maude Road, which was granted in 2008. The approved neighbouring extension is two storey, and is comparable in depth with the proposed lower and upper ground floor level extensions proposed within this application. The development has been undertaken.
- 49 Other rear extensions within this terrace date back 20-30 years and clearly planning assessment and legislation has changed noticeably within this time. However, the proposed extensions at the subject site are more subordinate than others within this row or terraces. Another property further along the terrace (18 Maude Road) also contains unauthorised rear extensions, so these have not been taken into account.
- 50 The removal of most of the unauthorised lower ground floor extension, reducing it by approximately 5600mm, is a vast improvement. The proposed lower ground floor extension (part retention of existing) projects 4300mm from the main rear building line, and is full width. The upper ground floor rear extension consists of retention of the existing, and a small infill between this, and the adjoining building to the east. The extension at this level will not project further than the extension at 12 Maude Road.
- 51 The total height above natural ground level of the proposed extension is approximately 3500mm, and both extensions will be constructed from London Stock Brick. In terms of the potential impact of the upper ground floor portion of the rear extension on 8 Maude Road, whilst the depth is slightly more than is usually expected for a rear extension, the height (as mentioned is 3500mm above natural ground level) will be reduced from the existing height, given the removal of the parapet. Also, a material consideration is that traditionally there was a ground level rear extension (matching those existing at both 6 and 8 Maude Road) of a similar height, although slightly lower, which is comparable in level of impact. The outlook and access to daylight and sunlight from this rear ground floor window at 8 Maude Road will remain acceptable overall.
- 52 The size of the proposed rear extensions are considered to be modest, and subordinate to the scale of the original dwellinghouse, especially when considering the scale and massing of other rear extensions within the vicinity unreasonably. The extensions will not reduce the sense of outlook from adjoining properties, would not result in overlooking or a material reduction in privacy, and would not result in significant loss to daylight or sunlight.
- 53 The proposed rear dormer is full height, and inset approximately 400mm from each adjoining party wall, with the installation of two windows and clad in roof tiles to match the existing roof. The dormer is not visible from the streetscene along Maude Road. It would be set just below the ridge line of the existing roof but not above the eaves line to any noticeable degree, as normally required by the Residential Design Standards SPD.

- 54 However, overall, it is considered to be acceptable in scale and design as it would match other rear dormers constructed on properties adjoining the subject site (in particular at number 8 and 10 Maude Road), and therefore not be out of character with the area. With regards to the proposed installation of the two rooflights to the front roofslope, it is not considered that these would pose any harm to the streetscene or character of the area, given that there are other rooflights to front roofslopes within the area, the rooflights will sit flat to the roof, and will not be overly noticeable given their height and angle of roofslope.
- 55 Furthermore, the applicant has proposed to construct a green roof on the flat roof area above the upper ground floor extension, and the smaller flat roof area above the lower ground floor extension. To ensure that this is established to a suitable standard, it is recommended that a condition is imposed requiring the submission of details of this green roof, for approval prior to occupation of the units.
- 56 For the aforementioned reasons, it is considered the the proposed conversion of the building into 4 self-contained residential units, and the associated works, would not cause harm to the amenity of adjoining occupiers, and the development would meet the policies of The Southwark Plan [UDP] 2007 and the Residential Design Standards [SPD] 2008.

Traffic issues

- 57 The site is located within a Public Transport Access ability Level (PTAL) rating of 3, and is not located within a Controlled Parking Zone (CPZ).
- 58 The proposal makes no provision for off street car parking which is due to the constrained nature of the site with the house forming part of a terrace with shallow forecourts that is standard for most Victorian terraces of this nature.
- 59 Although the PTAL level is relatively low, the site is located a short walk to Peckham Road and Camberwell town centre where there are good public transport links available.
- 60 The application plans include the provision for 3 cycle spaces at basement level, located below the bin storage area. Whilst it would generally be requested that a total of 1.1 cycle spaces are provided for each unit, there are particular site constraints which would not allow more cycle spaces, and also it could be argued that the proposed conversion of the site is increasing the number of units by 3 (therefore requiring 3 cycle spaces).
- 61 Further to this, it is considered that the cycle storage provision at this lower ground floor level would unrealistically be able to accommodate 3 cycles in the nature shown. It is anticipated that a maximum of 2 cycle storage spaces could be accommodated within this space, and would need to be altered to make the storage space weatherproof and secure.
- 62 Whilst the proposed cycle storage does not fully comply with Council requirements, it is considered that particular site constraints would restrict the ability of the development to provide the full requirement. Also, it is important to realise that other conversions along Maude Road have traditionally not provided cycle storage spaces to the level proposed within this application. Overall, it is considered that the imposition of a condition requiring further details to be provided and approved by the Council would be satisfactory in this instance, and would therefore encourage cycling as a sustainable transport option.
- 63 Given that the site is not located within a CPZ the Council is unable to control parking demand by exempting occupiers from obtaining parking permits. The Transportation Team did not raise any specific concern regarding parking stress of the area, although they acknowledged that overspill car parking needs to be addressed at

some stage. It is understood that there is a proposed CPZ within this area and should this become adopted, then future planning permissions for conversions would be able to exempt occupiers from obtaining parking permits.

Waste Management

- 64 The application proposes to include a bin storage area located at footpath level comprising of a raft, with the applicant proposing to provide 3 x 400L refuse bins. The area measures 1600m in width by 700mm in depth.
- 65 The proposed 400L bins are not standard size and the refuse area would need to house standard sized bins such as 180L, 240L or 660L. Given the sizes of the bins and the proposed bin storage area, it would only be possible to provide 3 x 180L, 2 x 240L or 1 x 660L bins within this space.
- 66 It is considered that the proposed 'raft' area would be sufficient to accommodate storage for the likely generated refuse. In addition, the recycling bins could be stored within each of the flats, to be taken out on the day of collection. Furthermore, it is apparent (arising from a site visit), all other residents along Maude Road place their wheeled bins out on the footpath on the day of collection.
- 67 A condition can be imposed if consent is granted, which will require the submission of details associated with refuse and recycling storage and collection.
- 68 For these reasons, it is considered that there would be sufficient provision for refuse and recycling associated with the proposed residential units.
- 69 It is considered that the proposed development would meet the Council's transport and servicing policies of The Southwark Plan [UDP] 2007.

Other matters

- 70 Given that there is an existing unauthorised lower ground floor level rear extension at the property, and given that there is also an outstanding Enforcement Notice (and associated appeal) requiring its removal, it is considered that an appropriate conditional timeframe should be imposed on any approval requiring the removal of the extension.
- 71 Based on discussions with the Planning Enforcement Team, and other similar appeal decisions, it is considered appropriate to allow 6 months in this instance. This would allow for notice to be served on the present tenant, and the modest works to be completed.
- 72 A submission has raised a concern about construction effects impacting on the surrounding area. Whilst it is acknowledged that the area is undergoing a number of developments and therefore has caused some disruption, the construction effects of the proposed development will be temporary in nature. Demolition and construction is already controlled by requirements to adhere to other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974.
- 73 There is also an objection from third parties regarding noise and general disturbance created by future occupiers at the site. The noise and possible disturbance arising from the future occupiers of the premises in this regard is not a material planning consideration, and should there be disturbance of this nature, the Environmental protection team would address any such issue should it arise.
- 74 There is another concern that the site is located within a flood plain and that subsidence could place the terrace at risk. The site is not located within a flood risk zone, and any subsidence risk would be assessed by Building Control when the

Building Consent is submitted.

Conclusion

75 For the reasons explored above, it is considered that the proposed conversion of the building would result in an acceptable standard of accommodation for future occupiers, and that the proposed lower ground and upper ground floor rear extensions, in addition to the construction of the rear dormer, would be subordinate to the original dwellinghouse, and not result in any significant impact on neighbouring occupiers.

76 The majority of unauthorised lower ground floor rear extension will be removed, being 5300mm in depth and full width, and the retained part would be acceptable as discussed above. It is considered that the proposed development would be a good resolution from a Development Management and Planning Enforcement prospective.

77 Overall, the proposed development therefore meets the policies of The Southwark Plan [UDP] 2007 and Residential Design Standards [SPD] 2008, and should be granted on this basis.

COMMUNITY IMPACT STATEMENT

78 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.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

79 There are no sustainable development implications associated with this application.

HUMAN RIGHTS

80 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. This application has the legitimate aim of providing additional residential accommodation. The rights potentially engaged by this application, including a 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.

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