

<b>Item No.</b>  <b>1.1</b>	<b>Classification</b>  OPEN	<b>Decision Level</b>  Dulwich Community Council	<b>Date</b>  7/01/2010
<b>From</b>  Head of Development Management		<b>Title of Report</b>  DEVELOPMENT MANAGEMENT	
<b>Proposal</b> (09-AP-2419)  Refurbishment and conversion of the existing building to provide 5 residential units (3 x1 bedroom and 2 x 2 bedroom flats) with external alterations, including cycle parking and associated car parking accessed from Lordship Lane.		<b>Address</b>  549 LORDSHIP LANE, LONDON, SE22 8LB  <b>Ward</b> College	
<b>Application Start Date</b> 29/10/2009		<b>Application Expiry Date</b> 24/12/2009	

## PURPOSE

- 1 For consideration by Dulwich Community Council due to the number of objections received.

## RECOMMENDATION

- 2 Grant planning permission, subject to conditions.

## BACKGROUND

### Site location and description

- 3 The application site is located on the visually prominent corner of Lordship Lane (the South Circular Road at this point) and Underhill Road. On the opposite side of Lordship Lane is the Church of St. Peter, which is a Grade II Listed Building.
- 4 The red line boundary of the listed building is shown on the attached plan and includes land to the south of the building forming part of the title of the White Gothic House.
- 5 549 Lordship Lane was built in 1873 by Charles Drake of the Patent Concrete Building Company and is constructed of mass concrete walls with render, artificial stone dressings and a slate roof. It is a two storey house with attic and has a projecting bay and porch facing onto Lordship Lane. The only vehicular access to the site is from Lordship Lane. The building is one of the very earliest concrete buildings and is listed Grade II.

### Details of proposal

- 6 Planning permission and listed building consent are sought for the refurbishment of the existing building and its conversion into 5 separate residential flats. The refurbishment works are fairly extensive due to the existing damage sustained over the years to this much neglected building. The proposed conversion follows the natural divide of the property as the hallway splits the house in half. Two flats are provided on each floor with the fifth flat occupying the top floor. It is proposed to provide 3 one bedroom units (2 on the ground floor and 1 on the first floor) and 2 two

bedroom units one on the first floor and one on the second floor.

- 7 Three parking spaces are provided via a crossover from Lordship Lane and cycle parking is provided within the communal garden area which surrounds the house to the front and the side.

### **Planning history**

- 8 In 1958 there was a refusal to allow redevelopment for a petrol station and in 1959 refusal for redevelopment for 10 flats in three blocks.
- 9 On 19<sup>th</sup> December 1989 an outline planning permission was granted for the demolition of the house and erection of a part two and part three storey nursing home for 20 people. In February 1994 an application for demolition and erection of 9 flats was withdrawn.
- 10 On 8<sup>th</sup> April 1994 the building was Listed Grade II (following an application from Southwark's Conservation Officer for spot listing). The description of the listed building was as follows: "House, 1873 by Charles Drake of the Patent Concrete Building Company. Mass Concrete walls, rendered, with artificial stone dressings and slate roof with cresting. Two storeys and attics. L - shaped plan, with projecting ground floor bays and porch in angle. Rendered stacks on outside flank of both wings. All window sashes under pointed arches, those to the ground and first floors with foliate capitals. In the projecting wing to left, a 3-light canted bay has two lights on the first floor over and one in the attic. To the right are two windows on the ground floor and one on the first. Between these ascending compositions the door is set under a gabled porch, within pointed arch with round columns. Panelled door. Principal interiors have elaborate cornices and ceiling roses."
- 11 In July 1994 planning permission was granted for the conversion of the house to 5 flats and demolition of extensions.
- 12 On the 8<sup>th</sup> September 1994 a similar application was granted permission but with the construction of an additional building for 4 flats.
- 13 On 6<sup>th</sup> March 1995 Listed Building Consent was granted (to Strollmoor Ltd) for the demolition of the two storey rear extension, with conditions requiring details of materials and repairs to be made. On 25<sup>th</sup> April 1995 the details of artificial slate (Eternit) roofing were refused.
- 14 In March 1997 the agents for the new (and present) owner contacted the Council. On 14<sup>th</sup> April 1997 a planning application and listed building application was received for the demolition of the existing building and redevelopment of the site for a three-storey block of 10 x two bedroom flats. These applications were withdrawn in May 1997 in order to prepare detailed information to address the requirements of PPG15.
- 15 On 27<sup>th</sup> November 1997 the two applications were re-submitted, for the demolition and redevelopment for a single three storey block of 10 two-bedroom flats and a Listed Building application for demolition of the Grade 2 Listed Building. The block of flats would have 12 parking spaces but minimal amenity space.
- 16 On 13<sup>th</sup> March 1998 a site visit was held with the agents and officers of the Council and English Heritage, including their surveyor. The extensive work to stabilise the building was inspected and the building was found to be structurally sound but in need of interior and external repairs. The building was not found to be beyond repair and a number of urgent repairs were recommended by English Heritage officers to the agents present. Discussions were unsuccessful.

- 17 On 11<sup>th</sup> June 1998 the Council refused an applications for Listed Building Consent for the demolition of No.549 Lordship Lane, London SE22, (a Listed Grade II building) for the following reason:
- 1.The proposal would result in the unacceptable demolition of a Listed Building, without a convincing case being made for demolition.
  - 2.The proposal would result in a cramped form of development with inadequate amenity space for occupiers and poor external landscaping and appearance,
- 18 On 12<sup>th</sup> April 2000 planning permission (Reg. No. 9901958) was granted for the conversion of the building into five flats and the construction of a new two-storey building for four flats.
- 19 The owners commenced construction of a building now known as White Gothic House sometime in late 1999/2000. It is the Council's view that neither the 1994 or 2000 planning permisssions were implemented and that the White Gothic House is unauthorised. There will be an enforcement appeal which will determine the lawfulness of White Gothic House in 2010.
- 20 On 13<sup>th</sup> July 2001 permission (Reg. No. 0100767) was granted for details of landscaping and boundary fencing required by conditions of permission granted in April 2000.
- 21 On 2/11/2007 planning permission (Reg No. 07AP0704) was refused for the demolition of the existing building and redevelopment of the site for the construction of a new building containing 5 residential units together with associated parking. The reasons for refusal were as follows;
1. The proposed new building would be of a poor design quality which would not be considered an adequate replacement for the existing Listed Building and would not contribute the same level of quality to the streetscape and setting of the conservation area opposite.
  2. The proposal would result in the unacceptable demolition of a Listed Building, without a convincing case made for demolition
- 22 On 2/11/2007 the associated listed building consent application (Reg. No. 07AP0705) was refused for the demolition of the Grade II listed building for the following reason;
- The proposal would result in the unacceptable demolition of a Listed Building, without a convincing case made for demolition.
- 23 08-AP-2554 Planning permission was refused on 08/04/2009 for the demolition and rebuilding of the original building to provide 5 self contained flats with off street parking. The proposal was refused for the following reasons;
- The proposed new building would be of a poor design quality, which would not be considered an adequate replacement for the existing Listed Building and would not contribute the same level of quality to the streetscape, as demonstrated by the lack of detailing on the submitted plans and the lack of accuracy of the new build to match the original building.
  - The proposal would result in the unacceptable demolition of a Grade II Listed Building, without a convincing case made for demolition contrary to the tests set out in PPG 15 Planning and the Historic Environment and Policy 3.17 Listed Buildings of the Southwark Plan 2007.
  - In the absence of an arboricultural survey it has not been possible to assess the

impact of the proposed development on the existing trees within the site particularly the trees subject of a Tree Preservation Order fronting onto Underhill Road.

- 24 An associated listed building application (08-AP-2545) was also refused on 8/04/2009.
- 25 Planning permission was granted (09-AP-0792) on 18/06/2009 for the refurbishment, repair and the conversion of the property to provide 5 self-contained units (2 x 2 bedroom and 3 x 1 bedroom), together with 5 off street parking spaces (including 1 disabled space), refuse and cycle storage. This permission was for a slightly larger area of land , which was required to provided access to the site from Underhill Road.
- 26 An associated listed building application (09-AP-0793) was also granted on 18/06/2009.
- 27 The red line boundary for the current application has been reduced to bring the access back to the original entrance position via Lordship Lane. The current parking area fronting the White Gothic House does not form part of this development

#### **Planning history of adjoining sites**

- 28 There is a current enforcement case regarding the new dwelling at the side of no 549, (White Gothic House), as detailed in paragraph 18 of this report.

### **FACTORS FOR CONSIDERATION**

#### **Main Issues**

- 29 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 proposed works on the adjoining occupiers.
  - c] the quality of the accommodation provided
  - d] the impact of the proposed works on the existing listed building
  - e] The acceptability of the alteration to the vehicular access to the site which differs from the earlier 2009 scheme, as it has a reduced site area and reuses the existing crossover on Lordship Lane as opposed to the previous 2009 application which provided a crossover from Underhill Road

#### **Planning Policy**

- 30 Southwark Plan 2007 [July]
- 3.2 Protection of amenity
  - 3.4 Energy efficiency
  - 3.7 Waste management
  - 3.11 Efficient use of land
  - 3.12 Quality in design
  - 3.13 Urban design
  - 3.15 Conservation of the historic environment
  - 3.17 Listed Buildings
  - 3.18 Setting of listed buildings, conservation areas and world heritage sites



Statutory and non-statutory consultees

42 English Heritage - Raise no objections

43 Dulwich Society - Raise no objections

44 London Borough of Lewisham - Raise no objections

45 East Dulwich Society - No response received.

46 Transport for London - The site is located on the A205 Lordship Lane, which forms part of the Transport for London Road Network (TLRN).

· Three parking spaces are proposed (two regular spaces and one for disabled users) for five flats. This is within London Plan and Southwark Plan standards, and as such is welcomed by TfL. We would however require that any future residents of the site are restricted from applying for a residents parking permit.

· It is noted that iron gates are proposed at the existing crossover point on Lordship Lane. It is unclear whether these gates are existing or not. TfL would very much prefer that gates are not provided at accesses directly from the TLRN, as these would necessitate vehicle stopping on the South Circular to open them. However, it is understood that this is a listed building and as such, if retention of the gates is a requirement, we would require a condition to be imposed on any consent requiring the gates to be kept chained open at all times.

· The footway and carriageway on the TLRN (A205 Lordship Lane and its red route return) must not be blocked during the construction and maintenance of the proposal. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.

· No skips or construction materials shall be kept on, or loaded / unloaded from the footway or carriageway of the TLRN at all times.

Subject to the above, TfL feel the proposal would not result in an unacceptable impact on the Transport for London Road Network (TLRN).

Neighbour consultees

47 19 Bradbury Oak House Underhill Road - Writes in support of the application.

48 4 letters of objection have been received for flat nos. 1, 2, 4 and 5 White Gothic House. The objections are raised for the same issue; The landlord promised that the land to the side would be available for residents of White Gothic House as an amenity and parking area once the main house was made secure.

Re-consultation

49 Not required.

**PLANNING CONSIDERATIONS**

**Principle of development**

50 There are no objections in principle to the conversion of the existing building to provide self contained flats. The renovation of the building is welcomed and its reuse as a residential building is supported by the policies and objectives of the Southwark Plan.

## **Environmental impact assessment**

51 Not required for a site of this size.

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

52 White Gothic House

Objections have been received from residents of this property regarding the potential loss of land for parking and as amenity space. The two adjoining sites are currently fenced off. Notwithstanding the ongoing enforcement issue with this property, planning permission was granted in 1994 and 2000 for the redevelopment of the no. 549, the adjoining land and land occupied by the White Gothic House for the provision of 9 residential units, associated parking and amenity space. There was never a physical boundary proposed between the two properties.

53 It is the Council's view that neither consent has been implemented. Setting aside the issue of whether the construction of the White Gothic House is lawful, the site has since been sold and is now in two separate ownerships. The amenity land and car parking proposed in the 1994 and 2000 planning permissions has never been implemented and the area is fenced off and overgrown. If this latest application for planning permission is granted and implemented, the owners/occupiers of the White Gothic House will retain their current level of car parking and amenity.

54 Further the extant permissions granted in June 2009 (09-AP-0792) and (09-AP-0793) would have resulted in the same proportion of car parking spaces and amenity land being provided to these residents. The space in front of White Gothic House appears to be used for parking as it is accessed via gates on Underhill Road. If this permission is granted the car parking area for the White Gothic House is considered to be adequate. This is because, although the amenity space will be less than the Council would normally seek, it will remain at the same level of provision that is physically provided on site at present.

55 The existing listed building house lies in close proximity to the adjoining building White Gothic House. If following the enforcement notice appeal the White Gothic House is retained the close relationship between the two buildings will remain. It is accepted only a small gap separates them. Whilst this is not a desirable situation, if the building is immune from enforcement action the most that can be done is to try to minimise the impacts upon existing and future residents of these buildings. The north elevation of 549 Lordship Lane lies within the closest proximity to the rear boundary of White Gothic House at 1 metre. The proposal would limit the openings within this elevation, to two new bathroom windows at ground and first floor levels and so mitigate any impacts from overlooking and mutual loss of privacy. There is a second floor window in the gable at the side, which will be a bedroom to the top floor flat, however this is the only window to this room and as an existing opening it would not be reasonable to insist that this be obscure glazed or fixed shut.

56 In addition White Gothic House will benefit from improved health and safety as the unsafe listed building will be repaired and the rubbish cleared up from adjoining land, improving the general amenity for occupants of the Gothic House.

### 547 Lordship Lane

57 This block of purpose built flats lies to the north of the site. The flank elevation of the building faces the north west elevation of 549. No new openings are proposed within this elevation, therefore there would be no increase in levels of overlooking from the first floor.

58 Overall, the development is considered to comply with Policy 3.2 Protection of

Amenity of the Adopted Southwark Plan 2007.

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

- 59 The proposal is for a residential use of the site which would not conflict with the existing use of the area.

**Traffic issues**

- 60 As access to the parking spaces is being sought from the A205 which forms part of the South Circular, Transport for London were consulted. In their opinion provided the access gates are kept open, both the level of parking provided and the access are acceptable.
- 61 The proposal does represent a reduction of 2 off street parking spaces when compared with the earlier scheme. The Southwark Plan provides for maximum levels of off street parking to be provided with new residential developments. The site is within an area with a public transport accessibility level of 3 which is a medium level where the maximum car parking provided would be 1 space per dwelling. The three spaces including the one disabled bay are considered sufficient for the level of development proposed and should ensure that the proposal does not give rise to an unacceptable increase in on street parking on the adjoining roads.
- 62 The cycle parking area appears to provide space for 5 cycle spaces, but it is not clear whether the bicycles are to be kept undercover. A total of 1.1 spaces are required for a scheme of 5 units, therefore 6 cycle spaces are required. There is ample space to accommodate the cycle storage. As such, it is considered that the details for the number and type of storage should be a condition of any planning permission. Overall, the proposal is considered to comply with Policies 5.3 Walking and Cycling, 5.6 Car Parking and 5.7 Parking Standards for disabled people and the mobility impaired of the Adopted Southwark Plan 2007.

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

- 63 The proposed repair and conversion of this Grade II listed concrete house, believed to be designed by Charles Barry Junior, is very welcome, particularly as the building has been on the English Heritage Buildings At Risk Register since its inception and the building is in an advanced stage of deterioration. The loss of timber joists, the attic floor, the roof rafters, purlins ceiling collars leave the building exposed to the elements and the deterioration of the fabric continues.
- 64 The proposed new work and conversion to flats is also welcome as it retains nearly the entire original plan form layout with some minor modifications and retains all of the original chimney breasts. It is also intended to repair many of the features to their original design by carefully sifting through fragments of the remains of plaster, artificial stone ornament, and sections of joinery.
- 65 There is no objection to the use of the proposed historic carriageway entrance for access to the ancillary car park for the proposed restored and converted listed building. Drawing no.PA617.001 states that the conserved iron entrance gates will be locked open in place. A condition to reserve the detailed design of the gates and their fixing open to comply with possible traffic comments should be attached to any permission. Details of all of the proposed boundary treatment should also be required by condition, particularly the space between the listed building and White Gothic House and the new railings to the dwarf wall and the restored pedestrian gates. The conservation of the stone pillars and the concrete walls should also be part of a method statement for this element of the scheme.



66 There is no objection to the siting and extent of hard surfacing as the bulk of the car parking is detached from the immediate setting of the listed building and its impact is lessened by its proximity to the established trees, which are mainly the subject to TPOs (4). The retention of a large expanse of lawn and the use of resin bound gravel will maintain an informal garden setting to the listed building and be sympathetic to its character. A landscape planting plan, details of the cycle racks, bin storage area and sample of resin bound gravel should also be conditioned to ensure the quality of setting of this important listed building is maintained.

67 The proposal is considered to comply with the guidance given in PPG15 'Planning and the Historic Environment' and with the Council's policies 3.17 Listed Buildings and 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites of the Adopted Unitary Development Plan.

#### **Impact on trees**

68 The proposal would retain the existing trees on the site and offer the potential to plant new trees as part of the landscaping around the building. It is considered that subject to conditions to protect these trees during the course of construction, the proposal should not damage the existing trees.

#### **Planning obligations [S.106 undertaking or agreement]**

69 The proposed development is under the threshold for contributions to be made under the Council's S106 Supplementary Planning Document.

#### **Other matters**

70 The proposal would provide a total of 5 self contained flats: these will comprise 3 one bedroom units (2 on the ground floor and 1 on the first floor) and 2 two bedroom units one on the first floor and one on the second floor.

71 The overall flat sizes would exceed the minimum floorspace standards, with the smallest unit being 47.8 sq metres. The units have good outlook and ventilation having windows onto two or more different elevations.

72 The flats will have access to a large communal garden area to the front and the side of the property, although there is a limited area to the rear of the site due to the subdivision of the land previously.

73 The first floor flat (unit 4) has a kitchen without a window. As this is due to a new partition installation it is considered that this could be opened up further to enable this room to achieve natural light and ventilation. It is considered that this could be achieved by an amending condition. On balance, the standard of accommodation proposed is considered to comply with supplementary planning document 'New Residential Development'.

#### **Conclusion**

74 This application and the associated listed building application seek to rescue this prominent corner house, which has remained on the Buildings at Risk register for many years. The Council has resisted the pressure for its demolition in the belief that the building could be saved and reused.

75 The objections from the White Gothic House are noted but given the length of time that has passed since its construction and the continued subdivision of the land it is not considered that the plans for no. 549 and adjoining land would be detrimental to general level of amenity currently enjoyed by the residents of White Gothic House. Overall the plans proposed for no 549 will improve the environment around White Gothic House and the immediate surrounds.

- 76 There are some outstanding matters that need to be resolved but it is considered that these matters can be addressed by conditions. The refurbishment and reuse of this property together with the surrounding landscaping would contribute to the improvement of the overall street scene on this part of Lordship Lane. It is therefore recommended that planning permission be granted.

### **COMMUNITY IMPACT STATEMENT**

- 77 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**

- 78 The existing building represents an important part of local history and its retention and reuse would enable future residents of the borough to enjoy and appreciate it.

### **HUMAN RIGHTS**

- 79 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.

- 80 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 whatever the outcome of the Council's enforcement action concerning the Gothic White House.

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 CASE FILE TP/2315-549  
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### **Neighbour Consultee List for Application Reg. No. 09-AP-2419**

<b>TP No</b>	TP/2315-549	<b>Site</b>	549 LORDSHIP LANE, LONDON, SE22 8LB
<b>App. Type</b>	Full Planning Permission		

<b>Date Printed</b>	<b>Address</b>
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09/11/2009	522 LORDSHIP LANE LONDON SE22 8LD
09/11/2009	547A LORDSHIP LANE LONDON SE22 8LB
09/11/2009	547C LORDSHIP LANE LONDON SE22 8LB
09/11/2009	1A UNDERHILL ROAD LONDON SE22 0BT
09/11/2009	1B UNDERHILL ROAD LONDON SE22 0BT
09/11/2009	1C UNDERHILL ROAD LONDON SE22 0BT
09/11/2009	522C LORDSHIP LANE LONDON SE22 8LD
09/11/2009	FLAT 33 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH

09/11/2009 FLAT 38 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH  
09/11/2009 FLAT 5 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH  
09/11/2009 FLAT 7 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH  
09/11/2009 FLAT 9 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH  
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09/11/2009 FLAT 37 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH  
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09/11/2009 FLAT 9 DULWICH COURT UNDERHILL ROAD LONDON SE22 0AJ  
09/11/2009 FLAT 2 545 LORDSHIP LANE LONDON SE22 8LB  
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09/11/2009 FLAT 8 DULWICH COURT UNDERHILL ROAD LONDON SE22 0AJ  
09/11/2009 FLAT 6 545 LORDSHIP LANE LONDON SE22 8LB  
09/11/2009 FLAT 1 545 LORDSHIP LANE LONDON SE22 8LB  
09/11/2009 FLAT 6 WHITEGOTHIC HOUSE UNDERHILL ROAD LONDON SE22 0BU  
09/11/2009 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
09/11/2009 547B LORDSHIP LANE LONDON SE22 8LB  
09/11/2009 1D UNDERHILL ROAD LONDON SE22 0BT  
09/11/2009 1E UNDERHILL ROAD LONDON SE22 0BT  
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09/11/2009 FLAT 25 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH  
09/11/2009 FLAT 29 BRADBURY OAK HOUSE 2-4 UNDERHILL ROAD LONDON SE22 0AH  
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09/11/2009 FLAT 16 DULWICH COURT UNDERHILL ROAD LONDON SE22 0AJ  
09/11/2009 FLAT 3 DULWICH COURT UNDERHILL ROAD LONDON SE22 0AJ  
09/11/2009 FLAT 5 DULWICH COURT UNDERHILL ROAD LONDON SE22 0AJ  
09/11/2009 FLAT 7 DULWICH COURT UNDERHILL ROAD LONDON SE22 0AJ  
09/11/2009 FLAT 4 545 LORDSHIP LANE LONDON SE22 8LB  
09/11/2009 FLAT 3A 545 LORDSHIP LANE LONDON SE22 8LB  
09/11/2009 c/o 11 Ferrings London SE21 7LU  
09/11/2009 11 Bassano Street East Dulwich London SE22 8RU  
09/11/2009 1 WHITE GOTHIC HOUSE UNDERHILL ROAD LONDON SE22 OBU  
09/11/2009 2 WHITE GOTHIC HOUSE UNDERHILL ROAD LONDON SE22 OBU  
09/11/2009 3 WHITE GOTHIC HOUSE UNDERHILL ROAD LONDON SE22 OBU  
09/11/2009 4 WHITE GOTHIC HOUSE UNDERHILL ROAD LONDON SE22 OBU  
09/11/2009 5 WHITE GOTHIC HOUSE UNDERHILL ROAD LONDON SE22 OBU  
09/11/2009 6 WHITE GOTHIC HOUSE UNDERHILL ROAD LONDON SE22 OBU