

<b>Item No.</b> 7.3 and 7.4	<b>Classification:</b> Open	<b>Date:</b> 21 November 2017	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/2632 for: Full Planning Application Application 17/AP/2633 for: Listed Building Consent  <b>Address:</b> 133 KENNINGTON PARK ROAD, LONDON, SE11 4JJ  <b>Proposal:</b> Conversion of the existing single family dwelling into x4 self contained residential units, entailing: the restoration of historic features; the re-instatement of timber sash windows; rear extension to the entrance 'side wing' at basement, ground and first floor levels; roof extension to the entrance 'side wing'.		
<b>Ward(s) or groups affected:</b>	Newington		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	05/07/2017	<b>Application Expiry Date</b>	30/08/2017
<b>Earliest Decision Date</b>	20/08/2017		

## RECOMMENDATION

1. That planning permission is granted, subject to conditions.
2. That Listed Building Consent is granted, subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

3. The building, No. 133 Kennington Park Road, is a five storey Georgian townhouse, including basement and mansard roof, the southern half of a pair of townhouses which form part of terrace of buildings on the east side of Kennington Park Road. Like No. 131 Kennington Park Road, the townhouse was extended to the side with a three storey extension c1900 including basement, ground floor and first floor. This extension houses the porch and ancillary service spaces. The townhouses are brick with red brick detailing, slate mansards behind parapets. There is a stringcourse between ground and first floor and steps up to the front door which is timber panelled with and quined doorcase. No.133 Kennington Park is in a poor state of repair internally and externally and requires extensive restoration and attention to structural and damp issues. Whilst not formally registered as an HMO, when visited by officers the building was being used in this manner.
4. The building is Grade II listed and has been on Historic England's Heritage At Risk register since 2004, following a two year period of monitoring by the council. At the time of inclusion on the Heritage at Risk Register the property had been vacant for a number of years and in a poor state of repair. The property had been squatted and damaged internally by the intruders.

5. The site is located in the Kennington Park Road Conservation Area, Kennington Road Archaeological Priority Zone, Urban Density Zone and the Air Quality Management Zone.
6. Previously approved residential conversion

In 2008 planning permission and Listed Building Consent (LBS Reg: 08/AP/0326 and 08/AP/0327) was granted for the conversion of No. 133 Kennington Park Road into 4 self contained residential units (2x 1 bedroom at basement and ground floor levels and 2x2 bedroom at first and second floor levels). This permission did not seek to extend the building and has not been implemented.

### **Details of proposal**

7. The proposals under consideration here are to convert the 9 bedroom building from a single dwelling in an HMO condition, to four self contained flats, including three 2x bedroom flats at basement, ground and first floor levels and one 3x bedroom maisonette (over the second and third floors), plus a three storey stepped rear extension (at basement, ground and first floor) and a second floor mansard. The proposed gross internal area (GIA) is as follows:  
 Basement flat 94 sqm  
 Ground floor flat 72 sqm  
 First floor flat 77.6 sqm  
 Second/ third floor maisonette 129 sqm

8. Revisions to the proposed scheme

Following consultation comments the following revisions have been made to the proposed scheme and supporting documents:

- The existing elevation revised, including the omission of a proposed mansard to No. 131 Kennington Park Road, which has not yet been applied for and consented.
- The full height window to the proposed second floor mansard revised to a tripartite sash window.
- Flood Risk Assessment revised to take into account comments from the Environment Agency.

9. **Planning history**

08/AP/0327 Application type: Listed Building Consent (LBC) Conversion of single family dwelling house into 4 self contained residential units, restoration of original features and reinstatement of windows to match originals. Decision date 29/04/2008 Decision: Granted (GRA)
08/AP/0326 Application type: Full Planning Application (FUL) Conversion of single family dwelling into 4 self contained residential units, restoration of original features and reinstatement of windows to match originals. Decision date 29/04/2008 Decision: Granted with 'Grampian' Condition (GWGC)
17/EQ/0079 Application type: Pre-Application Enquiry (ENQ) Conversion of the existing single family dwelling into x4 self-contained residential units, entailing: the restoration of historic features; the re-instatement of windows (like-for-like); rear extensions to the entrance 'side wing' at basement, ground and first floor levels; roof extension to the entrance 'side wing' Decision date 10/04/2017 Decision: Pre-application enquiry closed (EQC)

## **Planning history of adjoining sites**

### 10. 131 Kennington Park Road

There is no planning history relating to the conversion of 131 Kennington Park Road into two flats.

LBS Reg: 07/AP/0894 Listed Building Consent granted in 2007 for 'Demolition of wall between kitchen and corridor and 2m wide opening formed in wall between existing lounge and corridor, bricking up of two doorways (bedroom and corridor), enlargement of existing window opening and removal of existing radiator to create a new door opening between the bedroom and the study, new cast iron radiator in the bedroom, new entrance to shower area with new glass door and refurbishment of kitchen'.

LBS Reg: 10/AP/1316 and 1317- planning and Listed Building Consent granted in 2010 for 'Internal modifications including removal and erection of stud walls, structural alterations to chimney breast and renewal of services inside the building. Removal of 2 x first floor rear windows and replacement with 1 sash window. Removal of rooflight and replace with double glazed rooflight and renewal of external asphalt coverings and leadwork'.

LBS Reg: 16/AP/0687- listed building consent granted in 2016 for 'rectification of works carried out badly by previous builder, including demolition of chimney stack and other structural repairs. Other works include internal alterations, replacement rooflight and changes to windows and doors'.

### 11. 135A & C Kennington Park Road SE11

There is no planning history relating to the conversion of 135 Kennington Park Road into three flats.

LBS Reg: 03/AP/0475 granted in 2003 for 'external and internal alterations including replacement sash windows at ground level (front elevation), new rear door at ground floor level, realignment of internal partitioning and general refurbishment'.

LBS Reg: 07/AP/0663 planning refused in 2007 and listed building consent granted in 2007 at community council for 'erection of a two storey rear extension to increase living accommodation'.

LBS Reg: 07/AP/0664 and 1192 planning and listed building consent granted in 2007 for 'erection of a two storey extension to existing rear outlet to increase living accommodation'.

## **Summary of consultation responses**

Listed Building Consent (17/AP/2633)

### 12. Ten public consultation responses received in relation to the listed building consent application, three for and seven against the proposal. Historic England Heritage at risk officer wrote in support of the application.

### 13. Historic England

*I understand that there is a current planning application being considered for 133 Kennington Park Road for its conversion into flats. The building has been on Historic England's Heritage at Risk Register since 2004 which is a considerable time for a property in residential use. We would welcome a scheme which will ensure that the property is brought back into a good state of repair and full occupancy as soon as possible, ensuring no further loss of historic fabric and its proper contribution to this*

*row of listed buildings.*

14. Objections

- Two objectors were of the opinion that the property should be retained as a single dwelling due to lack of family houses and loss of character.
- One objector said they were told that a flat conversion for their single dwelling would not be supported by the Council.
- One objector raised concerns that the rear elevation to Nos. 131 and 133 were not accurate and could allow for possible changes to No. 131 that could impact on them.
- One objector agreed the building required restoration but considered that the plan form and historic fabric would be impacted. Also the proposed extension would be larger and higher than neighbouring extensions. Dividing the garden and adding a roof terrace will have noise. Finally the building was last used as a squat in 2006/2007 and after that by the previous owners family and friends.
- Two objections received from the neighbouring property. They claimed it had not been a HMO or squat since 2006 and only vacant since it was sold. The proposal would harm character of the neighbourhood, less housing for families, more noise, more cars, less outside space, loss of privacy and unnecessary development. They considered the extension granted to 135 in 2007 (07/AP/1192) must not be seen as a precedent. If they had been notified of it they would have complained. They objected to the roof terrace and the impact on their amenity. Roof terraces are not a characteristic of the area. Any permission in respect to the extension must address overlooking and stay blind or obscured. The terrace and sub-divided garden will increase noise and impact on amenity. The creation of so many units will increase the number of cars. The proposal is to replace lath and plaster with stud walls internally and any permission should require the same as elsewhere 'like for like'.

\* Note two of the seven objections were received following re-consultation, however they raised no new issues and did not specifically discuss the revised plans and Flood Risk Assessment.

15. Support

- Whilst they supported the desire to keep as many single dwelling due to the investment needed to the property they welcomed the proposal.
- One response in support was received was from the occupant of No. 133 at the time of the original permission. They welcomed the restoration and already use the roof as an amenity space. They considered the extension to be in keeping.
- Another neighbour welcomed the proposals as the property has been an eyesore for a long time. They confirmed the house has been a HMO and more recently a squat for sometime. They welcomed the proposal to maximise the property comparable to 133. There only reservations that the building works could impact on them and may preclude them from making changes, but expected that professional standard would prevent this.

16. Officer comment:

*The drawings have been amended following comments in relation to accuracy and amenity concerns. In terms of car parking and communal refuse conditions have been suggested to cover these matters. The history of the building in terms of use has been covered in paragraphs 3 and 4 of this report. The precedent for conversion of the building into flats was established in planning terms with the 2008 permission.*

Planning application (17/AP/2632)

17. Three public consultation responses against were received in relation to the planning application. One was identical to the Listed Building Consent application. One statutory consultation received from the Environment Agency, who following the submission of a revised Flood Risk Assessment withdrew their objection.

18. The two other objectors raised the following issues:

- One from outside the borough considered the proposal over development, damaging to the historic streetscape with the wheelie bins that would result.
- One objection raised privacy issues for No. 129 Kennington Park Road due to the proposed basement and ground floor windows of the extension. Multiple occupancy will cause noise nuisance. The detrimental impact on the character and appearance of the building as a result of the conversion. Encroachment of the extension and impact on the character of the garden.

19. Officer comment:

*A condition has been suggested for details of the bin enclosure. In terms of overlooking on No. 129 Kennington Park Road, given the distance from the site and existence of an outrigger to that property there would be no impact in terms of overlooking. The precedent for conversion of the building into flats in terms of noise nuisance was established in planning terms with the 2008 permission. The precedent for an extension to the rear was established with the permission at No. 135 Kennington Park Road, which was granted by members at community council in 2007.*

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

20. The main issues to be considered in respect of this application are:

- a) Principle of development including creation of 4 residential units including sustainability and transport
- b) Size, layout of units and impact on future occupants amenity
- c) Extension design and impact on neighbours
- d) Flood risk
- e) Design, conservation area and archaeological impact
- f) Other matters

### **Planning policy**

21. National Planning Policy Framework (the Framework)

- 4) Promoting sustainable transport
- 6) Delivering a wide choice of high quality homes

- 7) Requiring good design
- 12) Conserving and enhancing the historic environment

22. The London Plan 2016

- Policy 3.3 Increasing housing supply
- Policy 3.5 Quality and design of housing developments
- Policy 3.9 Mixed and balanced communities
- Policy 3.11 Efficient use of land
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes

23. Core Strategy 2011

- Strategic Policy 1 Sustainable Development
- Strategic Policy 5 Providing new homes
- Strategic Policy 12 Design and conservation
- Strategic Policy 13 High environmental standards

24. Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- 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 3.15 - Conservation of the Historic Environment
- Policy 3.16 - Conservation areas
- Policy 3.17 - Listed buildings
- Policy 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites
- Policy 3.19 - Archaeology
- Policy 4.2 - Quality of Residential Accommodation
- Policy 5.2 - Transport impacts
- Policy 5.6 - Car Parking

**Principle of development**

25. The proposal under consideration is to convert the building from a 9 bedroom single dwelling in an HMO condition, to four flats, including three 2 no. bedroom flats at basement, ground and first floor levels and one 3 bedroom maisonette (over the second and third floors). The proposal also includes a stepped rear extension plus a three storey rear extension (at basement, ground and first floor) and a second floor mansard to the side extension. The extension is proposed to the rear, in the area of the existing 1900s extension, in a outrigger style, typical of such townhouses.

26. On inspection, the building is currently in an HMO type use, and includes bathrooms and kitchens at basement, ground floor and first floor, with bathrooms at ground floor, first floor and second floor. The age of the fittings indicate that the building has been used as such for a substantial period of time, over 25 years, although not formally registered. The existing layout indicates possible historic use as 2 x 2 bed flat and 1 x 3 bed flat, although this arrangement may be fluid. Therefore the principle of flats within this building is established through ongoing use as such. Any subdivision from single dwellinghouse to flats would now be lawful. Furthermore, the planning precedent was established when consent was given in 2008 (LBS Reg: 08/AP/0326 & 0327) to subdivide the building into four flats, although this scheme has not been implemented.
27. The conversion of the existing dwelling house accords with the council's policy which allows the sub-division of a single house to self contained flats on the basis that the original net floor area of the dwelling house measures a minimum of 130 sq. m. The dwelling house in question has a net floor area of 340 sq m and with the proposed extensions this would increase to 416 sq m, therefore there are no policy issues in so far as the principle of the conversion is concerned.
28. The principle of altering and extending this terraced house is considered acceptable in listed building terms, provided that the proposal has due regard for the character, appearance and historic fabric of the listed building and raises no substantial conflict with planning policy or guidance.
29. The building has been damaged in the past by squatters and this has included the removal of historic fireplaces. As a consequence the windows and door openings at basement level have been boarded up and bricked up to stop intruders. The basement has suffered damage to the fabric as a result of a fire and damp ingress. There is also water ingress on the second floor. The remainder of the house is also in a poor state of repair. As part of the conversion works the proposal seeks to repair/ replace the external fabric and refurbish surviving historic features internally. The works proposed to the building are set out below.

30. External Works

The mid-20th century metal windows will be replaced with sash windows to match those at No. 131 Kennington Park Road. The openings at first floor level (front elevation) will be returned to their original proportions. A note on the drawings indicate that these new windows will be double glazed, however this would be considered harmful in a terrace where none exist as it is very unusual for double glazed windows to be able to fully reflect the single glazed style due in part to the need normally for thicker frames to mount the glass. This has been discussed with the applicant and a notwithstanding condition for single glazing has been suggested on the Listed Building Consent. To the rear the existing sashes which are life expired will be replaced to historic designs. The non-original front door and fanlight will be replaced, details of the replacements have been provided and are considered acceptable. The works will also include restoration of the surround around the entrance door and modification of the structural opening to the adjacent window to improve its proportion and relationship to other windows in the facade. The large openings in the bow to the rear were modified during the 20th century. These alterations have not been successful and structural repairs are required. Other external works include fabric repairs to the facades and roof, with finishes and materials to match existing or adjoining properties. A structural engineers report on the condition of the building has been provided in support of the application. Conditions have been suggested for material samples and more detailed Schedule of Works for the proposed fabric repairs.

### 31. Rear Extension

The rear facades of the terrace as a group exhibit considerable variety of additions and variations, no two houses being alike. Most of the additions date from the later 19th through to the 20th centuries and span from basement, ground, first and second floors. Typically they are rectangular in form and constructed of brick and render. The adjoining property (No. 135) has an extension on the shared party wall, with a flat roof. The proposed 3300mm wide rear extension will follow the rectangular plan form, albeit slightly shorter and incorporate a shallow pitched zinc covered roof. The extension will step down from first floor down to basement. The extension covering basement and ground floor levels is 6200mm above the ground level to the rear and 5267mm above the garden level. The extension rising up to 9340mm at first floor level, with the ridge height of the second floor mansard at 11660mm in height. Blind window openings are proposed to the side wall (garden facing) at first floor level, to provide some visual interest. Openable windows will be located at basement and ground floor level on the north elevation and east elevation. At first floor level the window on the new extension is on the eastern elevation.

### 32. Entrance Wing Mansard Extension

An infill mansard extension above the entrance wing is proposed at second floor level. No objection is raised in principle, however a condition has been suggested to ensure the sill of the dormer window sits below the existing parapet. This is to ensure that the dormer windows are not too dominant in the roofslope of the new extension.

#### Basement

33. The existing condition of the basement is very poor. The proposal is to remove the decayed timber floor. The floor will be excavated to the base of the foundations and a new concrete slab on a water protective membrane. Above this base slab an additional slab will be cast on rubber shock mounts to reduce the noise and vibrations from the Northern Line beneath. The walls and ceiling plaster will be removed and the walls will receive a treatment for rising damp. Metal bars will be added to the windows in the front lightwell, to provide added security. These will not be visible in views of the listed building from Kennington Park Road.

34. The existing kitchen unit will be removed and the accommodation in the later side entrance wing will be re-ordered and extended to create a two bedroom flat. The existing rear wall will be opened up and the garden steps removed to facilitate the construction of a 3330mm wide extension along the party wall to a depth of 8000mm. The works also involve the creation of an opening between the existing side extension and living room. The historic two room plan around the central staircase will remain discernible with the openings fixed shut. The historic doorway between the side extension and staircase will remain and a door installed. This will provide a secondary means of escape in the event of a flood.

### 35. Ground

The works are comparable at ground floor level to those proposed to the basement, in terms of new openings. Later additions will be removed and redundant openings around the stairwell sealed and fixed shut. The works will involve the return of the historic two room plan to the original part of the house. The later side extension will be reordered to create a second two bedroom flat. Other works include the installation of a new staircase in the side wing to create a separate access to the first floor flat. The historic staircase will provide private access to the maisonette at second and third floor levels.



36. First Floor

At first floor level the proposed extension steps back and reduces down to 3000mm from the rear flank wall. Once again the works are comparable to that on the lower floors, with redundant openings fixed shut. A chimney stack on the later side extension will be taken down to create an opening. This is a later addition and will not involve the loss of important historic fabric.

37. Second and Third Floor

A maisonette will be created over the second and third floor. At second floor level modern partitions will be removed to restore the two room plan and a redundant opening onto the stair fixed shut. A mansard extension will be added to the existing side wing at second floor level. Dormer windows will be installed to the front and rear and conservation style roof lights installed will provide additional light. As on the lower floors a new opening will be created between the side extension and the original part of the house. At third floor level the front bedroom will be re-ordered to create an ensuite. The existing dormer window is life expired and will be replaced with new doors onto the balcony. This is a comparable arrangement to that found at No. 131 Kennington Park Road. The existing rooflight is in a poor condition, access has not been possible so the full extent of the repair works is not known at this stage. It is therefore suggested that a condition be attached for further details.

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

38. Saved policy 3.2 (Protection of Amenity) of the Southwark Plan (2007) seeks to ensure an adequate standard of amenity for existing and future occupiers; Strategic policy 13 (High Environmental Standards) of the Southwark Core Strategy (2011) requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and other amenity problems. The 2015 Technical Update to the Residential Design Standards SPD (2011) also sets out the guidance for roof and dormer window extensions which states that development should not unacceptably affect the amenity of neighbouring properties. This includes privacy, outlook, daylight and sunlight.

39. The proposed rear extension to the entrance 'side wing' at basement, ground and first floor levels; roof extension to the entrance 'side wing', by virtue of their design, scale and locations would not compromise the amenity of the neighbouring users or occupants. The large rear extension (basement and ground) in existence at 135 Kennington Park Road obscures the scale of the rear extension from neighbouring gardens to the south. There would be some overlooking of the existing garden from the rear and mansard extension, however as there are active residential windows in existence on the rear elevation, there would be no increase in overlooking or loss of privacy from the garden of No. 133 Kennington Park Road. The design of the openings at second floor level has been revised, with a tripartite sash replacing the double full height windows originally proposed. In addition a condition is suggested to ensure that the roof to the proposed rear extension is used for escape in case of emergency and not as an outdoor amenity space. The outdoor amenity space at third floor level of the main building is comparable to that which already exists at No. 131 Kennington Park Road. Between Nos. 131 and 133 there is a brick wall separating the properties approximately 1320mm high on the side of No. 133, with ground dropping a further 970mm by the new outrigger. The ground level to No. 131 is approximately 170mm lower, giving a wall height of 2320mm. On top of this wall there is a 830mm timber trellis. The nearest windows to No. 131 are contained within the curved rear wall, reflecting the arrangement at No. 133. Therefore given the

distance and arrangement it is considered that the windows at basement and ground floor level will not impact on the amenity of the occupiers of No. 131 Kennington Park Road in terms of overlooking. It should be noted that blind windows are proposed at first floor level facing the rear garden to No. 131. With regards impact on Nos. 58A and 59 De Laune Street, they have outriggers set back from the boundary wall at first floor level. There are no windows to the outriggers of Nos. 58A and 59 De Laune fronting the rear garden of the application site. In summary it is considered that the proposal would not impact on the amenity of neighbours in terms of overlooking. Furthermore, due to design, of the proposed extensions there would not be an adverse impact on visual amenity in views towards the Grade II listed building from the conservation area.

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

40. The proposed internal and external changes are in association with the building's existing residential use. Therefore it is not considered that there will be an impact on nearby uses and users as a result of the proposed external alterations.

### **Transport issues**

41. Saved Policy 5.2 seeks to ensure new development would not have a significant transport impacts. The proposal makes no provision for off street car parking which is mainly due to the constrained nature of the site. Although the property benefits from a large forecourt area, it is not possible to provide off street car parking given that the pavement level is much higher than the road, a difference of some 500mm.
42. The site is located within the West Walworth controlled parking zone and a red route where parking restrictions are rigidly enforced. The site is within fairly easy reach of a variety of public transport facilities with Kennington Station within two minutes from the site and Elephant and Castle a further 10 minutes away. There are also a variety of bus routes along Kennington Park Road, the PTAL for the site is rated 6, which is good.

43. Car Parking

No parking is provided however given the location within a good level of public transport accessibility. The site is located within a CPZ and a condition removing the rights of future occupants to purchase permits should be sufficient mitigation.

44. Cycle parking and refuse storage

Details of secure cycle parking have been provided. The proposal is to use the original coal store outside the garden flat as the cycle store as this would have easy access from all flats and the street, accessible via the existing stair and cycle wheeling ramp. This would be partitioned into two separate spaces and have new timber doors, as the existing are damaged and beyond repair. The communal recycling and refuse storage is to be provided at the front of the property, it is suggested that a condition be attached for details relating to the proposed form of enclosure.

### **Design issues**

45. Saved policy 3.12 Quality in Design and 3.13 Urban design of The Southwark Plan 2007, seeks to ensure that new development will be of a high standard. Saved policy 3.13 requires that the principles of good urban design must be taken into account in all developments. This includes: height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and

streetscape. It is considered that the proposed mansard extension to the side wing would be appropriately subservient to main listed building when viewed from Kennington Park Road. With regards the rear extension, given the size of the existing building and the site overall, in particular the rear garden, the proposal is considered proportionate and would not unduly dominate the listed building. The extension would not be visible from Kennington Park Road. A two storey extension already exists to the south at No. 135 Kennington Park Road. Saved policy 3.12 requires that developments should be carefully considered, particularly where the host building is listed and in a conservation area, which is the situation here. Paragraph 56 of the NPPF requires that 'good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The extensions are traditional in design, given the footprint and height of the existing building the extensions are considered to be subservient in their size and would compliment the listed building in terms of materials. Subject to the amendment of the position of the dormer window and approval of materials samples, it is considered that the extensions would be sympathetic to the listed building and the wider Kennington Park Road Conservation Area.

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

46. Paragraph 129 of the NPPF requires that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimize conflict between the heritage assets conservation and any aspect of the proposal.'* The significance of the building is as a Georgian terrace house, of traditional hierarchy with a grand centrally located principle staircase (with balustrade and rooflight) leading to large, mostly intact rooms at front and rear. The side extension is slightly later, and has been some modification in the early 20th century. The internal spaces retain some features, including chimney breasts and chimney pieces, architraves, doors and some plastering, although the passage of time has seen numerous alterations including poorly designed decor and the replacement of brick with render and modern plaster, and the replacement of windows to the front elevation with metal framed casements. The buildings significance lies primarily in its architectural merit (of note its floor plan, external facades and staircase) and an example of a townhouse built during the 18th century gentrification of south east London's suburbs.
47. Paragraph 126 of the NPPF requires that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. Paragraph 131 requires that *'in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets'*. Paragraph 132 goes onto advise that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation ..... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'*. NPPF sets out the presumption in favour of the conservation of designated assets and the aims of the policies within the PPS are to conserve these assets, for the benefit of future generations. Any harmful impact on the significance of the designated asset needs to be justified on the ground set out in paragraph 133 (substantial harm or total loss) or paragraph 134 (less than substantial harm). It is *considered that the proposed development would lead to less than substantial harm to the significance and therefore paragraph 134 of the NPPF is relevant here.*

*Paragraph 134 requires that 'where a development proposal will lead to less than*

*substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* Whilst there would be some loss of original arrangement by the conversion and harm to the significance of the Grade II listed building, the historic plan form will remain legible and historic fabric restored. It is therefore considered that any perceived harm is less than substantial. Furthermore, the 'public benefits' of the scheme, the provision of four residential units and the bringing of this long-term building back to beneficial use would outweigh the harm as to comply with paragraphs 132 and 134 of NPPF.

48. With regards the local plan policies, Strategic Policy 12 – Design and Conservation, of Core Strategy 2011, requires that development will achieve the highest possible standards of design for buildings and conserve or enhance the significance of Southwark's heritage assets. Saved Policy 3.17 'Listed buildings' requires that proposals involving a listed building should preserve the building and its features of special architectural or historic interest, involve no loss of important historic fabric, relate sensitively and respect the period, style, detailing of the building and that existing detailing and important later additional features are preserved, repaired or, if missing, replaced. Saved Policy 3.15 'Conservation of the historic environment', requires that development should preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance and planning proposals that have an adverse effect on the historic environment should not be permitted. Saved Policy 3.16 'Conservation areas' asserts that within conservation areas, development should preserve or enhance the character or appearance of the area. Saved Policy 3.18 'Setting of listed buildings, conservation areas and world heritage sites', states that Permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building and conservation area. It is considered that the proposal would comply with Strategic Policy 12 and Saved Policies 3.15 and 3.17, as the internal and external alterations would preserve the Grade II listed building, subject to approval of details and that the character and setting of the wider Kennington Park Road Conservation Area and the listed buildings; would not be compromised by the scheme.
49. These Southwark Plan policies are reinforced by the London Plan 2011 (July) Policy 7.8 'Heritage assets and archaeology', which requires a demonstration that the scheme, protects and enhance London's historic environment, should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. As well as Policy 7.9 'Heritage-Led Regeneration', which requires that regeneration schemes should make use of heritage assets and reinforce the qualities that make them significant, this includes buildings and landscape features. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable viable use that is consistent with their conservation. Overall it is considered that the scheme is sympathetic, would not be detrimental to the listed building and therefore has complied with Policies 7.8 and 7.9.

#### **Impact on trees**

50. None identified

#### **Planning obligations (S.106 undertaking or agreement)**

51. This application is CIL liable; the chargeable new residential floor area is 76sqm.

## **Other matters**

### 52. Quality of accommodation

The proposal would convert an existing building to form three 2 no. bedroom flats at basement, ground and first floor levels and one 3 bedroom maisonette (over the second and third floors), plus a three storey stepped rear extension (at basement, ground and first floor). The room sizes comply with the Residential Design Standards SPD and would provide a good standard of accommodation for future residents.

### 53. Fire and acoustic separation

The works also include the addition of an acoustic layer to the existing floor to improve fire and acoustic separation between the residential units. This type of work is considered acceptable subject to detail design of the junctions between the acoustic layer/ fire separation and historic joinery. A condition has been suggested in connection with this work.

### 54. Amenity provision

To the rear of the property there is a large garden (16500mm x 9000mm) of which the back section would be available for use by the ground floor flat (76sqm). The front section of the rear garden (44.6 sqm) will be for the use of the basement flat. Large areas of planting and grass areas and existing walls and fencing maintained. The existing Yorkstone paving currently in the rear garden will be re-used in the forecourt. As a result of site constraints no private amenity space is proposed for the first floor flat and the maisonette across the second and third floor will have access to a balcony located behind the parapet of the bay window to the rear. All the flats will have access to the communal front garden and the nearby Kennington Park

### 55. Front boundary treatments

The supporting documents make mention of the proposed demolition of the non-original brick wall separates the garden from the street. The intention is that this will be replaced by railings to match those at Nos. 131 and 133 Kennington Park Road. No drawn details have been provided and the applicant has confirmed that the boundary works will form the basis of a further future application.

### 56. Flood Risk

Whilst the site lies within the flood risk zone, the flats are laid out over several floors, with no bedrooms at lower ground floor level as such no objections are raised to the residential use. The Environment Agency have reviewed the updated submitted information and removed their previous objection for the proposed development. The applicant has confirmed that the occupier of the garden flat at basement level will be able to gain access to the ground floor in an emergency flood situation via a stairwell shown on amended on an amended plan and indicated further on recent submitted section drawings. The Environment Agency expect that this stairwell is available for use for the occupier at all times. A condition has been suggested to cover this requirement.

### 57. Archaeology

The site is within the Kennington Road APZ. However the Council's archaeology officer has confirmed that the application will have no impact upon buried archaeological remains therefore no archaeological response is necessary.

## 58. Environmental Protection

The Environmental Protection Team raised no objection to the scheme subject to the imposition of noise conditions to ensure acceptable levels of internal noise are achieved for the proposed residential units.

### **Conclusion on planning issues**

59. After careful consideration, the harm arising to the heritage assets, the listed house itself and the Kennington Park Road Conservation Area, through the sub-division and addition of the mansard extension to the side wing, the rear stepped extension to the side wing at basement, ground and first floor level, are not considered to be significant as to warrant refusal of planning and Listed Building Consent. The proposal will provide additional residential accommodation, preserve the significance of the heritage assets and bring this long-term vacant listed building back into beneficial use. There are no harmful impacts arising from the development in terms of neighbour amenity. The principle of this development is acceptable as it raises no substantial conflict with planning policy or guidance, the proposal will secure the long term future of the property and this is considered to be sustainable development as set out in the NPPF.

### **Community impact statement**

60. 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) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
  - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

63. 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.
64. This application has the legitimate aim of bringing the buildings at risk back into use as property sub-divided into four self-contained flats. 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.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1375-133 Application file: 17/AP/2632 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5375 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-Application Enquiry (ENQ) - 17/EQ/0079
Appendix 4	Recommendation – 17/AP/2632 for: Full Planning Application
Appendix 5	Recommendation – 17/AP/2633 for: Listed Building Consent

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Tracy Chapman, Team Leader Design & Conservation	
<b>Version</b>	Final	
<b>Dated</b>	7 November 2017	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance & Governance	No	No
Strategic Director, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	9 November 2017	

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 28/07/2017

**Press notice date:** 20/07/2017

**Case officer site visit date:** 28/07/2017

**Neighbour consultation letters sent:** 17/07/2017

#### Internal services consulted:

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

#### Statutory and non-statutory organisations consulted:

Environment Agency  
Thames Water - Development Planning

#### Neighbour and local groups consulted:

Flat B 135 Kennington Park Road SE11 4JJ  
Basement Flat 131 Kennington Park Road SE11 4JJ  
Flat A 135 Kennington Park Road SE11 4JJ  
Flat C 135 Kennington Park Road SE11 4JJ  
131 Kennington Park Road London SE11 4JJ

133 Kennington Park Road London SE11 4JJ  
129 Kennington Park Road London SE11 4JJ  
3 Cleaver Square London SE11 4DW  
Second Floor Flat 129 Kennington Park SE11 4JJ

**Re-consultation:** 13/09/2017

## APPENDIX 2

### Consultation responses received

#### Internal services

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

#### Statutory and non-statutory organisations

Environment Agency

#### Neighbours and local groups

Second Floor Flat 129 Kennington Park SE11 4JJ  
129 Kennington Park Road London SE11 4JJ  
131 Kennington Park Road London SE11 4JJ  
3 Cleaver Square London SE11 4DW