

Item No. 7.2	Classification: Open	Date: 21 November 2017	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/AP/2997 for: Full Planning Application Address: LAND ADJACENT TO 29 DULWICH WOOD AVENUE, LONDON, SE19 1HG Proposal: Construction of a part one-storey part two-storey three-bed dwelling.		
Ward(s) or groups affected:	College		
From:	Director of Planning		
Application Start Date 09/08/2017		Application Expiry Date 04/10/2017	
Earliest Decision Date 06/10/2017			

RECOMMENDATION

1. That planning permission is granted

BACKGROUND INFORMATION

Site location and description

2. The subject site is an adjacent plot of land located at the southern end of Dulwich Wood Avenue which shares a common boundary line with the following properties:
 - No. 29 Dulwich Wood Avenue
 - No. 29 Colby Road
 - No. 31 Colby Road
 - No. 33 Colby Road
 - No. 35 Colby Road
3. The site is not located within a conservation area and there are no heritage assets in the wider context of the site. The surrounding properties are predominantly two storey modest dwellings.
4. The site is located on a gradual hill which slopes downwards in a northerly direction. There is an established street pattern with properties located along Dulwich Wood Avenue and Colby Road to the rear of the site, however the back to back distances between dwellings reduce at the location of the application site as the two roads begin to meet.

Details of proposal

5. Full planning permission has been sought for the construction of a detached part one storey part two storey three bedroom dwelling.

6. The part single storey section of the proposed dwelling would have a flat roof and would be located primarily along the southern and front section of the subject site. The part two storey section of the proposed development would have a pitched roof and would be located primarily along the boundary wall with No. 29 Dulwich Wood Avenue (to the north of the site).
7. There will be an area of new hardstanding to provide one off street car parking space located in the front curtilage space of the dwelling. Secure cycle storage, for a minimum of three bicycles, would be provided in the rear garden area.
8. The proposal has an entrance hall with access to utility space, wc and storage areas. Beyond this there is a semi-open plan kitchen-dining space and a living room. The ground floor also has a study and bedroom with en-suite. The first floor contains two further bedrooms and a bathroom.
9. **Planning history**

06/AP/1030 Application type: Full Planning Application (FUL)
Erection of a two storey detached house with garden and off street parking area; new crossover.

Decision date 26/07/2006 Decision: Refused (REF)

Reason(s) for refusal:

1. The proposal would result, directly or indirectly, in the loss of mature trees on the site which would have an undesirable effect on the visual appearance of the area contrary to policies 3.10 Efficient Use Of Land, 3.11 Quality in Design, 3.12 Design Statements, 3.13 Urban Design of The Southwark Plan 2006 [Modifications Version] and policies E.2.3 Aesthetic Control and E.3.1 Protection of Amenity of the Southwark Unitary Development Plan 1995 [UDP].

2. The proposal would fail to provide satisfactory visibility splays and the proposed width of the vehicular access would exceed the maximum width of 5.0m, prejudicial to vehicular and pedestrian traffic safety contrary to policies 3.11 Quality in Design, 3.13 Urban Design and 5.1 Locating Developments of The Southwark Plan 2006 [Modifications Version] and Policy T.1.3: Design of Development and Conformity with Council Standards and Controls of Southwark Unitary Development Plan 1995

13/AP/0389 Application type: Full Planning Application (FUL)

Two-storey side extension to the southeastern flank of 29 Dulwich Wood Avenue

Decision date 18/04/2013 Decision: Refused (REF) Appeal decision date: 02/07/2013 Appeal decision: Planning appeal dismissed (DIS).

Reason(s) for refusal:

1. The proposed development, by reason of its detailed design, width, height and massing, would fail to respond positively to its surroundings. The inappropriate scale would result in an incongruous feature dominating the existing dwelling and would adversely impact the street scene which is well preserved along this section of Dulwich Wood Avenue. The proposal fails to accord with guidance in the Residential Design Standards SPD (2011) regarding side extensions and is contrary to saved policy 3.12 (Quality of Design) of The Southwark Plan 2007, Strategic Policy 12 'Design and Conservation' and The National Planning Policy Framework 7 Requiring good design.

2. The proposed development would lead to the loss of a large mature Sycamore tree, which is of high amenity value to the site, and locally within the area. In the

absence of appropriately detailed mitigation measures this is considered an unacceptable loss which would harm the amenity and appearance of the site contrary to Southwark Plan 2007 saved policy 3.28 'Biodiversity' and Strategic Policy 11 'Trees and Wildlife' of the Core Strategy and The National Planning Policy Framework Section 11 Conserving and enhancing the natural environment.

16/EQ/0420 Application type: Pre-Application Enquiry (ENQ)
Proposed new three bedroom, part two-storey, part single storey dwelling.
Decision date 15/02/2017 Decision: Pre-application enquiry closed (EQ)

17/EN/0413 Enforcement type: Change of use (COU)
Change of use of garage to habitable room
Sign-off date 23/08/2017 Sign-off reason: Final closure - no breach of control (FCNB)

10. The current application differs from the 2006 refusal as the scale, massing, design and access are all different to the previous refusal. The TPO tree would be retained on site and sightlines improved for vehicular access into and out of the site.

Planning history of adjoining sites

11. None relevant

KEY ISSUES FOR CONSIDERATION

Summary of main issues

12. The main issues to be considered in respect of this application are:
- a) Principle of development.
 - b) Impact of proposed development on residential amenity.
 - c) Impact of proposed development on the character and appearance of the existing buildings and surrounding area.
 - d) Traffic issues.
 - e) Impacts on trees.

Planning policy

13. National Planning Policy Framework (the Framework)
- 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
 - 11. Conserving and enhancing the natural environment
14. The London Plan 2016
- 7.4 Local character
 - 7.6 Architecture
15. Core Strategy 2011
- Strategic Policy 5 - Providing new homes
 - Strategic Policy 7 - Family homes
 - Strategic Policy 12 - Design and conservation

Strategic Policy 13 - High environmental standards

16. 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 3.18 - Setting of Listed Buildings, Conservation Areas and World Heritage Sites

Policy 4.2 - Quality of Residential Accommodation

Policy 5.2 - Transport Impacts

Policy 5.6 - Car Parking

17. 2015 Technical Update to the Residential Design Standards SPD (2011)

Summary of consultation responses

18. Total number of representations:	16				
In favour:	5	Against:	9	Neutral:	2
Petitions in favour:	0		Petitions against:	0	

19. Main points raised in objection to the application.

- A loss of amenity for the neighbours (mainly those along Colby Road where referenced).
- A loss of daylight and sunlight
- A loss of privacy through overlooking
- The impact that the proposed development would have on the large sycamore tree
- The poor quality of design, with reference being made to the unacceptable materials as well as the concern that the development would appear incongruous to the surrounding area.
- Concerns of the drainage and foul water treatment
- Impact that the development would have on the existing parking spaces available on site.
- Impacts on wildlife including birds and bats
- The proposed garden space would be much less than surrounding properties.

Principle of development

20. There is no objection in principle for new residential properties in established residential areas provided that development fits within its environment and the development also functions well internally with landscaping contributing to the overall appearance of the development. It should also be of a high standard of design, respect and enhance the character of its surroundings including any designated heritage assets and does not adversely impact upon the amenity of adjoining properties or residents in accordance with above mentioned development policies.

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

21. The proposed site layout and massing is unlikely to have a harmful impact on neighbouring occupiers to the south along Colby Road in terms of daylight/sunlight, and outlook due to the building's relatively small size at first floor level and the distance between the properties, (at the closest point the, single storey section of the development would be 7m away from the neighbouring properties and 8.8m away from the two storey section).
22. The windows most likely to be effected from loss of daylight/sunlight are those on the south facing elevation at No. 29 Dulwich Wood Avenue, as these would be 2m away from the proposed development. However, the rear elevation would be set back from the rear elevation at No. 29 Dulwich Wood Avenue by 3.5m which would result in half of the side south facing elevation of No. 29 Dulwich Wood Avenue exposed. The one window that would be directly opposite the development would still pass the 45 degree daylight and sunlight test in the 2015 Technical Update to the Residential Design Standards SPD (2011).
23. The ground floor would, for the most part be contained behind the existing boundary walls and as such the new opening would have no significant impacts in terms of overlooking into any of the surrounding properties.
24. There would be three windows inserted on the first floor level of the dwelling, one on the rear elevation and two on the southeast facing side elevation. The window on the rear elevation would be more than 12m from the windows on the semi detached properties to the rear (on Colby Road). Whilst this is not the recommended 21m as stated in the Residential Design Standard Guidance (2015), it must be acknowledged that this new view point would not cause any greater harm than the existing first floor windows current present at No. 29 Dulwich Wood Avenue as the distances would largely be the same. The windows on the southeast facing elevation at first floor level would not result in any direct overlooking into any adjoining windows. Whilst it would have some views into adjacent gardens, it is a common feature within all of the surrounding properties that first floor windows would have some views into neighbouring gardens. Therefore, officers are satisfied that the proposal would not result in an unacceptable loss of amenity to the adjoining residents.

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

25. The surrounding properties are within residential use and the application is also for a residential use. As such no concerns are raised.

Transport issues

26. The proposal would provide 1 car parking space, which is acceptable within this location. It would be an off street car parking space located in the front of the dwelling, a feature which is common in along the road. The sightlines into and out of the site are acceptable in order to ensure that highway safety is not compromised.
27. The Design and Access statement outlines that secure cycle storage, for a minimum of three bicycles would be provided in the rear garden area and this has been outlined on the proposed site plan, the provision is acceptable and a compliance condition is recommended. Refuse storage is provided to the front of the dwelling in an enclosed storage area, again the provision is acceptable and a compliance condition is recommended.

Design issues

28. The scale of the building is appropriate as it has taken into account the design and layout of the surround properties as well as the previous reasons for refusal. This particular section of Dulwich Wood Avenue contains a row of semi-detached properties which step closer to the street in a South Eastern direction. The new build would continue this pattern as the front elevation would be set slightly in front the neighbouring property to the North West and this approach is considered appropriate within this setting. The existing wooden fence surrounding the site would be removed and a new boundary wall would be built that tappers away from the street in a north western direction. This would introduce a new feature along the road as all existing dwellings are flush/parallel to the street and this helps provide a greater sense of openness than currently exists. Whilst this may be a new feature to the street scene, it is considered acceptable as it would break the existing 50m long stretch of harsh rear boundary walls located at the south eastern end of the street.
29. The new dwelling would be a part two-storey part single storey building with a pitched roof. The single storey element would mainly be along the south eastern side of the site with the two storey element being located along the boundary wall with No. 29 Dulwich Wood. The scale of the two storey element would be designed in such a way to ensure that it is in keeping with the existing properties along the Dulwich Wood Avenue and as such would not appear out of context within the streetscene. The site is located on a hill and as a result the ridge line would be slightly higher than that of the neighbouring property, again this is common feature of properties along the street and as such raises no concerns in terms of design and massing.

Materials

30. Walls	Facing/exposed brick (no further details provided) Cement facias panels at first floor level set in between the brick walls.
Ground floor roof	Mill finish aluminium, with pigmented concrete coursing lintels
Entrance door	Timber.
Main pitched roof	Slate
Windows	Anodised aluminium at first floor level.

31. The proposed house would be constructed bricks and pigmented concrete that would be in keeping to the materials that are already established on the neighbouring properties. However, it is recommended that a condition is included into the decision notice to seek further details on the type of brick and the colour of concrete being proposed.

Impact on trees

32. The application site contains a number of mature trees, including a large Sycamore tree which is subject to a Tree Preservation Order (TPO). The proposed dwelling would result in a 14% incursion is shown into the root protection area of the TPO sycamore tree to the rear. However, a sensitive construction method is proposed with a non-dig raft and pile foundation. Whilst previous applications within the site would have resulted in the loss of this tree, officers are satisfied that the proposal would not result in any significant impacts on the long terms health of the tree subject to conditions relating to foundation design and tree protection measures.

Planning obligations (S.106 undertaking or agreement)

33.	GIA on each floor level (sqm)	Existing GIA	Proposed GIA
	1/F	na	42
	G/F	na	102
	Total measured	Vacant plot	144sqm

MCIL Chargeable Area = $Gr - Kr - (Gr \times E/G) = 144 - 0 - (144 \times 0/144) = 144 \text{ sqm}$
 MCIL = $144 \text{ sqm} \times \text{£}35/\text{sqm} \times 286/223 = \text{£}6,464$

SCIL Resi Chargeable Area = $Gr - Kr - (Gr \times E/G) = 144 - 0 - (144 \times 0/144) = 144 \text{ sqm}$
 SCIL (Resi. Zone 2) = $144 \text{ sqm} \times \text{£}200/\text{sqm} \times 286/259 = \text{£}31,802$

Density

34. The proposal would have a density of 158 habitable rooms per hectare in the Suburban Zone - South, which is below the expected density range of 200 to 350 set out within Core Strategy Policy 5.
35. Whilst the density is lower than what is usually considered acceptable within this particular zone, when taking into account the context of the surrounding properties it is considered that a larger/more dense layout would lead to a dwelling that would not be in keeping with the area and have additional amenity impacts on the neighbouring properties. Therefore, this particularly low density would likely be acceptable

Quality of accommodation

36. The proposed dwelling would meet the internal space standards for a new dwelling and all three rooms would meet the size standards for double bedrooms size requirements of the Residential Design Standards. Each habitable room would have vertical windows for outlook and provision of good levels of natural daylight and sunlight.

37.	Bedroom 1	17 sqm
	Bedroom 2	13.6 sqm
	Bedroom 3	13.6 sqm
	Living area	22 sqm
	Kitchen/Diner	32 sqm
	Study area	12 sqm
	Overall unit size	144sqm

Other Matters

Drainage/Flood Risk

38. The Councils Flood and Drainage team have been consulted on the application and have raised no concerns in relation to the proposal. No basement is proposed and as such no Basement Impact Assessment is required.

Conclusion on planning issues

39. The proposed development would not have a harmful impact on the amenities at the neighbouring properties nor would it give rise to any design issues that would harm the appearance of its settings. Furthermore, the quality of accommodation is considered to be acceptable as it complies with the Residential Design Standards. Conditions

requesting details on materials and landscaping/tree protection to be added to the recommendation. It is recommended that planning permission is granted subject to conditions.

Community impact statement

40. In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Human rights implications

43. 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.
44. This application has the legitimate aim of providing a new detached dwelling. 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/2088-29 Application file: 17/AP/2997 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 0952 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Pre-Application Enquiry (ENQ) - 16/EQ/0420
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Christopher Kirby, Graduate Planner	
Version	Final	
Dated	10 October 2017	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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
Date final report sent to Constitutional Team		9 November 2017

APPENDIX 1

Consultation undertaken

Site notice date: 11/08/2017

Press notice date: n/a

Case officer site visit date: n/a

Neighbour consultation letters sent: 09/08/2017

Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
Flood and Drainage Team

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

First Floor Flat 25 Colby Road SE19 1HA
Basement Flat 23 Colby Road SE19 1HA
Basement Flat 25 Colby Road SE19 1HA
21a Colby Road London SE19 1HA
21b Colby Road London SE19 1HA
Top Floor 23 Colby Road SE19 1HA
Ground Floor Flat 25 Colby Road SE19 1HA
Lower Flat 29 Colby Road SE19 1HA
Upper Flat 29 Colby Road SE19 1HA
Top Flat 35 Colby Road SE19 1HA
Ground Floor Flat 35 Colby Road SE19 1HA
Ground Floor Flat 23 Colby Road SE19 1HA
37 Colby Road London SE19 1HA
39 Colby Road London SE19 1HA
41 Colby Road London SE19 1HA
19a Colby Road London SE19 1HA
27 Colby Road London SE19 1HA
31 Dulwich Wood Ave SE19 1HG

33 Colby Road London SE19 1HA
31 Colby Ave London SE19 1HG
33 Dulwich Wood Avenue London SE19 1HG
35 Dulwich Wood Avenue London SE19 1HG
19b Colby Road London SE19 1HA
27 Dulwich Wood Avenue London SE19 1HG
29 Dulwich Wood Avenue London SE19 1HG
29 Colby Road
18 Oakfield Gardens London SE19 1HF
2 Grove Lane Terrace London SE5 8SW
2 Grove Lane Terrace London SE5 8SW
3 Farley Road London SE6 2AA
14 Oakfield Gardens Dulwich Wood Avenue SE19 1HF
31 Dulwich Wood Avenue London SE10 1HG

43 Dulwich Wood Avenue London SE19 1HG
2 Garvens 57 Dulwich Wood Avenue Se19 1hu
8 Oakfield Gardens, Dulwich Wood Avenue London SE19 1HF
23 Dulwich Wood Avenue London SE19 1HB

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

14 Oakfield Gardens Dulwich Wood Avenue SE19 1HF
18 Oakfield Gardens London SE19 1HF
2 Garvens 57 Dulwich Wood Avenue Se19 1hu
2 Grove Lane Terrace London SE5 8SW
2 Grove Lane Terrace London SE5 8SW
23 Dulwich Wood Avenue London SE19 1HB
27 Colby Road London SE19 1HA
27 Colby Road London SE19 1HA
27 Colby Road London SE19 1HA
29 Colby Road
29 Dulwich Wood Avenue London SE19 1HG
3 Farley Road London SE6 2AA
31 Colby Ave London SE19 1HG
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31 Dulwich Wood Ave SE19 1HG
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31 Dulwich Wood Avenue London SE10 1HG
39 Colby Road London SE19 1HA
43 Dulwich Wood Avenue London SE19 1HG
8 Oakfield Gardens, Dulwich Wood Avenue London SE19 1HF