

<b>Item No.</b> <b>3</b>	<b>Classification:</b> OPEN	<b>Date:</b> 18 March 2010	<b>Meeting Name:</b> DULWICH COMMUNITY COUNCIL
<b>Report title:</b>	<b>Development Management planning application:</b> Application 09-AP-2240 for Full Planning Permission  <b>Address:</b> 7A MELBOURNE GROVE, LONDON, SE22 8RG  <b>Proposal:</b> Proposed parapet wall and railings (retrospective)(Use Class C3).		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 27/10/2009		<b>Application Expiry Date</b> 22/12/2009	

#### **PURPOSE**

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

#### **RECOMMENDATION**

- 2 GRANT planning permission

#### **BACKGROUND INFORMATION**

##### **Site location and description**

- 3 The site is a dwelling house located on the eastern side of Melbourne Road near the junction of Grove Vale. It is located next to a post office which forms part of a short row of local retail outlets. Adjacent and across the road from the site is the Melbourne Road protected shopping frontage (No. 1 - 6).
- 3 The area is predominantly residential, but is located close to Lordship Lane and East Dulwich Station.
- 4 The site is not in a conservation area is not a listed building.

##### **Details of proposal**

- 5 The application seeks retrospective planning permission for erection of a parapet wall and railings to a balcony to the rear of dwellings at 7 Melbourne Grove. Prior to the construction of the parapet, the railings to the flat roof area were constructed with planning consent under permission 03-AP-0884. This proposal would not change the height of the railings, or allow its use as a balcony, but would alter the appearance of the flat roof area through the erection a parapet wall and the 'squaring' of a corner forming part of the single storey extension. These works have been carried out in order that the flat roofed area would comply with health and safety requirements as specified by Southwark Council's Community Housing Services Department details of which have been appended to this report.

## **Planning history**

- 6 09-AP-01222 FULL planning permission was REFUSED on 19/08/2009 for a proposed single storey extension with parapet wall and railings (retrospective) and removal of condition 2 of planning permission 03-AP-0884 to use flat roof area as a balcony. The REASON for REFUSAL was that the use of the flat roof as a roof terrace is considered to result in an unacceptable impact on the residential amenity of surrounding occupiers, having regard to overlooking and noise which would be contrary to policy 3.2 'Protection of amenity' of the Southwark Plan (2007) and to guidance set out in the Residential Design Standards SPD (2008).
- 7 09-EN-0182 Enforcement investigation into the alleged breach of planning condition 2 restricting use of the flat roof as a balcony and the unauthorized construction of parapet wall and railings. Ongoing.
- 8 03-AP-0884 FULL planning permission was GRANTED on 30/06/2003 for a proposal to erect a single storey rear extension with a flat roof enclosed by railings and french doors in rear elevation at first floor level.

## **Planning history of adjoining sites**

- 9 TP/2125-7A FULL Planning permission was GRANTED on 14/11/1978 for the change of use of the ground floor of 7 Melbourne Grove, SE22 from a shop to residential purposes to be used as a private garage associated with the existing residential accommodation in the remainder of the building, to form a single dwelling house.
- 10 On the site visit it was observed that there were two first floor balconies/ and flat roofed areas to the rear of dwellings on Derwent Grove which look on to the rear of this part of Melbourne Grove.
- 11 Number 8 and 10A Derwent Grove. Both are understood to be immune from enforcement action and an application for existing lawfulness is expected to be received shortly for the terrace at 10A Derwent Grove 08-EN -0460

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 12 The main issues to be considered in respect of this application are:
  - a) the principle of the development in terms of land use and conformity with strategic policies.
  - b) the impact of the proposal on the amenity of adjoining and nearby occupiers
  - c) the design of the scheme

### **Planning policy**

- 13 Southwark Plan 2007 (July)
  - 3.2 'Protection of amenity'
  - 3.11 'Efficient use of land'
  - 3.12 'Quality in design'
  - 3.13 'Urban design'

## **Principle of development**

- 14 There is no objection to the principle of erecting a parapet wall and railings to the flat roofed area to the rear of this dwelling house provided it would not harm the standard of amenity of adjoining and nearby neighbours and would be of a good standard of design in accordance with policies 3.2 'Protection of amenity', 3.11 'Efficient use of land', 3.12 'Quality in design' and 3.13 'Urban design'.

## **Environmental impact assessment**

- 15 No significant environment effects are anticipated to arise from this proposal and so no Environmental Impact Statement is required.

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

- 16 Policy 3.2 'Protection of amenity' and 3.11 'Efficient use of land' seek to protect the standard of amenity of adjoining and nearby occupiers.
- 17 3 letters of objection were received from neighbouring occupants at 5 Melbourne Grove indicating that the proposal would result in the loss of privacy for adjoining occupiers.

### 18 Privacy

The current proposal would not alter the views or outlook from 7A Melbourne Grove to No. 5 Melbourne Grove, or any of the nearby adjoining properties. Although the proposal would improve the safety of the roof area, a decision to grant approval for this scheme would not confer any rights to existing or future occupants to use the flat roof as amenity space without the approval of the Local authority and so in this respect there is no concern that the scheme would result in the loss of privacy.

- 19 Each objector raised the concern that use of the roof area would be discouraged if planning permission for this proposal would be refused. However, the existing consent (03-AP-0884) grants permission for a railing to the rear of the extension and so in the event the planning permission be refused this railing would be required to be reinstated for the scheme to be in accordance with the approved plans. Notwithstanding this, condition 2 on permission 03-AP-0884 restricts the use of the roof area for use as amenity space and a similar condition is recommended should planning permission be granted, in this way the situation should remain unchanged to the current arrangement.

### 20 Visual amenity

The parapet wall has been constructed with brick to match the existing dwelling and extension. The railings are made of a black coated metal which in combination are considered to be appropriate materials in the context of the site and surrounding dwellings. For this reason there is no objection to the visual impact of the proposal.

### 21 Daylight and sunlight

The proposal has brought about very minor changes to the original planning permission and not considered to impact on the level or quality of daylight and sunlight to adjoining and nearby occupiers.

- 22 Based on this analysis, the proposal would be in accordance with policies 3.2 'Protection of amenity' and 3.11 'Efficient use of land' of the Southwark Plan 2007.

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

- 23 Surrounding uses are generally residential which would not conflict with the existing use at the application site. The impact of nearby flat roof and balcony areas at 10A and 8 Derwent Road were given due consideration but were not considered to impact on the use of the flat roof at the application site as a means of escape or for maintenance.

#### **Traffic issues**

- 24 No traffic issues are anticipated to arise from the proposal and so there are no concerns regarding traffic impacts.

#### **Design issues**

- 25 Policies 3.12 'Quality in design' and 3.13 'Urban design' seek to ensure development is of a good quality.
- 26 The proposal would alter the appearance of the flat roofed area by erecting a parapet wall and squaring off a corner of the single storey extension. This level of development is considered likely to have a marginal visual impact to neighbouring properties. The materials would be brick for the parapet and a black coated steel for the railing which would sufficiently harmonise with the surrounding context which is of brick built buildings.
- 27 Although concern was raised regarding the use of the terrace as an amenity space, there are considered to be sufficient restrictions and deterrents in place to prevent this as its use. The scheme, would however, improve the safety of the roof area to comply with the council's safety requirements as indicated in Appendix 3 and so in this regard the scheme would improve the quality of this space as a means of escape or for maintenance.
- 28 Based on this analysis, the proposal would accord with policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan.

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

- 29 The proposal would not impact on a conservation area or the setting of or a listed building.

#### **Impact on trees**

- 30 The proposal would not impact on any trees.

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

- 31 No legal agreement is required to secure any part of this proposal.

#### **Sustainable development implications**

- 31 None.

#### **Other matters**

- 32 None.

#### **Conclusion on planning issues**

- 33 The proposal would regularise the erection of a parapet wall and railings to the rear of the single storey extension at 7A Melbourne Road. The scheme has been designed to be in accordance with policies 3.2 'Protection of amenity', 3.11 'Efficient use of land', 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan. A condition restricting the use of the terrace should ensure that residential amenity remains unchanged. For this reason it is recommended that this proposal be approved.

### **Community impact statement**

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.

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

### **Consultations**

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

35

### **Consultation replies**

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

- 36 Summary of consultation responses  
3 objections received.

The objections relate to the use of the flat roofed area as an amenity area by occupants at the 7A Melbourne Grove contrary to the condition restricting its use as a means of escape and for maintenance. The objectors would like the council to refuse this application to regularise the works to discourage what is perceived to be the continued use of the flat roof as an amenity area in the interest of preserving the standard of privacy for neighbouring occupiers.

### **Human rights implications**

- 37 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.
- 38 This application has the legitimate aim of improving the safety of a flat roofed area to comply with safety regulations. 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.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

- 39 N/A.

### **REASONS FOR LATENESS**

40 N/A.

**REASONS FOR URGENCY**

41 N/A.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2125-7 Application file: 09-AP-2240 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone:: 020 7525 5461 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Copy of Community Housing Services Inspection Report, in connection with 7A Melbourne Grove, East Dulwich, London SE22.

## AUDIT TRAIL

<b>Lead Officer</b>	Head of Development Control.	
<b>Report Author</b>	Daniel Davies	
<b>Version</b>	1.0	
<b>Dated</b>	24/02/2009	
<b>Key Decision</b>	No.	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No.	N/A.
Strategic Director of Regeneration and Neighbourhoods	No.	N/A.
Strategic Director of Environment and Housing	No.	N/A.
<b>Date final report sent to Constitutional / Community Council / Scrutiny Team</b>		

**Consultation undertaken**

**Site notice date:** 02/12/2009.

**Press notice date:** N/A.

**Case officer site visit date:** 05/01/2010 (accompanied).

**Neighbour consultation letters sent:** 02/12/2009.

**Internal services consulted:**

Enforcement Team.

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

None.

**Neighbours and local groups consulted:**

As listed in acolaid.

**Re-consultation:**

Not required for this proposal as no significant changes were made.



**Consultation responses received**

**Internal services**

No formal comments received but a joint site visit was carried out by the Enforcement and Development Management Team on January 5th 2010.

**Statutory and non-statutory organisations**

None received.

**Neighbours and local groups**

3 letters of objection received :

Mark W Dorell (5 Melbourne Grove)  
Mrs M D Luckings (5 Melbourne Grove)  
Ryan O'Rourke (5 Melbourne Grove)

The concerns raised were that:

The occupants have been using the flat roof area as a roof terrace for recreational purposes contrary to condition 2 of the permission 03-AP-0884.

The use of the flat roof space as a roof terrace would cause a loss of privacy for adjoining occupiers

The parapet wall and railings should be removed to ensure that the flat roof cannot be use as a roof terrace in the future.

## **APPENDIX 3**

**Copy of Community Housing Services Inspection Report, in connection with  
7A Melbourne Grove, East Dulwich, London SE22.**