

**Application No :** 10/00269/FULL1

**Ward:**  
**Crystal Palace**

**Address :** 40 Selby Road Penge London SE20 8ST

**OS Grid Ref:** E: 534404 N: 169115

**Applicant :** Mr J O'Connor

**Objections :** YES

### **Description of Development:**

Single storey rear extension and conversion to form 2 two bedroom and 1 one bedroom flats.

### **Proposal**

It is proposed to extend and convert the host building to provide flatted accommodation. The works would involve the following:

- single storey rear extension (max. depth 3.5m)
- conversion of ground floor to form 1 one bedroom and 1 two bedroom flats
- conversion of first floor to provide 1 two bedroom flat
- two off-street parking spaces on forecourt together with soft landscaping
- rear amenity area with communal access for all flats

The application is accompanied by a Design and Access Statement and additional information concerning on-street parking availability.

Members may wish to note that a similar proposal concerning No. 43 Selby Road is currently under consideration (ref. 09/03307) and is also to be found on this agenda.

### **Location**

The application property is located on the western side of Selby Road, Penge, and comprises a linked semi-detached property which is currently vacant, having previously been used as a single dwelling house.

The immediate surrounding area comprises a mix of single dwelling houses and flatted accommodation, including properties which have been converted to form flats. The adjoining property, No. 39 Selby Road, has been the subject of an unauthorised conversion to form a total of 5 flats, including a large two storey rear extension. This property is the subject of on-going enforcement proceedings.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and comments were received which can be summarised as follows:

- concerns regarding parking stress and impact of additional flats in the street
- pressure to drainage and sewerage infrastructure
- concerns regarding provision of amenity space and potential for noise and disturbance
- general impact to quality of area/deterioration of living environment
- increased congestion and noise and disturbance
- overdevelopment
- poor design/overlooking and privacy issues
- reduction in number of family homes
- impact on community

### **Comments from Consultees**

From the technical Highways perspective no objections are raised.

No objections were raised from the Environmental Health (housing) perspective.

The London Borough of Croydon was notified of the application and raised no objection to the proposal.

### **Planning Considerations**

The host property has been the subject of several recent applications seeking permission for its extension and conversion to form flats.

Under ref. 08/01638, planning permission was refused for a single storey rear extension, a rear roof dormer and the conversion of the dwelling to form 2 two bedroom and 2 one bedroom flats. A subsequent application, which sought to address the Council's objection on grounds of overdevelopment and the inadequacy of the size of the off-street parking spaces proposed, was submitted under ref. 08/03948. This application proposed a total of three flats with a single storey rear extension, and the off-street parking having been deleted from the proposal (with supporting information concerning the availability of on-street parking in the vicinity of the site). The application was refused for the following reason:

“The proposed development would, by reason of the number of units proposed, constitute an overdevelopment of the site, out of character with the surrounding area, contrary to Policy H11 of the Unitary Development Plan.”

An appeal against this decision was dismissed, on the basis that the amenity space provision would not satisfactorily meet the needs of future occupiers, particularly given that the occupiers of the first floor flat would have no access to the rear amenity area. Nevertheless the Inspector did not consider that the provision of two additional

households would result in unacceptable noise and disturbance above existing conditions, nor indeed that the proposed conversion would harm the character/appearance of the area.

Most recently an application was submitted under ref. 09/03102 again for the extension and conversion of the property to form three flats, which sought to address the concerns raised by the Inspector at appeal regarding amenity space in providing a balcony at first floor level over the proposed rear extension. While it was noted that the balcony would appear to provide some amenity space that the Inspector had found to be of importance in this case, it was not considered to be a satisfactory solution on the basis of the likely loss of amenity that would occur to local residents from its use. The application was refused for the following reason:

“The proposed balcony to the rear at first floor level would give rise to a loss of amenity to the occupiers of adjoining residential properties, with particular regard to the general noise and disturbance that would be likely to result from its use, thereby contrary to Policies BE1 and H11 of the Unitary Development Plan.”

## **Conclusions**

Members will note that at the recent appeal, the Inspector did not appear to raise any principle objection to the proposed extension and conversion of the host property to form a total of three flats, however was concerned that insufficient amenity space would be provided for future occupiers of the flats, particularly since the first floor flat would have no access to the rear garden. The proposal currently under consideration does not substantially differ from that previously considered at appeal, but for the inclusion of a communal access point to allow the occupiers of all three flats access to the rear communal amenity area. Accordingly, Members will need to consider whether this alteration would address the concerns regarding the provision of amenity space raised by the Inspector and indeed the concerns raised by the Council with regard to the most recent application (ref. 09/03102) which included a balcony at first floor level.

At appeal, the Inspector acknowledged that amenity space provision is a matter that is the subject of personal choice, but nevertheless must be fit for purpose. In this case, the occupiers of all three flats would have access to the rear garden, which would form a communal amenity area. This provision is considered to be adequate in meeting with the needs of future occupiers of the flats, and indeed is not an uncommon arrangement for flat conversions within the Borough. While concerns have been raised regarding noise and disturbance which may arise from the use of the rear amenity space, it is not considered that the net increase in two households would be likely to result in an unacceptable increase above existing conditions. While noise and disturbance was raised as a concern in the most recent application (09/03102) this was specifically concerning the use of the balcony then proposed,

given its siting at first floor level and the proximity to bedrooms within adjacent development.

With regard to the proposed rear extension, the number of units proposed and the impact of the proposed development to on-street parking demand in the vicinity of the site, Members will note that no concerns were raised by the Inspector at appeal with regard to these issues, nor indeed by the Council in considering the most recent application under ref. 09/03102.

Having regard to the above, Members may agree that the proposal now under consideration would appear to address the concerns raised at appeal, and accordingly that planning permission should be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00269, 09/03102, 08/03948 and 08/01638, excluding exempt information.

as amended by documents received on 19.02.2010

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACC04  | Matching materials                       |
|   | ACC04R | Reason C04                               |
| 3 | ACA04  | Landscaping Scheme - full app no details |
|   | ACA04R | Reason A04                               |
| 4 | ACH18  | Refuse storage - no details submitted    |
|   | ACH18R | Reason H18                               |
| 5 | ACH22  | Bicycle Parking                          |
|   | ACH22R | Reason H22                               |

### **Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- H11 Residential Conversions
- T18 Road Safety

The development is considered to be satisfactory in relation to the following:

- (a) the density of the proposed development and the provision of additional housing on a previously developed site
- (b) the relationship of the development to adjacent properties
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
  
- (e) the proposed parking provision and the impact to conditions of road safety
  
- (f) the housing policies of the Unitary Development Plan
- (g) the transport policies of the Unitary Development Plan
- (h) the conservation policies of the Unitary Development Plan
- (i) the provision of amenity space for future occupiers of the proposed flats

and having regard to all other matters raised.

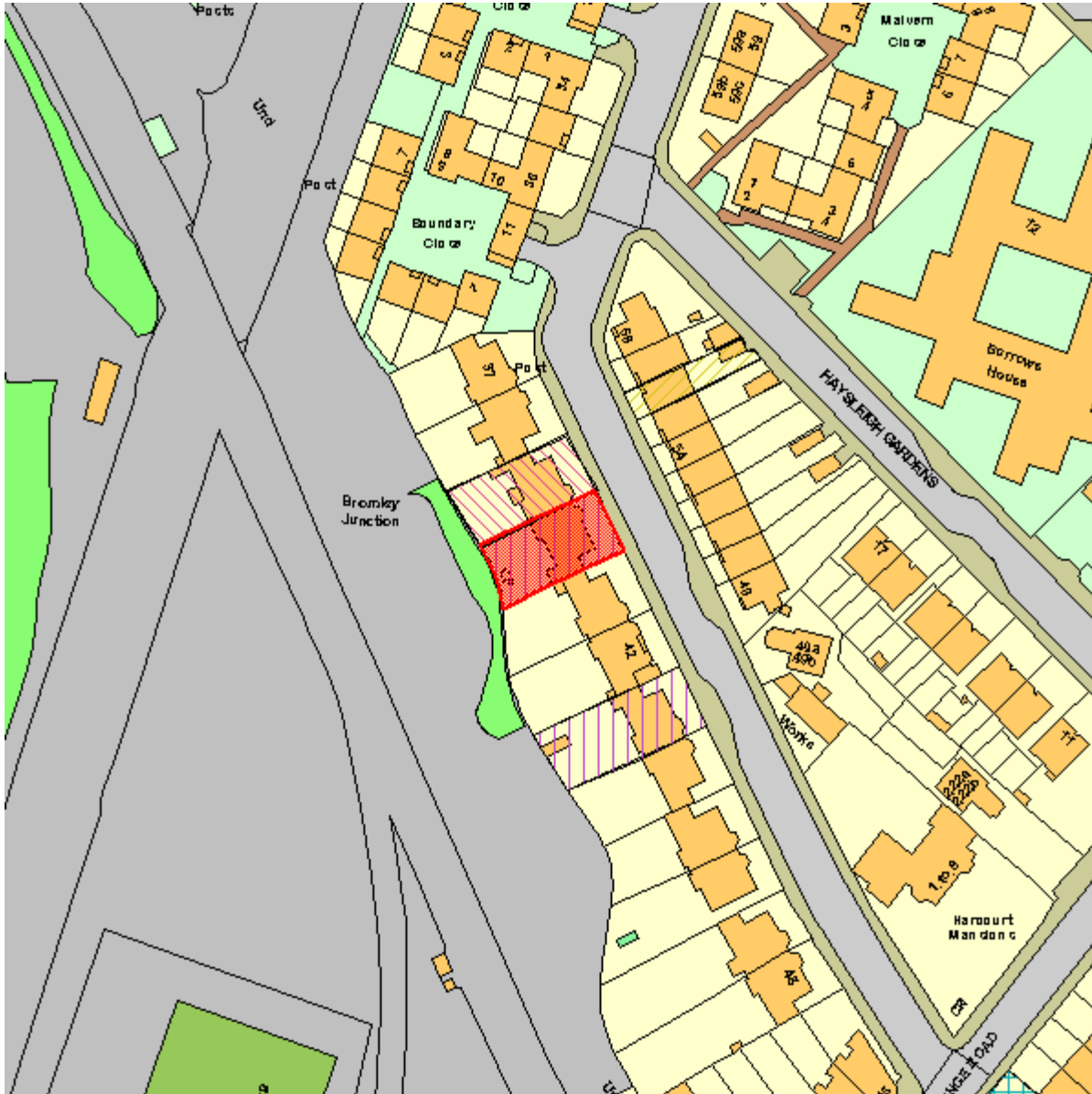
INFORMATIVE(S)

1      RDI10      Consult Land Charges/Street Numbering

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