

SECTION '2' – Applications meriting special consideration

**Application No :** 13/03158/FULL1

**Ward:**  
**Penge And Cator**

**Address :** 12 Percy Road Penge London SE20 7QJ

**OS Grid Ref:** E: 535620 N: 169680

**Applicant :** Mr Beven Stephenson

**Objections :** YES

**Description of Development:**

Single storey side and rear extension to form nursery for 3-5 year olds (use class D1)

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Open Space Deficiency

**Proposal**

The proposal is for a single storey side and rear extension to form a nursery for 3-5 year olds (use class D1).

The extension will be 4.1m wide and 12.3m deep, extending 2.35m beyond the rear elevation. A pitched roof is proposed with an eaves height of 2.75m and an overall ridge height of 4.4m, incorporating two rooflights. The extension will create around 47m<sup>2</sup> of additional floorspace incorporating the 'nursery' space, WC facilities and kitchen.

The nursery will be in operation from 8.00am to 6.00pm, Monday to Friday. A maximum of 12 children will be on site, along with a maximum of 3 full-time staff.

**Location**

The application property is an end-of-terrace property in Percy Road, Penge. The area is predominantly residential in nature.

**Comments from Local Residents**

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

- an objection was received from the Royston Estate Residents Association stating that noise levels of children playing outside would negatively impact the adjoining six or seven gardens
- existing parking arrangements are on the pavement which would be a danger to pedestrians and pushchairs
- parents dropping off and picking up would block the road
- increased traffic
- the area is not short of nurseries
- the area is already a 'rat-run' for cars trying to avoid the Penge High Street/Green Lane junctions
- No.12 is too close to the junction of Clevedon Road and Percy Road
- one drop off/pick up space is insufficient, cars will simply stop in the road
- there are already problems at the intersection of Westbury Rd and Percy Rd would be exacerbated by parents picking up and dropping off children
- increased noise pollution
- the normally quiet area would be negatively affected by increased noise from children and traffic

### **Comments from Consultees**

The Councils Technical Highways department have inspected the file and requested additional information.

Environmental Health (pollution) - the application was considered and, on balance, no objections were raised.

Environmental Health (housing) - at the time of writing, no comments had been received.

The Bromley Early Years Team has inspected the file and fully supports the application.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development  
 T1 Transport Demand  
 T18 Road Safety  
 EMP8 Use of Part of a Dwelling For Business Purposes  
 C1 Community Facilities  
 C7 Educational and Pre-School Facilities  
 ER8 Noise

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of this application.

London Plan policy 3.18 Educational Facilities

The Council's adopted SPG guidance is also a consideration

### **Planning History**

In terms of planning history at the site, in 2000, under ref. 00/01961, an application for a two storey side extension was refused. The reasons for this refusal are set out in the decision notice as:

"The proposed two storey side extension would, by reason of its size and close proximity to the flank boundary constitute a cramped form of development, out of character with the street scene and harmful to the residential amenities of nearby properties in Westbury Road by reason of loss of daylight and outlook, thereby contrary to Policies H.3, H.5 and E.1 of the Unitary Development Plan.

The proposed two storey side extension would be capable of being severed to form a separate dwelling unit which would result in an undesirable overdevelopment of the site, prejudicial to the amenities of nearby properties and contrary to Policy H.4 of the Unitary Development Plan".

A further application the same year (under ref. 00/01964) for a two storey side extension was withdrawn by the applicants prior to the application being determined.

### **Conclusions**

The main issues relating to this application are the appropriateness of the creation of a D1 use in this location; the impact of the proposal on the amenities of the occupiers of surrounding residential properties, and the potential impacts on traffic generation, car parking and highway safety.

The proposal will result in the creation of a pre-school facility in a residential location; the applicants consider that the site is easily accessible by means of transport other than the private car. Policy C7 identifies that pre-school facilities can often be provided in residential properties, providing that neighbouring amenities are not unduly affected.

In terms of the visual impact of the extension on the streetscene, the proposal will replace an existing garage, and the design of the pitched roof will match the existing property. The eaves are set at 2.75m and the roof has been pitched away from the side boundary and the rear of the properties in Westbury Road to the east. In terms of visual impact, the extension is considered to be acceptable.

The applicant has stated that the host property will remain as a dwelling and the nursery will be operated by the occupants. Policy EMP8 states that the use of part of a dwelling for business purposes will be permitted where the business use is secondary to the main residential use, does not generate an unacceptable level of

additional vehicular or pedestrian traffic, and does not result in an unacceptable impact by way of noise or other inconvenience.

The nursery use would be contained within the proposed extension, it is considered that the proposal would be subordinate to the main residential use of the main house, in line with (i) of Policy EMP8.

The applicant has submitted that the site is located close to alternative public transport links. However, given the difficulties of travelling on buses and trains with young children at busy times, it is considered likely that most children would be brought to the nursery by car. Further evidence as to the travel patterns of potential customers has been submitted by the applicants based on a survey of a nearby nursery. This indicates that, based on the applicants own research, around 20 of the 24 children at that nursery (around 83%) are anticipated to be dropped off and collected by car. It is certainly considered that the primary mode of transport used to drop off and collect pre-school children would be by car.

The applicant has stated that the space to the front of the existing garage would be retained for 'drop-off purposes'. Additional information received from the applicants on 22nd October 2013 indicated that the applicants are in discussion with the owners of the Royston Club to the rear of the property regarding the use of that club's car park for 'pick-ups and drop-offs' "if there is no parking available in Percy Road". Written confirmation of this arrangement was received on 27th November, signed by the club secretary. Whilst the Council's Highways team note that this arrangement may be acceptable in principle, it should be noted that the car park sits outside of the application site and any agreement could not be controlled or indeed enforced by the Council, meaning that such an agreement is not able to be secured by way of planning condition.

Notwithstanding the above, there would likely be a number of comings and goings throughout the day, especially if children are to be placed in the nursery on a part-time basis. There is concern that staff associated with the use would also be arriving and departing outside of the hours of operation stated by the applicant. The applicant has responded to these concerns stating that the three proposed full time staff will all reside at the property, and one lunchtime supervisor would walk to the premises. This, again, is difficult if not impossible for the Council to suitably control.

Regard must be had for the impact of the proposal in terms of possible noise and disturbance arising from the proposed use, as well as the impact on the surrounding highway network. A number of letters of objection have been received from local residents, voicing a number of concerns. These primarily relate to the overall impact of the nursery in terms of unavoidable noise (particularly as the rear garden would be used for play times); the fact that the use would be within a residential area; and the impact of the increased traffic and parking from the general comings and goings of a day nursery.

Comments from the Council's Environmental Health department raise no in principle objection to the proposal, although note that the proposed number of children set on registration would be quite small. Should the level of children cared

for at the site become unviable, and a further application be received to use more (or all) of the main house for commercial use in such a residential area, this would likely be deemed unacceptable.

The noise that is to be expected of young children, particularly when playing outside, is considered to result in a harmful effect on the amenity of the rooms and the rear gardens of neighbouring properties in Percy Road, and particularly those of No's 9-17 Westbury Road. The concerns raised by the residents of surrounding properties are noted,

Given that the potential car parking arrangements would be outside of the application site, and the unavoidable noise and other associated inconveniences that come with a use as proposed, it is considered that the application fails to comply with Policy EMP8 (ii) and (iii), and also the intentions of Policy BE1 in respect of the protection of neighbouring amenity.

The proposed extension would create around 47m<sup>2</sup> of additional floorspace incorporating the 'nursery' space, WC facilities and kitchen. The applicant has stated that a maximum of 12 children and 3 staff members would be accommodated in the space created. This is considered to be an overly intensive use of a relatively modest space, when weighed against how it is planned to be used.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Having had regard to the above it was considered that the proposed use of the extension as a children's day nursery is unacceptable in that it would result in a significant loss of amenity to local residents, impacting detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/03158 excluding exempt information.

As amended by documents received on 22.10.2013 27.11.2013

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed extension to provide accommodation for use as a children's day nursery would result in an over-intensive use of this residential property and involve the introduction of a commercial use which would be out of character with the area, detrimental to the amenities that the occupiers of the surrounding residential properties might reasonably be able to expect to continue to enjoy by reason of increased noise, disturbance and additional

traffic movements associated with the use, therefore contrary to Policies BE1, EMP8, C7, T3 and T18 of the Unitary Development Plan.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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