

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 14/03647/FULL1

Ward:
Penge And Cator

Address : 111 Maple Road Penge London SE20
8LP

OS Grid Ref: E: 535194 N: 170021

Applicant : Mr K & J Ray & Bradshaw

Objections : NO

Description of Development:

Change of use of ground floor to residential (studio apartment) and continued use of upper floors as 3 self-contained studio flats, retention of three storey rear extension and elevational alterations.

Key designations:

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

Proposal

Planning permission is sought for a change of use of ground floor to residential (studio apartment) and continued use of upper floors as 3 self-contained studio flats, retention of three storey rear extension and elevational alterations.

The application site is currently in unauthorised use as five self contained flats as detailed on the application form with the ground floor commercial unit having been converted to residential and a 3 storey rear extension having been constructed together with alterations to the roof to accommodate a staircase. This application seeks to regularise the use of the upper floors as three flats, retain the rear stairwell extension, amend the design of the roof extension and front fenestration facing Maple Road. The existing 5 self contained flats are to be converted into 4 residential studios as part of this application and this would include the retention of the residential unit on the ground floor fronting Maple Road.

Location

The application site is a mid terraced property with accommodation that originally consisted of a commercial unit at the ground floor with residential accommodation

above. The residential units above the shops are accessed from a service road located to the rear of the property. At the end of the service road is access leading to a storage warehouse.

The property is in the middle of a terrace of 10 similar buildings. Several of these buildings in the vicinity have had mansard roof extensions added. The upper floors all appear to be in use as residential.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Crime prevention Design Advisor: General comments regarding suggested security measures.

Technical Highways Engineer: The site is located in an area with medium PTAL rate of 3 (on a scale of 1 - 6, where 6 is the most accessible). No car parking would be provided, which is of some concern. However a night time stress parking carried out within vicinity of the area at 15 June and 16 June 2011. The survey had established parking demand for the highway within a walking distance of approximately 200m. The survey indicated that there were on-street parking spaces available for additional demand during the hours of maximum residential parking demand. Also as stated above the area has a moderate PTAL rate; consequently I have no objection to the development.

However, a covered and secure cycle storage facility must be provided to encourage cycling as a sustainable transport alternative. The storage area must be satisfactory to store one cycle per unit.

Planning Considerations

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

- BE1 Design of New Development
- H1 Housing Supply
- H11 Residential Conversions
- T1 Transport Demand
- T3 Parking
- T7 Cyclists
- T18 Road Safety
- S5 Local Neighbourhood Centres, Parades and Individual Shops

London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential

- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable Design and Construction.
- 5.4 Retrofitting
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive Environment.
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012) London Plan 2011 Implementation Framework

Planning History

09/00508/OPDEV: Creation of 5 flats, alterations to the roof/increase height, rear extension & stairwell, alteration to shop front. Currently under investigation and awaiting outcome of planning application.

10/02926/ELUD: Use of part ground and second floors as 2 self-contained flats
CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE. Not Lawful
13.12.2010

10/02927/ELUD: Use of part ground and first floors as 2 self contained flats
CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE. Not Lawful
13.12.2010

10/02952/ELUD: Use of third floor as self-contained flat. CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE. Not Lawful 13.12.2010

It would appear that in 2000 the property was in use as a HMO and bed-sits but fell into disrepair and became uninhabitable shortly after this. It was vacant in 2006 when it was refurbished prior to sale. From 2008 the accommodation has been separately banded for Council Tax purposes. The lawful development certificate was refused as no evidence was provided to prove the use has been in existence continually for over 4 years.

An appeal was submitted against an enforcement notice which was issued on the 3rd June 2011. The breach of planning control as alleged in the notice was that without planning permission the roof was altered by the construction of a raised

brick parapet wall and a pitched roof and a construction of a brick stairwell at the rear of the land. The requirements of the notice were to restore the roof to its original height, remove the stairwell extension and remove from the land all resulting debris. The notice did not however refer to the unauthorised conversion of the ground floor commercial premises into residential accommodation.

12/00216/FULL1: Use of premises as four residential flats, retention of 3 storey rear extension and alterations to roof to accommodate staircase and alterations to the front elevation. PART RETROSPECTIVE APPLICATION. Refused 08.05.2012

Refusal reasons:

1. The 3 storey rear and roof extensions, by reason of their size, prominence and design would be unduly obtrusive in the street scene and out of scale and character with neighbouring properties contrary to Policy BE1 of the Unitary Development Plan.
2. The development results in the unacceptable loss of a retail unit, contrary to Policy S5 of the Unitary Development Plan which gives preference to shopping uses within individual shopping parades, having particular regard to the existing number of non retail uses within this parade, therefore harmful to the vitality and viability of this parade.
3. The elevational alterations to the front of the property by reason of the altered window sizes and positions and removal of shopfront result in a discordant form of design, out of character with the surrounding area, thereby contrary to Policy BE1 of the Unitary Development Plan.

The application was Appealed and dismissed 31/10/2012.

The planning Inspector concluded:

"The development complements the variety of roof forms at the rear of the site in the way required by policy BE1(i) of the Bromley Unitary Development Plan July 2006 (the UDP) but detracts from the streetscene at the front, contrary to parts (i) and (ii) of that policy. Accordingly it has an unacceptable effect on the character and appearance of the area.

An analysis of the uses made of other units in the local parade, which extends from 83 to 119 Maple Road suggests that there is a lack of demand for retail or service premises in this locality. A previous enforcement appeal decision (reference APP/G5180/C/11/2157964) notes that Council records show that the premises were vacant in 2006, have not been used as a shop since and the residential use has not been the subject of enforcement. There is no information to demonstrate that the premises were used as a retail shop prior to 2006.

These three points suggest that the criteria for permitting a change of use of an A1 shop unit, set out in UDP policy S5 would be met. I therefore conclude that the development has an acceptable effect on the vitality and

viability of the local shopping parade in which it is sited but this does not override the effects on the character and appearance of the street scene which are the reason the appeal is dismissed."

14/01092/FULL2: Change of use of ground floor to residential (studio apartment) and continued use of upper floors as 3 self-contained studio flats, retention of three storey rear extension and elevational alterations. Withdrawn 02.07.2014.

Conclusions

The primary issues in the assessment of this planning application are:

- Effect on the viability and vitality of the shopping parade.
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic Issues
- Sustainability and Energy

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.

Vitality and Viability

The development to the front of the site whilst completed some time ago has resulted in the loss of an existing commercial unit which fronts Maple Road. As such Policy S5 concerning changes of use of commercial premises would apply. The premises appear to have been originally used at ground floor as commercial premises and have been converted into residential accommodation with a front door and two windows replacing the previous shop front. Policy S5 stipulates that a change of use from a shop to another use will only be permitted provided that the use contributes to the range of services provided and the vitality and viability of the parade is maintained, or that it can be demonstrated that a long term vacancy has occurred or there is lack of demand for the service provided. Whilst the site is not located within a designated parade or defined neighbourhood centre it was originally an individual retail/ commercial premises therefore Policy S5 is still applicable. No evidence has been submitted to demonstrate that the loss of this is acceptable. However, regard needs to be made to the Appeal in 2012 where the Planning Inspector concluded that the development had an acceptable effect on the vitality and viability of the shopping parade. On this basis, It is not considered that there have been any change in circumstance that might conclude otherwise.

Design and Appearance

This application seeks to regularise the outstanding issues that resulted in the dismissal of the Appeal in 2012 as detailed above. Therefore the matters under

consideration in terms of design are retention of the rear stairwell extension, the amended design of the roof extensions and front fenestration facing maple Road.

The roof design has now been amended to a flat roof design that removes the previous hip design that was visible to the streetscene. The flat roof proposed is located below the level of the parapet and contains five centrally positioned rooflights. Although visible on the elevation drawings, from street level these would not be visible. On balance although the loss of the original butterfly roof is regrettable the site is not within a conservation area and within minimal alteration to streetscene views the alteration in this case is considered acceptable.

The minor alteration to parapet height and the infill of the 'V' shape to the rear elevation was also deemed acceptable by the Planning Inspector in the 2012 Appeal. Similarly the three storey extension for the stairwell in its context with other two storey extension nearby was not deemed unacceptable.

The alterations to the front elevation have sought to address the variation of the fenestration in the wider context of the terrace. The windows now proposed appear to be of similar proportions and size to adjacent original apertures. Although the floor levels of the altered interior of the building, due to the insertion of an extra floor by lowering floor to ceiling heights, will cross the windows apertures the overall impression and character of the building will relate to the wider terrace. Dummy panels will infill the lower sections of the windows as a result. Subject to an appropriate obscure glazing this is considered a suitable compromises on balance.

The ground floor front elevation to the converted commercial unit will also be altered to incorporate sash windows of a similar design. This is welcomed.

Standard of Accommodation

Policy 3.5 of the London Plan states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. The floor space of the proposed studio flats are 36m² on the upper floors and 57m² on the ground floor. Table 3.3 of the London Plan requires a Gross Internal Area of 37m² for one person studios. With regard to the above it appears that the size of the flat for its intended occupancy would virtually comply with the minimum standards contained in the London Plan 2011 unit size standards. On balance this is considered acceptable. The standard of accommodation which is provided in the submitted application appears to provide acceptable levels of natural light and room layouts.

Highways and Traffic Issues

The PTAL for the site is 3 (moderate). No objection has been raised from the Council's Highways officer indicating that there is capacity to meet parking demand. Therefore due to the relatively minor impact the additional units will have on parking issues in the vicinity it is considered the proposal would generally be in accordance with UDP Policy T3 and Policy 6.13 of the London Plan (2011).

Sustainability and Energy

Policy 5.4 Retrofitting, of the London Plan 2011 states that boroughs should identify opportunities for reducing carbon dioxide emissions from the existing building stock by identifying potential synergies between new developments and existing buildings through the retrofitting of energy efficiency measures.

No information has been supplied in this regard. However, this is not mandatory for this type of small development.

Summary

Having had regard to the above it was considered that the revised siting, size and design of the proposed extensions and elevational alterations are acceptable in that they it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. It is also considered that the loss of the retail unit will not harm the vitality and viability of the local shopping area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Within 6 months of the date of the Decision Notice the applicant shall complete the layout of the of the upper floors as 3 self-contained studio flats and implement the roof alterations and elevational alterations to the front elevation hereby approved, detailed on Drawing 103 Revision C and Drawing 104 Revision C received on 21/9/2014.

Reason: To protect the living conditions of neighbouring occupiers and in the interest of the appearance of the building and visual amenity of the area, in accordance with Policy BE1 of the Unitary Development Plan.

- 2 ACC04 Matching materials
ACC04R Reason C04
- 3 ACH22 Bicycle Parking
ACH22R Reason H22
- 4 The dummy panels indicated to the front elevation windows on Drawing 104 C shall be obscure glazed only and shall subsequently be retained as such.

Reason: In the interest of the appearance of the building and visual amenity of the area, in accordance with Policy BE1 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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