

SECTION '2' – Applications meriting special consideration

Application No : 16/00484/FULL1

Ward:
Penge And Cator

Address : 30 St John's Road Penge London SE20
7ED

OS Grid Ref: E: 535425 N: 170623

Applicant : Mr Ewan Dickie

Objections : YES

Description of Development:

Conversion of dwelling to 1x2 bedroom flat and 1x3 bedroom flat

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 50

Proposal

Planning permission is sought for conversion of existing dwelling to provide 1 x 2 bed flat and 1 x 3 bed flat.

A design and access statement accompanies the application.

Location

The application site is a two storey mid-terrace Victorian dwelling located on the east side of St. John's Road, Penge.

Consultations

Nearby owner/occupiers were consulted regarding the application and two letters of objection were received which can be summarised as follows:-

- o A waste pipe has been directed straight into my garden and obliterated my view.
- o The property could potentially house 10 people (6 upstairs and 4 downstairs if children are in the picture), which is far too many. With only one car parking space on offer (which will be held by the owners anyway) and the current parking review the Council are carrying out in this road, that is not adequate.
- o Noise

Consultee comments

Highways -

The development is located within the area of medium rate of 4. One off street car parking space would need to be offered and the applicant should apply for a dropped kerb. I am of the opinion that the development should provide 3 secure cycle parking spaces.

Environmental Health (Pollution) -

I have considered the above and I have no objections in principle however I would recommend that the following informatics are attached:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

Environmental Health (Housing) -

A copy of the Environmental Health (Housing) comments are available on the file and relate to the Housing Act 2004.

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
- H7 Housing Density and Design
- H11 Residential Conversions
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles
Supplementary Planning Guidance 2: Residential Design Guidance

The application fails to be determined in accordance with the following policies of the London Plan:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London Economy
- 2.8 Outer London: Transport
- 2.15 Town Centres
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities

Planning History

Under planning application: 15/03184 planning permission was granted for construction of a ground floor rear extension together with the provision of associated cycle and refuse storage.

Under planning application reference: 15/01866 planning permission was refused for conversion to 1 x two bedroom and 1 x three bedroom flats incorporating single storey rear extension and roof extension, roof top terrace, cycle and bin store. The application was refused on 15th July 2015 for the following reasons:

The proposed ground floor extension, by reason of its excessive rearward projection, is considered to be harmful to the amenities of the neighbouring dwellings by virtue of being an overbearing form of development which would contribute to the overshadowing of the neighbouring amenity space and loss of light and outlook to habitable rooms contrary to Policies BE1 and H8 of the Unitary Development Plan and the National Planning Policy Framework.

The proposed roof extension and terrace is considered to be out of character with the area and harmful to the amenities of the neighbouring dwellings by virtue of being an excessive, dominant and overbearing form of development which would contribute to the overshadowing of the neighbouring amenity space, the introduction of noise and disturbance and the loss of privacy contrary to Policies BE1 and H8 of the Unitary Development Plan, the Council's adopted Supplementary Planning Guidance 1: General Design Principles and Supplementary Planning Guidance 2: Residential Design Guidance, Policy 7.6 of the London Plan and the National Planning Policy Framework.

Under planning application reference: 15/01868 a Certificate of lawfulness was granted for single storey rear extensions and roof extensions.

Under reference: 15/0183 a 42 Day Notification for Householder Permitted Development Prior Approval was refused 15th June 2015 for a single storey rear extension with a depth of 4m and 6m on the grounds that:

"The proposed extension is considered to be harmful to the amenities of the neighbouring dwellings by virtue of being an overbearing form of development which would contribute to the overshadowing of the neighbouring amenity space and loss of light and outlook to habitable rooms contrary to Policies BE1 and H8 of the Unitary Development Plan."

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

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.

Principle of Development

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

There will be no alteration to the nature of the residential use (use class C3) except for the conversion from family dwellinghouse to that of two separate flats. Given

the site's location and current residential use it is considered that the conversion to residential is acceptable at this location.

Design and the impact upon neighbouring amenities and the character of the area

The NPPF emphasises good design as both a key aspect of sustainable development and being indivisible from good planning. Furthermore, paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy BE1 requires that new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

Policy H8 of the UDP requires that the design and layout of proposals for the alteration or enlargement of residential properties satisfies all of the following criteria:

- (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area;
- (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area;
- (iii) dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

London Plan Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context. New buildings should reference the scale, mass and detail of the built form around them without necessarily replicating it, making a positive contribution to the landscape and relate well to the form, proportion, scale and character of streets and existing open space and other townscape and topographical features. Development should not have a negative impact upon neighbouring sensitive land uses.

The main changes are to the inside of the property however the upper flat has two juliet balconies which are considered acceptable from a design perspective. The proposed additional french doors to the roofslope would not result in any further overlooking beyond that presently created by the first floor rear windows. The introduction of built form to the roof is not considered to result in any visual harm or loss of amenities or daylight to the residents located either side.

Impact to neighbouring residents

Several letters of objection have been received from neighbours for the reasons outlined in the comments section above. The objections raised can be addressed by way of conditions and under building regulation consent.

Highways

The Council's Highway's officer has raised no objection to the development, subject to separate approval for the required crossover. Cycle provision is provided for three cycle spaces, although the London Plan requires storage for four cycles to be provided. This should be secured by way of condition.

Quality of the residential 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 Mayor's Housing SPG provides guidance on housing design, including standards for room sizes and circulation areas that are expected to be exceeded

Policy H11 of the UDP allows for the conversion of a single dwelling into two or more self-contained residential units or into non self-contained accommodation provided that:

- (i) the amenities of occupiers of neighbouring dwellings will not be harmed by loss of privacy, daylight or sunlight or by noise and disturbance;
- (ii) the resulting accommodation will provide a satisfactory living environment for the intended occupiers;
- (iii) on street or off street parking resulting from the development will not cause unsafe or inconvenient highway conditions nor affect the character or appearance of the area; and
- (iv) the proposal will not lead to the shortage of medium or small sized family dwellings in the area

It is stated that Flat 1 forms a 2 bed 3 person flat, whilst Flat 2 forms a 3 bed 5 person flat with each bedroom exceeding the required sizes for double and single bedrooms. The overall GIA exceeds the required 61sq.m for Flat 1 and 86sq.m for Flat 2. On the basis that the proposal complies with the required space standards and allows for a suitably sized living area, the level of accommodation is considered to comply with Policy H11 of the UDP and Policy 3.5 of the London Plan.

Summary

Having had regard to the above it was considered that the proposal to convert the property from a house to two flats is considered acceptable from a planning policy perspective.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/00484, 15/03184 & 15/01866 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

REASON: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.**

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

You are further informed that :

- 5 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be**

obtained by telephoning the Highways Customer Services Desk on the above number.

- 6 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
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