

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 16/02764/FULL1

Ward:
Crystal Palace

Address : Keswick House 207A Anerley Road
Penge London SE20 8ER

OS Grid Ref: E: 535035 N: 169627

Applicant : Mr Oliver Denby

Objections : YES

Description of Development:

Rooftop extension to provide 2x1 bedroom residential units. Alterations to existing entrance and mansard roof to left of entrance

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 32

Proposal

Planning permission is sought for a rooftop extension to provide 2 x1 bedroom residential units together with alterations to the existing entrance and mansard roof to left of the entrance.

The application site was previously in office use but has obtained permission in 2014 & 2015 to change the use of the premises on the ground and first floors from office accommodation to eight bedroom flats with 9 car parking spaces. A proportion of the ground floor remains in D1 (office) use.

The site is located on the northern side of Anerley Hill. The site lies back from the road and is located behind No.207 Anerley Road, Penge.

Consultations

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

- The building will be an invasion of privacy
- It is level with current bedroom windows
- The proposed rooftop extension is directly opposite our bedroom, at eye level
- Since Keswick House has been converted from commercial to residential the noise at the site has significantly increased
- The flats would block out our light

- The flats will be visually overbearing and impact the view from our bedroom windows

Consultee comments

Highways

Anerley Road (A214) is a London Distributor Road. The site is located in an area with medium PTAL rate of 4 (on a scale of 1 - 6, where 6 is the most accessible).

There are waiting restrictions and a bus stop immediately outside the development; no additional car parking space is offered. However 9 car (one for commercial and 8 allocating residential) parking spaces can be accommodated within site's curtilage.

The applicant should be encouraged to provide two cycle parking spaces within the site's curtilage for the occupier of the development.

Environmental Health (Pollution) comments:

No objections

Environmental Health (Housing) comments:

Mayor of London's Spatial Development Strategy for Greater London - The London Plan July 2015 Table 3.3 Minimum space standards for new development: The minimum recommended GIA for a one storey (1 bedroom 2 person) flat is 50 sq.m. The GIA for the proposed one storey (1 bedroom 2 person) Flat 1 will be approximately 40 sq.m, which is below the minimum recommended. The GIA for the proposed one storey (1 bedroom 2 person) Flat 2 will be approximately 36 sq.m, which is below the minimum recommended.

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

Drainage

No comment

Tree Officer

I have taken a look at the application file and have seen the photos attached. I am concerned that the proposed roof extension will impact surrounding trees that currently overhang the building. Whilst these trees are not believed to be subject to the Area Tree Preservation Order (TPO), they are outside the application site and therefore are considered a constraint. No arboricultural supporting information has been provided with the application. Facilitation pruning and post development pruning pressures would have a negative impact upon the existing boundary trees. On this occasion I am unable to recommend conditions to overcome my concerns. I would therefore recommend that the application be refused.

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
- NE7 Trees and Development
- T1 Transport Demand
- T3 Parking
- T7 Cyclists
- T18 Road Safety

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

London Plan (2015)

- 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.
- 5.7 Renewable Energy
- 5.11 Green roofs and development sites environs
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies, Waste self-sufficiency
- 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
- 8.3 Community infrastructure levy

Planning History

Under planning application reference: 15/05256 planning permission was granted for Change of use of part of existing Ground floor D1 space to form 3No new residential flats, retaining a separate space for the D1 use, with a new independent entrance. Alterations to Ground floor external elevations, providing new windows and doors and new hard and soft landscaping.

Under planning application reference: 15/04171 planning permission was refused for enlargement of 2 No existing velux window and insertion of 1 No new Juliette balcony.

Under planning application reference: 15/01429/RESPA prior approval was granted for change of use of first floor from Class B1 (a) office to Class C3 dwellinghouses to form 2 two bedroom and 3 one bedroom flats.

Under planning application ref: 14/04021/RESPA prior approval was granted for change of use of first floor from Class B1(a) office to Class C3 dwellinghouses to form for 2 bedroom flats in respect of transport and highways, contamination and flooding risks under Class J Part 3 of the GPDO.

Under planning application reference: 02/03628 planning permission was granted for ventilation ducting from kitchen.

Under planning application reference: 96/02761 planning permission was granted for a Change of Use of Ground Floor from Offices to drop in centre for advice counselling and therapy (retrospective application).

Conclusions

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

- The principle of residential units in this particular location
- Design, siting and layout
- Residential amenity - standard of residential accommodation
- Impact to neighbours
- Highways and traffic Issues

Principle of Development

Housing is a priority use for all London boroughs and the Development Plan welcomes the provision of small scale infill development on appropriate sites 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.

Paragraph 14 of the NPPF sets out 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 H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and

sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The application site comprises of an existing office building which has planning permission to be converted into 8 flats and retain a small area on the ground floor for D1 use (non-residential institutions). The proposal seeks to add to further flats to the rooftop of the building. The principle of development needs to be carefully considered and weighed up with regard to whether the need for the development (whether it would add to the Council's target to provide housing) against the impact it will have to the character of the area and impact upon residential amenity.

At the time of writing a recent appeal decision has indicated that the Council does not have an adequate five year Housing Land Supply. The absence of a five year housing land supply means in brief that under the NPPF paragraph 49 the Council should regard relevant development plan policies affecting the supply of housing as 'out of date'. This does not mean that 'out of date' policies should be given no weight or any specific amount of weight. In this case the following sections of the assessment of this application will be given appropriate weight in the consideration of the scheme.

Members will need to consider if the additional development constitutes an overdevelopment of the existing building taking into account the siting, location and proximity to surrounding residential dwellings.

Design, Siting and Layout

Policy 3.4 of the London Plan 2015 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making better places for people. As stated within the NPPF development should optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of the developments) and support local facilities and transport networks;

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

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.

The ground and first floors of the existing building have permission to be converted from office development to eight residential units with 9 off-street car parking spaces. The current application seeks permission to add two further units to the existing rooftop, which is currently occupied by a water tank. The accompanying supporting statement sets out that the 'placing and size of the rooftop extension has been limited to the north west corner of the existing building, away from the North of the site (Genoa Road and South East (Beeches Close)'. Whilst the two units will be set away from Genoa Rd and Beeches Close they will sit within 12m of existing residential units at Gilbert House, No.207 Anerley Road. Several letters of objection have been received from these neighbours and it is the Council's opinion that this will lead to two new flats being built in very close proximity to existing residential premises and despite the screening offered around the balconies will lead to increased noise through the use of the balconies and for the occupiers of the proposed new flats a very poor outlook. Following a site visit of the neighbour living in the top floor flat of Gilbert House it was established that she will overlook the two newly proposed flats from her bedroom and living room windows owing to the elevated position. This will also lead to a loss of privacy for the occupiers of the two proposed flats.

The proposed new dwellings do propose a striking contemporary design which is a contrast to the existing building and surrounding residential properties. The introduction of two rooftop flats would also appear awkward and an alien feature in this location. The submitted plans show a variety of different materials being used to construct and build the flats including alum cladding, glass, fabricated metal & louvre screening.

The Council does not raise any objection to the changes made to the existing entrance.

Residential Amenity - Standard of Residential Accommodation

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments 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.

With regard to the London Plan the flats would not conform to the required standard for a one bedroom 2 person flat which requires a GIA of 50sqm. Flat 1 measures 40sqm and Flat 2 measures 36sqm and it is the Council's opinion that the two flats would therefore fall short of what is the minimum space standard and in this respect the proposal would not comply with Policy 3.5 of the London Plan.

The Environmental Health Officer has also raised concerns about the adequacy of the ventilation arrangements, poor levels of natural lighting, outlook and fire safety. These issues come under the scope of Environmental Health legislation but are also a factor in the design of the units.

For the reasons given it is concluded that the development would provide unacceptable living conditions for its occupiers. The development would therefore be contrary to Policy 3.5 of the London Plan and Policies BE1 and H7 of the Bromley UDP, insofar as these policies require new housing to be of the highest quality by providing adequate internal space and an environment that would provide satisfactory living conditions for its occupiers.

Impact to neighbours

Policy BE1 of the Unitary Development Plan states that development should respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by noise disturbance, inadequate daylight, sunlight, and privacy or overshadowing.

The site is surrounded on all sides by residential properties with the main impact being to No.207 Anerley Road and Beeches Close. No. 207 Anerley is divided into flats and several of the neighbours windows face directly out into No.207a Anerley Road where two balconies are proposed. Whilst these are shown on the plans to be screened by 1.8m screens the distance between the two building is considered insufficient to mitigate noise and disturbance and will also lead to a poor outlook for the occupiers of the two proposed flats. The same position would exist for occupiers in Beeches Close whose gardens back on to No.207a. The elevated position of the balconies is considered to impact on the residential amenity through a level of perceived overlooking with several flats in Gilbert Close being located at the same level.

Of relevance in the determination of the current application is planning application reference: 15/04171 where planning permission was refused for enlargement of 2 No existing velux window and insertion of 1 No new Juliette balcony. The Council considered that the proposed increase of the two existing velux windows would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of No's 23, 24 & 25 Beeches Close thus contrary to Policies BE1 and H8 of the Unitary Development Plan.

The development would make a contribution to the Council's requirement to provide additional housing , however it would be very modest. The host building is very traditional in its design and materials being built of brick with a slate mansard roof. The design of the proposed rooftop addition would be modern with the supporting statement outlining that "the design has been developed using the concept of a lightweight rooftop storey, with vertical aluminium composite". The overall scale and bulk of the flat roofed addition would harm the external alterations of the premises and would be further harmful to the area's character and appearance.

Highways and Traffic Issues.

The PTAL for the site is 4. No objection has been raised from the Council's Highways officer indicating that there are 5 car parking spaces which can be accommodated within the sites curtilage. The applicant is encouraged to provide cycle spaces and this can form part of a condition.

On balance, despite the contribution the proposal would make to the Council's housing supply, the matters set out in the refusal grounds below are of sufficient weight to outweigh this potential benefit and refusal is recommended.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. The proposed addition of two rooftop flats constitutes a cramped and over-intensive use of the property, resulting in accommodation that fails to meet minimum space standards for residential accommodation as set out in the Mayors Housing Supplementary Planning Guidance; lacks adequate facilities commensurate with modern living standards, and is thereby contrary to Policy 3.5 of the London Plan, the Council's general requirements for residential conversions and policies BE1 and H7 of the Unitary Development Plan.**
- 2. The proposed development by reason of limited natural daylight/ventilation, private amenity space and general facilities commensurate with modern living standards represents an overdevelopment and an unsatisfactory form of cramped living accommodation for future occupants of the building, contrary to Policies BE1 and H12 of the Unitary Development Plan, Policy 3.5 of the London Plan and the Technical Housing Standards (DCLG).**
- 3. The addition of two rooftop flats would appear an incongruous addition to the host building and the overall bulk and mass would appear out of keeping with the surrounding area and impact on neighbours in Gilbert House through a loss of privacy, overlooking and noise contrary to Policies BE1 and H7 of the Unitary Development Plan.**
- 4. The proposed roof extension will present excessive pruning pressures to trees surrounding trees. The application conflicts with policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).**