

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 16/03241/FULL1

**Ward:**  
**Cray Valley East**

**Address :** Old School Studio, Main Road, St Pauls  
Cray, Orpington BR5 3HQ

**OS Grid Ref:** E: 547393 N: 169120

**Applicant :** Mr Joel Vian

**Objections :** YES

### **Description of Development:**

Proposed conversion of building to form three residential apartments comprising 1x 3 bed, 1x 2 bed and 1x studio. Demolition and re-build of boundary outbuilding, raising of the ridge and new clerestory dormer with elevational alterations and access ramp.

Key designations:

Conservation Area: St Pauls Cray  
Areas of Archaeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 20

### **Proposal**

Planning permission is sought for the change of use of the existing school studio to three separate residential units. Apartment 1 is proposed to be located to the front of the building. The apartment will host two bedrooms at first floor level with a void allowing views down to the ground floor level from the upper floors. Apartment 2 proposes a studio mezzanine apartment with a bed deck and open plan ground floor. Apartment 3 proposes three bedrooms (one at ground floor and two at first floor) with an open living ground floor area, encompassing the existing outbuilding to the northern elevation. Alterations to the elevations are proposed including the raising of the ridge to allow for a clerestory roof feature, rear facing dormer window, access ramp to the front elevation and conservation roof lights. No off street parking is proposed.

### Location

The site is located on the eastern side of Main Road within St Pauls Cray. The building forms an original cluster of school buildings including both the School Hall and the School House which are both within residential occupation. The group of buildings, along with the cottages to the north, are locally listed and lie adjacent to the Grade II\* statutory listed church to the south (St Paulinus). The site is also located within the St Pauls Cray Conservation Area.

## Consultations

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

- Concern about the unspecified changes as to the exact height of the clerestory roof extension
- The new plans offer no relief on the harmful impact of the overshadowing and privacy of the Old School House and neighbouring properties
- The new dormer window and clerestory roof would change the character of the conservation area
- No plans specify the exact position and height of the 'conservation roof lights' and dormer window overlooking the front and rear garden of the Old School house
- Objections received from 6 River Cottages

## Comments from Consultees

Thames Water - No Objection

Drainage - No Comments

Highways- The highway aspects of the proposal are the same as with the previous application. There is no parking provided with the units. The site is within a very low (1a) PTAL area and so residents are likely to own vehicles. A Lambeth type parking stress survey was supplied with application carried out with photographs indexed on a plan. Residents are likely to want to park as close to their property as possible. In both surveys there is a parking available for more than 3 vehicles in the vicinity of the site. On that basis I would raise no objection to the application.

Registered footpath 157 runs along the southern boundary of the application site. It is outside of the site and should not be affected by the granting of planning permission. However, due to its close proximity to the development, the applicant should be made aware of the need to safeguard pedestrians using the route, and that it must not be damaged or obstructed either during, or as result of, the development.

Historic England (Archaeology) - No objections subject to building recording condition.

Conservation Officer - The previously refused scheme is noted and was not dismissed on any heritage grounds and this scheme is similar. No objections subject to a condition requiring the submission of materials.

Previous comments were received from the Conservation Officer which are considered pertinent to this application: The proposal drawings are not particularly good in terms of presentation but nonetheless the main changes would be the ramp at the front and the roof/clerestory extension on the central spine roof which

would be visible from the church and the adjacent close but not the street. There is a heritage benefit to reusing the building.

Environmental Health Housing - Concern is raised as to the lack of adequate outlook, ventilation and natural light provision. Concern is also raised as to the lack of outdoor amenity space.

Environmental Health Pollution - No objections subject to informatives.

## **Planning Considerations**

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

BE1 Design of New Development  
BE10 Development affecting a locally listed building  
BE11 Conservation Areas  
H1 Housing Supply  
H7 Housing Density and Design  
H11 Residential Conversions  
C1 Community Facilities  
T18 Road Safety  
T3 Parking  
NE7 Development and Trees

SPG1  
SPG2

St Paul Cray Conservation Area SPG

London Plan Policies:

3.3 Increasing Housing Supply  
3.4 Optimising Housing Potential  
3.5 Design and Quality of Housing Developments  
3.8 Housing Choice  
5.1 Climate Change  
5.2 Minimising Carbon Dioxide Emissions  
5.3 Sustainable Design and Construction  
6.9 Cycling  
6.13 Parking  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.6 Architecture  
7.15 Noise  
8.3 Community infrastructure levy

National Planning Policy Framework

## History

02/02937/FULL1 - Formation of doorway in existing outbuilding wall to provide access to Garden Cottages - Permitted

15/03169/FULL1 - Proposed conversion of existing school building into 1x 3 bed, 1x 2 bed and 1x studio apartments facilitated by the raising of the ridge, introduction of dormer windows, alterations to the elevations and access ramp to front entrance - Refused

The reasons for refusal were:

1. The proposed development, due to inadequate head room, outlook, fenestration and provision of outdoor amenity space would fail to provide a satisfactory standard of living accommodation for its future occupants. The proposals are therefore contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2011), The London Plan Supplementary Planning Guidance: Housing (November 2012) and Policies BE1 and H7 of the Unitary Development Plan.

2. The development, by virtue of the raised ridge height would unduly compromise the residential amenity afforded to the owner occupiers of The School House and number 1 River Cottages and would allow for an unduly prominent structure that would cause a detrimental loss of natural light and overshadowing. By virtue of the fenestration design, overlooking will occur from the ground floor flank windows contributing to a loss of privacy contrary to Policy BE1 and H7 of the Unitary Development Plan.

The application was the subject of an appeal (Ref:APP/G5180/W/16/3141896) which was dismissed. Points to note from the appeal decision are as follows:

- The Inspector found in favour of the Appellant in terms of the potential impact on loss of light, overshadowing and privacy for the occupiers of The School House and 1 River Cottages, the provision of garden space and the overall amount of floor space provided.

- The Inspector agreed that the proposal would result in areas of floorspace at first floor level which would have insufficient head height and therefore would result in an unacceptable impact on the living conditions of future occupiers. This issue was the only reason the previous scheme was dismissed.

## Conclusions

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area, and on the amenities of neighbouring residential properties, having particular regard to the indicative layout and design of the proposed scheme, and the impact upon the St Paul Cray Conservation Area, Locally Listed Building and neighbouring II\* Listed church.

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.

The application has been amended from the previously dismissed scheme in the following ways:

- The red lined application site has been slightly varied to omit a small part of the land towards the eastern side of the plot, and the gated access from the church pathway which previously led to a small garden area to be allocated to apartment 1. A small rectangular piece of land has been incorporated to serve apartment 3. Apartment 1 will no longer have private amenity space.
- All glazing in Apartment 1 and 2 towards River Cottage to the north will be obscurely glazed.
- Amendments to the internal layout of Apartment 3 to change the location of the staircase to the north-western corner of the proposed lounge to ensure restrictions to head height are to non-habitable spaces.
- Alterations to the room layouts of Apartment 3.
- The floor level of the first floor bedroom of Apartment 3 has now been lowered by 200mm to increase the head heights upstairs. The ground floor level of Apartment 3 has been levelled to take account of the lowering of the first floor deck upstairs.

No amendments are made to the external appearance of the development.

### Principle of Development

Planning permission will not be granted for proposals that would lead to the loss of community facilities unless it can be demonstrated that there is no longer a need for them or alternative provision is to be made in an equally accessible location. The school has evidently been used within a residential capacity since its closure however there is no planning history to this effect. Council tax records show that the Studio has been in residential use since 1993 and it is therefore the accepted lawful use of the building. In light of this there is no conflict with policy C1.

Policy H11 states that a proposal for the conversion of a single dwelling into two or more self contained residential units or into non self-contained accommodation will be permitted provided that the amenities of occupiers of neighbouring dwellings will not be harmed by loss of privacy, daylight or sunlight or by noise and disturbance; the resulting accommodation will provide a satisfactory living environment for the intended occupiers; 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 the proposal will not lead to the shortage of medium or small sized family dwellings in the area.

The building has been previously been used within a residential capacity however the exact layout of the units is unknown except for the front portion of the building as indicated on the existing floor plans. The Inspector raised no concern as to the

principle of residential redevelopment of the site. The principle of conversion will therefore come down to the scheme satisfactorily addressing the above criteria.

### Design

The proposed scheme would include the construction of a clerestory roof feature which would require the ridge height of the central portion of the school building to be raised by 0.8m, and also a dormer window to the rear of Apartment 1. Roof lights are proposed along the south elevation with a pitched glazed roof proposed to the existing toilet outbuilding, which is to become part of the residential accommodation for Apartment 3. A canopy and access ramp is proposed to the front elevation to provide level access to the units.

The design alterations to the ridge height and introduction of the dormer window, conservation roof lights and clerestory roof addition would be contained to the rear of the building and will not be visible from the highway. The pitched roof over the existing outbuilding to the northern elevation will be sited 1m above the existing boundary wall, however, this pitches away from Garden Cottages minimising the views of this addition. The clerestory roof feature will be visible from both the north and south of the site, however the Conservation Officer raises no objection to the impact on the setting or special interest of the adjacent Listed Building or locally listed cottages. The Inspector found that the external alterations to the buildings made a neutral contribution to the Conservation Area and the setting of the nearby statutory listed church and no specific concerns are raised.

In terms of design, Members may consider that the application is acceptable subject to conditions for the submission of materials and larger scaled drawings of the clerestory roof feature and windows, given the sensitive location of the application site.

### Standard of accommodation

The London Plan sets out minimum floor space standards for dwellings of different sizes. These are based on the minimum gross internal floor space requirements for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities. New residential accommodation is required to meet these standards.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

Apartment 1 proposes a GIA of 82sqm exceeding the London Plan standard. Apartment 2 proposes a floor area of 64.5sqm exceeding the London Plan Standard. Apartment 3 proposes a floor area of 105.6sqm exceeding the London Plan Standard.

The Mayor's Housing SPG requires all new residential development to meet minimum good practice sizes. Concern was specifically raised by the Inspector as to the head room provision within Apartment 3.

With regard to Apartment 1, it is noted that the ground floor open plan living area and first floor open bedroom decks have apertures facing onto the access ramp to the building to the front, as well as across the front amenity space of the neighbouring property School House to the south and to the north, 1.3m from the flank elevation of number 1 River Cottage. The Inspector considered that the utilisation of obscure glazing was sufficient to overcome concerns relating to loss of privacy, despite Officer's concerns in this regard in terms of loss of outlook and light.

It is noted within the planning statement that the Applicant states that the glazing within the north elevation of Apartment 1 towards River Cottages will be obscurely glazed however given that there is an absence of flank windows at this point within 1 River Cottages, this is not considered a necessary measure. Furthermore, considering the comments of the Inspector, whilst concern was raised as to the impact on transient pedestrian movements from the ramp to the main living area of Apartment 1, it is considered that this arrangement is not unusual when considering flatted developments and could be overcome by the use of blinds or other internal methods, similar to the windows that overlook School House to the south.

With regard to Apartment 2, the windows within the northern elevation serve both the ground and first floor levels and are sited 1m from the boundary with number 1 River Cottage and 2.5m from the side elevation of the neighbouring dwelling. The habitable room window within the southern elevation is located 950mm from the side elevation of The School House flank side elevation. The first floor level is served by the insertion of 3 x conservation roof lights as well as the high level windows within the northern elevation.

The Inspector found within his report that the windows within the northern elevation could be obscurely glazed to prevent actual and perceived overlooking into the rear amenity area of 1 River Cottage. Whilst Officers attach weight to the findings of the Inspector within his report, Officers have significant concern as to the resultant impact on future occupiers amenity should these windows be obscurely glazed. One non-obscured window is proposed to the south, 0.9m from the flank elevation of The School House, which would be the primary means of ventilation and outlook should the double height windows be obscurely glazed. It does not appear from the appeal decision that the Inspector considered this aspect of the need for obscure glazing, stating only that he did not agree that obscure glazing impedes on light provision, yet not commenting on the absence of outlook for future occupiers.

Whilst Officers note the Inspectors comments as to the provision of light through obscurely glazed windows, the proximity of the flank elevation of School House to the only non-obscured aperture is not considered to provide reasonable outlook or ventilation to Apartment 2. Whilst it is appreciated that the Inspector has not explicitly stated that the double height window should not be openable, Officers consider this would principally go against the requirement of the window to be obscured in order to prevent overlooking to the property to the north. On balance, the impact to the amenity of future owner/occupiers of Apartment 2 as a result of obscurely glazing the double height windows is considered to outweigh the recommendations of the Inspectors findings in this regard.

Apartment 3 benefits from the addition of the clerestory roof feature which runs through a centralised position along the roof space and also the addition of rooflights along the south elevation. The windows at ground floor level serving the lounge and lower seating area overlook the neighbouring rear garden of the School House and the front private amenity space of the School Hall. In order to prevent overlooking these windows would be required to be obscurely glazed and non-opening unless above 1.7m from ground floor level. Whilst Officers previously raised concerns with regard to the impact on natural light provision and outlook should the windows be obscurely glazed, the Inspector raised no such issue stating that whilst the windows would be required to be obscurely glazed, this would not impede natural light provision. The Inspector again did not address issues regarding loss of outlook which Officers consider to be a significant issue when assessing future owner/occupiers amenity.

The Inspector found within his report that inadequate head room was provided specifically within Apartment 3. The Inspector noted that it is clear, when looking at the submitted plans, that whilst the clerestory element proposed would create a taller ceiling height in parts of the proposal, there are also other parts where the ceiling height would fall below 1.8 metres. The Inspector then goes on to state that 'it is clear to see that the bedrooms furthest to the east would have a large area of its floorspace which would not benefit from the highest internal ceiling height. Factors such as these mean that the internal ceiling height would reduce the amount of both 1.8 metres high ceilings and, from a practical viewpoint, the usable full height area of certain rooms'.

The application has now been amended to take account of the Inspector's comments. The level of the new first floor bedrooms related to Apartment 3 have now been lowered by 200mm to increase the height upstairs as well as amendments to the layout of rooms. The London Plan states that for new residential development, the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area where it also states that to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The application now provides almost 72% which is not far short of the 75% required in the SPG. Giving weight to the fact that the building is locally listed and the requirement to keep external modifications to a minimum, this on balance is considered acceptable and now overcomes the concerns as raised by the Inspector.

With regard to amenity space, the Inspector raised no issue with the provision of the external amenity areas. The application has been amended from the previously refused application in so far that Apartment 1 no longer has the provision of a private amenity area. The Inspector noted within his appeal decision that there is provision of open space within close proximity to the site which could readily be used as amenity space. On this basis, no further objections are raised.



### Impact on adjoining properties

The Inspector stated within his appeal decision that given the orientation of the site, the increase in height and introduction of the clerestory feature would not cause any loss of light to neighbouring properties, specifically School House. Furthermore he goes on to state that in practise, the east facing garden of The School House is likely to retain current levels of sunshine and light into its garden, given the east-west solar path. The Inspector concludes that the proposed development would not unduly compromise the residential amenity afforded to occupiers of these dwellings in terms of loss of light, overshadowing or privacy.

### Impact upon the Conservation Area, Locally Listed Building and adjacent Listed Buildings

The Conservation Officer raises no objections to the scheme and welcomes the re-use of the vacant building. It is not considered that the proposed external additions and alterations would adversely impact upon the setting or special character of the listed building nor wider conservation area and as such are considered compliant with policies BE11 and BE10 of the UDP.

### Housing Land Supply

Within an appeal decision for a separate site issued on 2 August 2016 the Inspector concluded that the Council does not have an adequate five year Housing Land Supply. Whilst Officers acknowledge that substantial weight should be given to the contribution the application makes to the provision of additional residential units within the Borough by introducing three new units, this potential limited contribution is not considered to outweigh the impacts in terms of future owner/occupiers amenity as discussed within the report in accordance with development plan policy.

### Highways

No objections are made on behalf of highways who consider there to be sufficient on street parking within the vicinity of the application site, evidenced by the submission of a parking survey.

### Cycle parking

The Applicant has provided sufficient cycle parking.

### Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of the location of refuse storage bin storage or their means of enclosure, however a condition could secure these details if permission was to be forthcoming.

## Conclusion

In conclusion, whilst the previous reason for refusal regarding inadequate ceiling heights within the upstairs bedroom has been sufficiently addressed, Officers consider that the impact of the outlook from the residential units as a result of the level of obscure glazing that would be required to prevent overlooking has not been adequately assessed. The resultant impact would create a sub-standard quality of residential accommodation that is considered to impact detrimentally upon future owner/occupiers residential amenity.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/02341/FULL1 and 15/03169/FULL1 as set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposed development, due to the need for obscure glazing to protect neighbouring amenities would result in inadequate outlook from the proposed flats which would fail to provide a satisfactory standard of living accommodation for its future occupants. The proposals are therefore contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2015), The London Plan Supplementary Planning Guidance: Housing and Policies BE1 and H7 of the Unitary Development Plan.**