

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 9 OCTOBER 2014 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Paul Bell (Chair)  
Suzannah Clarke (Vice-Chair)  
John Coughlin  
Maja Hilton  
Simon Hooks  
Ami Ibitson  
Helen Klier  
Olurotimi Ogunbadewa  
John Paschoud  
Jonathan Slater**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk  
Chief Executive  
5<sup>th</sup> Floor Laurence House  
Catford Road  
London SE6 4RU  
Date: Tuesday, 30 September  
2014**

**For further information please contact:  
Patricia Simpson 020 8314 6245 Committee  
Co-ordinator  
3<sup>rd</sup> Floor Laurence House  
Telephone No: [pat.simpson@lewisham.gov.uk](mailto:pat.simpson@lewisham.gov.uk)  
Email: [planning@lewisham.gov.uk](mailto:planning@lewisham.gov.uk)**



## **RECORDING AND USE OF SOCIAL MEDIA**

You are welcome to record any part of any Council meeting that is open to the public.

The Council cannot guarantee that anyone present at a meeting will not be filmed or recorded by anyone who may then use your image or sound recording.

If you are intending to audio record or film this meeting, you must :

- tell the clerk to the meeting before the meeting starts
- only focus cameras/recordings on councillors, Council officers, and those members of the public who are participating in the conduct of the meeting and avoid other areas of the room, particularly where non-participating members of the public may be sitting.
- ensure that you never leave your recording equipment unattended in the meeting room.

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final.

<b>Order Of Business</b>			
<b>Item No</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page No.</b>
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 6
3.	36 Vicars Hill SE13 7JT	Brockley	7 - 24
4.	Land adjacent Innes Lodge, Inglemere Road SE23 2BD	Perry Vale	25 - 48
5.	79 Culverley Road SE6 2LD	Catford South	49 - 60
6.	183A Waller Road SE14 5LX	Telegraph Hill	61 - 80

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 09 OCTOBER 2014

Members are asked to declare any personal interest they have in any item on the agenda.

**(1) Personal interests**

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

**(2) Disclosable pecuniary interests** are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### (3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### (4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### (5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

**(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

**(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 09 OCTOBER 2014

### MINUTES

To approve the minutes of the Planning Committee (C) meeting held on the 28 August 2014.

This page is intentionally left blank

Committee	PLANNING COMMITTEE C	
Report Title	36 VICARS HILL, LONDON SE13 7JL	
Ward	Brockley	
Contributors	Kate Hayler	
Class	PART 1	09 OCTOBER 2014

<u>Reg. Nos.</u>	DC/14/87978
<u>Application dated</u>	16.06.2014
<u>Applicant</u>	T G Architecture Limited on behalf of Mr & Mrs Branch
<u>Proposal</u>	The demolition of the existing garage at the rear and the construction of a two storey, 2 bedroom detached dwelling house with associated landscaping and boundary treatment.
<u>Applicant's Plan Nos.</u>	01, 02, 03 (B), 03 (C), 04, 05 (B), 06 (E), 07 (E), 09, 10, 13 (A), 14 (A), 15, Design & Access Statement, Code for Sustainable Homes, Lindum Technical Specification, Site Walkover
<u>Background Papers</u>	(1) Case File LE/108/36/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 2 Brockley Article 4 Direction Brockley Conservation Area Not a Listed Building

## 1.0 **Property/Site Description**

- 1.1 The site is located on the east side of Vicars Hill and comprises a semi detached residential property. The rear curtilage of the site slopes away steeply at the rear down to Ermine Road where there is an existing entrance off Ermine Road and a large flat roofed double garage building accessed down some steps. The existing garage is set behind a high timber fence with a timber gate facing onto Ermine Road. The garden is currently divided into two areas with the sloping section of the garden to the rear of the existing garage fenced off as it is subject to movement and the applicant does not feel it is safe for their children to access this part of the site. The site is also located higher in ground level in relation to its attached neighbour at No34 by approximately 1m. A 'lean to' enclosure is located in the side passage between the site and No38.
- 1.2 The proposed development is within the rear garden of No. 36 Vicars Hill which is within the Brockley Conservation Area, but the new development would be facing Ermine Road, which falls within the Ladywell Conservation Area.

## **2.0 Planning History**

- 2.1 2014: Planning permission was granted for the erection of a single storey extension to the rear of 36 Vicars Hill SE13, together with the construction of a new roof on the existing side extension (Ref: 14/86707).
- 2.2 A planning application (Ref. DC/14/86707) was submitted in March 2014 and advice was given regarding the proposal being unacceptable, as a result of which the application was withdrawn.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 Planning permission is sought for the demolition of existing double garage and the erection of a two storey detached, 2 bedroom dwelling house including all associated landscaping and boundary treatment. This would involve the existing garden being divided in two with the top part of the garden currently being used by the applicant fenced off and a retaining wall constructed at this point to create an excavated garden to the rear of the new dwelling.
- 3.2 The proposed dwelling would comprise an open plan living room/kitchen dining area measuring 40sqm on the ground floor (leading out to an amenity space measuring 50sqm or 7m deep). At lower ground floor level (or ground level on Ermine road due to the change in level), the dwelling would comprise two bedrooms (measuring 10sqm and 14.8sqm) and a bathroom. The property would be accessed from Ermine Road at this level and there would be a front yard area that would comprise an off street parking space and space for refuse and cycle storage set behind a low brick wall and a hedge.
- 3.3 In terms of materials, the property would be clad in natural cedar cladding and would feature grey powder coated aluminium windows and what appears to be a timber front door.

## **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors.

### Written Responses received from Local Residents and Organisations

- 4.3 12 letters of objection have been received from neighbouring occupiers. Matters raised can be summarised as follows:
- Two storeys is too big for the location and design is out of character with the area;
  - Welcome the use of PV panels but their efficiency due to lack of sunlight may encourage the loss of more trees;
  - Site is in conservation area and would set precedent for gardens to be redeveloped;

- Properties at 32, 34 and 38 also have gardens stretching down to Ermine Road and if these were all developed it would result the loss of trees and a hemmed in quality;
- The loss of the garden would result in a loss of biodiversity and a loss in the capacity to soak up rainwater;
- Queried the stability of the sloping ground above the new house;
- Design would not be in keeping with surrounding area;
- There is an issue in the surrounding area resulting from the water table and the steep slope causing gardens and boundary walls to become damaged;
- There is a risk of ground contamination as the garage used to be used as a motor works;
- There is high parking stress in the area and the proposal would make this worse;
- The applicant has cut down most of the trees on site and this proposal would lead to a further loss in wildlife value;
- The proposed new dwelling would result in noise, nuisance and added traffic in what is currently a quiet area;
- Conservation Area Appraisal states that 'Brockley has many long gardens, which allow good views of trees and the backs of properties and this contributes to the character and spacious setting of the conservation area. In addition, such development leads to the loss of green space, vegetation and views across gardens from the street.' The properties on Vicars Hill and the surrounding streets are unique and fortunate in that the topography and staggered nature of the houses means that the street benefits from light, space and good sight lines up and down the hill. The proposal would disrupt this;
- No elevations showing the relationship between the building and neighbouring properties;
- Proposed materials are inappropriate;
- First floor living space will result in properties on the opposite site of the road being overlooked;
- The patio and living area would be overlooked from 36 Vicars Hill;
- Toilets and shower to the rear are effectively underground and no ventilation, extract fans are shown;
- Drainage shown does not look adequate;
- Plans do not show how subsidence of garden and patio will be avoided;
- Proposed dwelling could be a family dwelling and should therefore provide sufficient amenity space;
- Bins shown on plans are not commensurate with Lewisham's policies;
- These properties do not feature 1930's houses at the bottom of the gardens as Ermine Road sweeps up and it must have been decided that there was not enough space for additional dwellings in this location;
- Existing garage is a wonderful example of a mid 1920's brick built garage and should be preserved;

- Proposal does not meet requirements of Brockley Conservation Area Appraisal which states that single storey garden rooms which preserve views across gardens will be permitted
- Construction traffic would add to existing parking and traffic problems;
- Proposal fails to provide off site mitigation measures to accommodate the impact of the proposal on local infrastructure and makes no contribution towards affordable housing;
- There are already too many properties on this road;
- New dwelling will overlook, overshadow and cause additional noise and therefore means we cannot enjoy our property as we did before. Infringes on my human rights;
- Similar proposals have already been turned down at this site;
- Will result in the loss of trees which provide stability to the steep sloping site;
- Proposed dwelling would be small and cramped as a result of being sited in the space left by the existing garage and may be below the minimum size;
- Would result in overlooking of my garden and would be ugly to look at when viewed from my garden.

4.4 In addition, 3 letters of support were received from neighbouring occupiers. Matters raised can be summarised as follows:

- Proposal will improve aspect of roadside as existing gates are in need of work and will improve safety at night along this stretch of road where there are dark corners;
- Proposal would result in an attractive development rather than an unsightly garage.

#### Ecological Regeneration Manager

4.5 The living roof proposal is not our preferred system as it is a sedum based vegetated mat which has limited biodiversity and sustainable drainage value compared with other systems. Guidance about our preferred systems and the level of detail that should be included in planning applications is specified in the local information requirements document available on the Council's website.

4.6 Please also note that this application currently does not contain the detail, sections and methodologies that we ask for in submissions. I would also like to ask that if you were minded to approve a mat based system (either the current proposal or a more biodiverse system -I'm aware that the same firm do sell a wildflower version) that I do not recommend its installation on 50mm of substrate as detailed on the Planting scheme plan and advise that a minimum substrate depth of 80mm is used. This is more appropriate for our arid climate in south east England and London in particular.

4.7 I would also strongly recommend that the applicant must enter into a guarantee or maintenance contract with the living roof installer for a period of at least two growing seasons so that a healthy and performing living roof is handed over to the client after the defects and liability period as this help ensure that value engineering does not occur and appropriate maintenance is undertaken.

## Highways and Transportation

4.8 No response received

## Amenity Societies' Panel

OBJECTION. The proposed building is poor quality and of inappropriate bulk and scale. In addition, the proposal would lead to a loss of garden space and parking for the existing family dwelling house.

## **5.0 Policy Context**

### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands

London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPG's relevant to this application are:

Housing (2012)

Sustainable Design and Construction (2006)

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design  
URB 12 Landscape and Development  
URB 13 Trees  
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas  
HSG 4 Residential Amenity  
HSG 5 Layout and Design of New Residential Development  
HSG 7 Gardens  
HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document (August 2006)

- 5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.10 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

Emerging Plans

- 5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The following emerging plans are relevant to this application.
- 5.12 The following emerging plans are relevant to this application.

Development Management

- 5.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23<sup>rd</sup> of July 2014 finding the Plan

sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29<sup>th</sup> of April 2014.

- 5.14 The Council expects to formally adopt the DMLP in autumn 2014.
- 5.15 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 5.16 The following policies are considered to be relevant to this application:
- |              |  |
|--------------|--|
| DM Policy 1  | Presumption in favour of sustainable development   |
| DM Policy 5  | Sheltered housing and care homes   |
| DM Policy 22 | Sustainable design and construction  |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches  |
| DM Policy 25 | Landscaping and trees  |
| DM Policy 30 | Urban design and local character   |
| DM Policy 32 | Housing design, layout and space standards   |
| DM Policy 33 | Development on infill sites, backland sites, back gardens and amenity areas  |
| DM Policy 36 | New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens |

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- Principle of Development
  - Design and Conservation
  - Quality of Accommodation
  - Residential Amenity and Impact on Adjoining Properties
  - Highways and Transport Issues
  - Lifetime Homes
  - Sustainability and Energy
- 6.2 The main planning considerations are the acceptability of the principle of an additional dwelling house being constructed on the site, the design of the proposals, impact of the proposals on the character and appearance of the conservation area, the quality of residential accommodation that would be created and the amenity of neighbouring occupiers.

### Principle of Development

- 6.3 Housing is a priority use for all London boroughs and the Core Strategy 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.

- 6.4 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.
- 6.5 The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 6.6 Emerging Policy DM33 of the Development Management Local Plan states that the development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study will not be granted planning permission and that private back gardens in all urban typologies should be retained in development proposals involving new separate dwellings. The site is considered to fall within the Suburban Housing section of the Perimeter Blocks typology set out in Table 2.1 *Urban typologies in Lewisham* of the DM Local Plan with the matching sets of semi-detached Victorian houses on Vicars Hill and the matching 1930's semis on Ermine Road. The Lewisham Character Study 'identified issues' section of Table 2.1 states that development of new separate dwellings in the rear gardens of this urban typology will not generally be acceptable. While this document has not yet been adopted, due to the stages it has undergone in the plan making process, it is considered to hold significant weight. The principle of developing this site for a self contained dwelling house is therefore not accepted.
- 6.7 Retained Policy HSG 8 of the Unitary Development Plan states that backland and in-fill development will be permitted provided the following criteria are met:
- a) sufficient garden depth and area should be retained by existing dwellings
  - b) the scheme must respect the character of the area, including the cumulative impact;
  - c) the scheme must be particularly sensitively designed;
  - d) there must be proper means of access, suitable for entry and egress of service vehicles which is convenient and safe for both drivers and pedestrians;
  - e) there would be no appreciable loss of privacy and amenity for adjoining houses and their back gardens;
  - f) there should be no appreciable loss of wildlife;
  - g) where the site was originally, in part or in whole, the private garden of one or more houses, the density calculation of the proposed development will take into account the site area of the original house and the number of habitable rooms in it.
- 6.8 The existing property at 36 Vicars Hill would retain a 10m deep garden. However, planning permission has just been granted for a 2.7m deep rear extension on this property and if this were implemented it is unlikely that the depth of the retained garden would meet the 9m requirement for a family dwelling.

- 6.9 In terms of access, the proposal would have a proper means of access that would be as existing.
- 6.10 The impact of the proposal on the character of the area, its design and the impact on neighbouring amenity are dealt with in the sections below.

#### Design and Conservation

- 6.11 Policy 3.4 of the London Plan 2011 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.
- 6.12 Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.13 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, which include the conservation areas will continue to be monitored, reviewed, enhanced and conserved.
- 6.14 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to be attractive. Likewise, Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context.
- 6.15 Retained Policy HSG 8 Backland and in-fill development states that the scheme must respect the character of the area, including the cumulative impact and be particularly sensitively designed.
- 6.16 Retained Policy URB 3 states that the Council will expect to achieve a high standard of design in extensions or alterations to existing buildings, while ensuring that schemes are compatible with, or complement the scale and character of existing development. Scale and mass of development will be taken into consideration where a new development might be out of scale with the existing surrounding development.
- 6.17 Both the Brockley and the Ladywell Conservation Areas have been designated for the architectural interest of their predominantly late Victorian and early Edwardian suburban development, which is notable for the quality of its design, detailing and craftsmanship, and the spatial qualities provided by the front and rear gardens to these houses. Despite differences in styles of buildings, group identity is strong due to a limited range of materials and common design elements.
- 6.18 The rear gardens to the semi-detached houses along Vicars Hill, close to the junction where Ermine Road intersects, are well visible in views from Ermine Road. The greenery and openness provided by these gardens add a verdant character and sense of spaciousness to the western entrance of Ermine Road, from which the existing, low garage to No. 36 does not detract.

- 6.19 The proposed replacement building would be a two-storey building. The term 'lower ground floor' is misleading in this context. The building is level with and facing Ermine Road - it would clearly be perceived from the street as a two storey building comprising a ground floor with the main entrance and a 1<sup>st</sup> floor.
- 6.20 The footprint of the building extends to full plot-width which is uncharacteristic to the traditional plot-coverage of the area where the pre-dominantly semi-detached buildings are arranged with gaps between them.
- 6.21 The position of the building within the rear garden of an existing property would be unique to this particular proposal and would be singularly incongruent within the established pattern of housing development in the area. By way of its bulk and height, the building would obscure the views into the rear garden of No. 36 and adjacent properties and interrupt the sense of openness created by these gardens.
- 6.22 The proposed materials, cedar cladding and aluminium windows, would be out of keeping with the character of the surrounding area and whilst the Council is not opposed to well designed contemporary development in conservation areas, the detailing of the proposal is considered to be poor, with random fenestration of different proportions on the front elevation which makes no attempt to respond to the context of the area and does not feature reveals.
- 6.23 The design is unprepossessing and neither makes any reference to the historic development nor convinces as a quality contemporary addition in its own right. The bland design is of 'anywhere' and does not add to the sense of place and local distinctiveness of the area. The ground floor recess which would provide for a partly covered off-street parking space has no precedent in the area where narrow front boundaries are predominant.
- 6.24 In summary of the above, the proposed development by way of its bulk and poor design would detract from the character and appearance of Ermine Road and as such would fail to preserve and enhance both the Brockley and the Ladywell Conservation Areas. The development would fail to add to local distinctiveness and not be of the highest quality design as required by the NPPF and local policy. In addition, the proposal would fail to be carefully designed to respect the character of the area as required by Policy HSG 8 Backland and In-fill Development and therefore the principle of the development is not accepted.

Quality of Accommodation:

- 6.25 Policy 3.5 of the London Plan (2011) 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.
- 6.26 Saved Policy HSG 5 Layout and Design of New Residential Development in the Adopted UDP states that the Council expects all new residential development to meet the functional requirements of its future inhabitants.
- 6.27 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with

acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those taken from the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.

- 6.28 The floor area of the dwelling would be 73sqm which is 10sqm short of the floorspace requirement for a 2b4p two storey dwellinghouse.
- 6.29 The proposal would provide two double bedrooms at lower ground floor level. Whilst both of these rooms would be single aspect, with windows overlooking the street and associated problems with privacy, Bedroom 2 would be of particular concern as its window would be overshadowed by the floor above which cantilevers out. At 10sqm this room is below the floorspace requirements set out in the London Housing SPD and much of this space to the rear of the room would not be useable due to the presence of a staircase through the space. The amenity provided by this room is therefore not considered to be acceptable.
- 6.30 The proposed ground floor open plan living area and kitchen are considered to provide adequate levels of amenity in terms of layout, outlook and daylighting. However, the proposed garden would be short of the 9m depth required by Policy HSG 7 Gardens for family dwellings. The garden would also be overlooked by the existing garden at 36 Vicars Hill. The shorter length of the garden and change in level would also result in the windows to the ground floor living space being overlooked by the garden at 36 Vicars Hill resulting in a loss of privacy.
- 6.31 Overall it is not considered that the proposal would result in an acceptable standard of residential accommodation.

#### Residential Amenity and Impact on Adjoining Properties

- 6.32 HSG 4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough by ensuring that new dwellings are sited appropriately, resisting the siting of incompatible development in or close to residential areas and seeking higher standards of design and landscaping in all new development in residential areas.
- 6.33 Neighbouring occupiers have raised concerns that the proposal would result in overshadowing of their gardens. The existing garage on the site is 2.99m high. The proposed dwelling would be 5.6m high, however, given the orientation of the site, there would only be potential of overshadowing of the garden at 34 Vicars Hill. Given that this area of the garden is already overshadowed by the existing garage and trees and the extent of the overshadowing is limited to the far end of the garden, it is not considered that the proposal would result in an unacceptable level of overshadowing to neighbouring gardens.
- 6.34 Concerns have been raised by local residents about the risk of flooding, loss of wildlife and subsidence.
- 6.35 It was clear to officers when visiting the site that there is an issue with instability of the land in this location and the applicant has confirmed that the proposal would provide an opportunity to address this issue should it be found to be acceptable.

- 6.36 With regards to the loss of biodiversity, a planting scheme has been submitted in support of the application that includes a number of native species which would partially mitigate the loss of wildlife resulting from the garden being developed.
- 6.37 The proposal would result in an increase in the area of the garden covered by building and would therefore result in increased run off. The applicant has sought to mitigate this through the use of a soakaway in the garden and a sedum roof. However, the Council's Ecological Regeneration Manager has raised concerns in relation to the proposal on the grounds that the green roof proposal is not the Council's preferred system as it is a sedum based vegetated mat which has limited biodiversity and sustainable drainage value compared with other systems. If the proposal were otherwise acceptable it is considered that the use of a different green roof type could adequately address these concerns and that this could be dealt with by condition.
- 6.38 The proposal, combined with the recently approved extensions at 36 Vicars Hill have the potential to result in an unacceptable loss of garden space for the existing occupiers at 36 Vicars Hill.
- 6.39 The design of the front elevation of the proposed new house would result in unusually large windows at first floor level which would be opposite first floor windows of the properties on the opposite side of Ermine Road and are considered to result in a loss of privacy to these occupiers as a result of overlooking.
- 6.40 It is considered that the proposal would result in an unacceptable loss of privacy to neighbouring occupiers and would result in an unacceptable loss in garden space for the existing occupiers.

#### Highways and Traffic Issues

- 6.41 It is not considered that the addition of a single dwelling that would be served by the existing cross over and would provide an off street parking space would have an adverse impact on highway safety or cause increased on street parking.

#### Lifetime Homes

- 6.42 Core Strategy Policy 1 (Housing provision, mix and affordability) requires all new residential development to be Lifetime Homes compliant. The applicant has confirmed on plan that the development will be Lifetime Homes compliant. A condition could be recommended which ensures that the completed development achieves this were the proposals otherwise acceptable.

#### Sustainability and Energy

- 6.43 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.44 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- Be Lean: use less energy

- Be clean: supply energy efficiently
- Be green: use renewable energy

- 6.45 Core Strategy Policy 7 Climate change and adapting to the effects, states that the Council will adopt a partnership approach to implement the principles of 'avoidance, mitigation and adaptation' by applying the London Plan policies relevant to climate change including those related to: air quality, energy efficiency, sustainable design and construction, retrofitting, decentralised energy works, renewable energy, innovative energy technologies, overheating and cooling, urban greening, and living roofs and walls and recognising the role that the reuse and modification, where appropriate, of heritage assets can play in securing sustainable development in order to reduce carbon emissions.
- 6.46 Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires all new housing development to achieve a minimum of Level 4 when assessed using the Code for Sustainable Homes criteria.
- 6.47 The applicant has submitted a Code for Sustainable Homes Pre-assessment Report and separate Sustainability Statement. The statement confirms that it will be possible for the development to meet Code Level 4 in accordance with the requirements of the Core Strategy. A condition could be recommended to require a Design Stage Certificate to ensure that the development achieves Code Level 4 were the proposals otherwise acceptable.

## **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8.0 Equalities Considerations**

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 In this matter there is considered to be no impact on equality.

## **9.0 Conclusion**

9.1 The principle of a separate dwelling house being constructed on this site is not accepted both in terms of Policy DM 33 of the DMLP (for adoption in November 2014) and its failure to be particularly sensitively designed and to respect the character of the area as required by retained Policy HSG 8 Backland and In-fill Development of the UDP(2004). The design of the proposal is considered to be poor and would fail to preserve the character and setting of the Ladywell and Brockley Conservation Areas. The proposal would fail to provide an adequate standard of accommodation and would have an unacceptable impact on the amenity of neighbouring occupiers and the occupiers of 36 Vicars Hill.

## **10.0 RECOMMENDATION REFUSE PERMISSION** subject to the following reasons:-

- (1) The proposed development by reason of its design, mass and height would not be compatible with the character of the surrounding area. It would therefore represent an inappropriate and visually obtrusive development that would neither preserve or enhance the character and appearance of the Ladywell and Brockley Conservation Areas nor the visual amenities of the locality contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2011), Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), Policies URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (2004) and DM Policy 32 Housing design, layout and space standards of Development Management, DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (for adoption November 2014).
- (2) The proposed development would fail to provide a satisfactory size of accommodation and amenity area for future occupiers and would fail to provide adequate privacy to the ground floor living areas and adequate outlook and daylighting to Bedroom 2 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), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy HSG 5 Layout and Design of New Residential Development and Policy HSG 7 Gardens in the adopted Unitary Development Plan (July 2004) and DM Policy 32 Housing design, layout and space standards of

Development Management, DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the DMLP (for adoption November 2014).

- (3) The proposal, as a result of its design, would have an unacceptable impact on neighbouring occupiers in terms of a loss of privacy, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (2004) and DM Policy 32 Housing design, layout and space standards of the DMLP (for adoption November 2014).

### **INFORMATIVE**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquires and the detailed advice available on the Council's website. On this particular application, a previous application (DC/14/86707) was submitted and advice was given regarding the proposal being unacceptable resulting in the application being withdrawn. The application was re submitted in the form of the current application which had not changed significantly from the withdrawn application other than being supported by a Code for Sustainable Homes Pre-Assessment. Discussions were held with the applicant during the application process and they were advised that a two storey self contained dwelling house would not be acceptable in this location. The application was not willing to amend the scheme so no solution was possible.

# 36 Vicars Hill SE13 7JT



This page is intentionally left blank

Committee	PLANNING COMMITTEE C	
Report Title	INNES LODGE, INGLEMERE ROAD SE23 2BD	
Ward	Perry Vale	
Contributors	Geoff Whittington	
Class	PART 1	09 OCTOBER 2014

Reg. Nos. DC/14/87633

Application dated 19.05.14

Applicant Mr K Fitzgerald

Proposal The demolition of existing garages adjacent to Innes Lodge and the construction of a part-single/ part-two/ part-three storey, three bedroom dwelling-house and associated landscaping.

Applicant's Plan Nos. PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010, PL011, PL012, PL013, PL014, PL101, PL102, PL103, PL104, PL105, PL106, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL115, PL116, PL117, PL118, CGI 123, CGI 124, CGI 125, CGI 126 & CGI 127, Lifetime Homes: LTH Ground Floor Plan, LTH First Floor Plan & LTH Second Floor Plan, Design & Access Statement and Code for Sustainable Homes Planning Pre-Assessment.

Background Papers

- (1) Case File LE/418/7/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan (2011)

Designation Adopted UDP - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application site is a backland plot that is currently occupied by 7 lock-up garages used for storage purposes, and an electricity sub-station. The site measures approximately 19 metres deep, and 10.7 metres wide. It is accessed via a 15 metre long and 3.1 metre wide passageway from Inglemere Road.
- 1.2 The surrounding area is comprised mostly of residential properties, including low level blocks of flats and terraced dwellings. A 1960s 4-storey building accommodating 15 self-contained flats known as Innes Lodge lies directly to the east of the application site, whilst to the west are 2-storey dwellings fronting Bampton Road with associated gardens at the rear. Land forming part of Forest Hill School lies to the south.
- 1.3 The application site is not located within a conservation area, nor within the vicinity of any listed buildings.

- 1.4 The site lies within a short walking distance of Mayow Road and Perry Vale, which are served by bus routes. The PTAL for this area is 1b on a scale of 1 to 6 where 6 is excellent. There are unrestricted on-street parking opportunities within the immediate area.

## **2.0 Planning History**

- 2.1 No planning history to this particular site.

### Adjacent Property – Innes Lodge, Inglemere Road

- 2.2 In 2006, permission was granted for the construction of an additional storey at third floor level at the neighbouring Innes Lodge, Inglemere Road to provide 1 two bedroom and 1 one bedroom self-contained flats and a self-contained studio flat, together with terraced areas.

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 Permission is sought for the demolition of existing garages and the construction of a part-single/ part-two/ part-three storey, three bedroom dwelling-house.
- 3.2 Access would be from Inglemere Road along the existing passageway. The ground floor of the dwelling would occupy the full width of the plot (10.7 metres), and measure a maximum 15.6 metres deep.
- 3.3 The development would initially be single-storey in height, before stepping up to 2 and then 3-stories in the direction of Innes Lodge. The single-storey element nearest the boundary with the Bampton Road dwellings would measure a height of 3.4 metres, whilst the highest part of the new building adjacent to Innes Lodge would be 10.2 metres.
- 3.4 The dwelling would benefit from a 3.4 metre deep, 10.7m wide private garden at the rear, together with two small courtyards. An 8sq.m terrace would also be afforded at second floor level.
- 3.5 Proposed external materials would include a primary use of dark brick to all elevations, rainscreen (cement board) cladding panels, stained timber cladding and aluminium framed fenestration.
- 3.6 No off-street parking would be provided, however a secure cycle store would be located within the private courtyard.

### Supporting Documents

- 3.7 Design and Access Statement – this document includes a site analysis, the design approach of the proposed scheme, the level of residential accommodation, Daylight/ Sunlight Assessment, the sustainability aspirations to reach Code Level 4 and compliance with Lifetime Homes.
- 3.8 Code for Sustainable Homes Planning Pre-Assessment – this details the proposed sustainability measures, and confirms the development would achieve Code Level 4, with a pre-assessment score of 76.47.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors.

#### **Written Responses received from Local Residents and Organisations**

- 4.3 Four objections have been received from neighbouring properties at flat nos.1, 3, 6 and 10 Innes Lodge. The issues raised are summarised below.
- unsightly, ugly building;
  - close proximity to Innes lodge;
  - noise and disruption from future occupiers and during construction works;
  - the building will push the density of the site to an unacceptable level;
  - the open nature of the communal space belonging to the residents of Innes Lodge 'will be abused by the residents of the new build';
  - the development will block light to the communal areas at the rear;
  - the route to the development will 'go past our bin area and will make it difficult for us to access our bins and our flats';
  - land ownership concerns, relating to existing bin location for Innes Lodge occupiers.

(Letters are available to Members)

- 4.4 In response to the matters raised regarding land ownership, the agent has advised;

*'there is some confusion concerning land ownership - the driveway is owned by our client Mr Fitzgerald and not Innes Lodge. Innes Lodge do own the area where their dustbins are (or at least our client does not) so I presume they have some sort of easement across the drive to access it. We have maintained this area and it is unchanged in the proposals.*

*'There is a thin strip of land between the garage site and the flank wall of Innes Lodge. At some stage this has been fenced/blocked for security reasons (we assume). We are not proposing to build on this strip. It belongs to Innes Lodge and will be maintained as a service zone for their building.'*

*'The applicant has advised the communal space to the front would be heavily planted between the driveway and the front green area, and the house would not further overshadow this area. The communal space to the rear is south facing and the house sits largely in line with the flank wall and would not contribute to over-shadowing. If the sun were beyond the west position (i.e a late summer evening) it will be low and already behind houses further west on Bampton Road.'*

## Internal Responses to Consultation

### *Sustainability Manager*

- 4.5 The proposal would be Code Level 4 compliant, and a standard condition is required to ensure that the proposal meets Level 4 prior to first occupation.

### *Highways and Transportation*

- 4.6 Unobjectionable in principle.

### *Environmental Health*

- 4.7 No objections raised.

### Fire Brigade

- 4.8 No objections raised. Guidance states that for single family dwelling houses, there should be vehicle access for a pump appliance to within 45m of all points within the dwelling house, which would be achievable in this case.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and Policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF.

In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211 and 215 of the NPPF.

#### Other National Guidance

- 5.5 The other relevant national guidance is:

Climate change

Design

Housing and economic development needs assessments

Housing and economic land availability assessment

Renewable and low carbon energy

#### London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 8.3 Community infrastructure levy

#### London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:

Housing (2012)

## London Plan Best Practice Guidance

- 5.8 The London Plan Best Practice Guidance's relevant to this application are:  
Control of dust and emissions from construction and demolition (2006)

### Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Policy 1 Housing provision, mix and affordability  
Policy 7 Climate change and adapting to the effects  
Policy 8 Sustainable design and construction and energy efficiency  
Policy 15 High quality design for Lewisham

### Unitary Development Plan (2004)

- 5.10 The saved policies of the UDP relevant to this application are:  
STR URB 1 The Built Environment  
URB 3 Urban Design  
URB 12 Landscape and Development  
HSG 4 Residential Amenity  
HSG 5 Layout and Design of New Residential Development  
HSG 7 Gardens  
HSG 8 Backland and In-fill Development

### Residential Standards Supplementary Planning Document (August 2006 revised 2012)

- 5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

### Emerging Plans

- 5.12 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.13 The following emerging plans are relevant to this application;

Development Management Local Plan

5.14 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on 23 July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on 29<sup>th</sup> April 2014.

5.15 The Council expects to formally adopt the DMLP in autumn 2014.

5.16 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of plan making process aside from formal adoption, and therefore holds very significant weight at this stage.

5.17 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 25	Landscaping and trees
DM Policy 28	Contaminated land
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

## **6.0 Planning Considerations**

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design
- c) Standard of Accommodation
- d) Highways and Traffic Issues
- e) Impact on Neighbouring Properties
- f) Sustainability
- g) Landscaping

### Principle of Development

6.2 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.

6.3 Saved Policy HSG 8 of the UDP sets out criteria to assess whether infill and backland development is 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, sustainable design and energy, community safety and refuse arrangements.

- 6.4 DM Policy 33 of the Development Management Local Plan states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality, relates successfully and is sensitive to the existing design quality of the streetscape, and sensitive to the setting of heritage assets. This includes the importance of spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.
- 6.5 The acceptability of the principle of development depends upon the existing use of the site and whether it is designated for a specific purpose, together with the character of the surrounding area. In this case, the application site is an undesignated backland site which has been occupied by garages for many years, and lies within an area that is predominantly residential in character.
- 6.6 No objections are raised toward the proposed loss of the existing garages. They are considered to be of little architectural merit and are mostly used for storage purposes rather than for parking of vehicles. The applicant advises the garages are rented by private individuals.
- 6.7 The site lies a short walking distance away from Mayow Road and Perry Vale, which are relatively well served by bus routes, albeit the site itself lies within an area of a PTAL 1b rating.
- 6.8 The proposal would not result in the loss of any existing residential gardens or public open space.
- 6.9 In summary, considering the immediate area is predominantly residential in character, the principle of a new dwelling upon this plot is acceptable provided the design is of the highest quality, and other policies are met, such as ensuring no adverse impact upon neighbouring amenity or the character of the streetscene.
- 6.10 The redevelopment would have the potential to enhance the quality of the streetscene, whilst enhancing an unsightly plot. The proposal has been designed to utilise the restricted nature of the site whilst seeking to respect the character of the surrounding streetscape.

### Design

- 6.11 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'
- 6.12 Policy 3.5 'Quality and design of housing developments' of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. Policy HSG 5 of the UDP states that the Council expects all new residential development to be attractive and high quality.
- 6.13 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and is sensitive to the local context and responds to local character. Policy DM 30 of the Development Management Local Plan states that the Council will require all developments to attain a high standard of design.

- 6.14 Paragraph 15 of the National Planning Policy Framework (p15) states: “local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.15 In this case, the applicant has proposed a modern design approach that would not seek to replicate the design or appearance of neighbouring properties. The development would seek to respect the height, width and depth proportions of the neighbouring dwellings, albeit the footprint would be significantly greater than the Bampton Road dwellings.
- 6.16 The applicants engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers were presented with different options, and the current proposal was considered to be of good, modern design, whilst being respectful of the character of the surrounding area. In this case, a high quality contemporary building of sympathetic design is considered preferable to a more traditional approach that seeks to replicate neighbouring dwellings.
- 6.17 The scale and massing of the new building has been well considered, with the ‘stepped’ approach of each level contributing to an interesting and varied appearance.
- 6.18 The building is proposed to be predominantly brick faced – whilst the application suggests a dark brick, it does not confirm the actual type or provide a sample. Window frames would be of slim line aluminium throughout. The second floor level would be ‘finished in metal panels to match the finish of the windows.’
- 6.19 In principle, the proposed materials are considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with existing properties. However, a condition will be included to request samples of the facing materials for further assessment.
- 6.20 The density of the development is unlikely to result in demonstrable harm to the character of the local area or the amenities of neighbouring residential occupiers. The London Plan density matrix advises that in suburban areas with a PTAL rating of 0-1, the appropriate density range would be 150-200 habitable rooms per hectare. The proposed development would equate to 200 habitable rooms per hectare, thereby complying with Policy 3.4 of the London Plan. Density, however, forms only part of the considerations toward developments such as this. Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character.
- 6.21 The development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location. The applicants will be requested by way of planning conditions to provide external material samples, together with detailed plans of the windows, entrances and brick detailing.

#### Standard of accommodation

- 6.22 The London Plan and the London Plan Housing SPG sets out minimum floor spaces standards for dwellings of different sizes. These are based on the

minimum gross internal floor space required for new homes relative to the number of occupants and taking in to account commonly required furniture and spaces needed for different activities and moving around, in line with Lifetime Home Standards. The quality of the proposed accommodation needs to be carefully considered in relation to the Council's LDF, the London Plan and the London Housing SPG.

- 6.23 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to meet the functional requirements of its future inhabitants. It states that new dwellings should provide a satisfactory level of privacy, outlook and natural lighting with an appropriate level of amenity space.
- 6.24 The proposal is for a 3 bedroom, 4 person single family dwelling, with a gross internal area (GIA) of 160 square metres, which comfortably exceeds the minimum 102sq.m as set out in the London Plan for a 3-storey, 3 bedroom, 5 person dwelling.
- 6.25 The dwelling would comprise 3 bedrooms and a study on the first and second floors. The ground floor would comprise 2 living rooms, a kitchen/ diner, w.c. and storage. Table 1 below confirms all rooms would be appropriately sized, in accordance with The London Plan Housing SPG.
- 6.26 Floor to ceiling heights would meet with the minimum requirement of 2.5 metres, whilst Living Room 2 would measure 4.3 metres. As identified in the London Plan, high ceilings can positively impact on how spacious, light and comfortable the dwelling is. High ceilings can improve the amount and quality of natural light and ventilation and provide flexibility in the use of a room.

Table 1

Room	London Plan Minimum Floorspace	<b>Proposed Floorspace</b>	London Plan Minimum Headheight	<b>Proposed Headheight</b>
Bedroom 1	12 sq.m	<b>17.5 sq.m</b>	2.5m	<b>2.5m</b>
Bedroom 2	8 sq.m	<b>11.1 sq.m</b>	2.5m	<b>2.5m</b>
Bedroom 3	8 sq.m	<b>11.1 sq.m</b>	2.5m	<b>2.5m</b>
Combined floorspace for living room 1, kitchen and diner.	27 sq.m	<b>36 sq.m</b>	2.5m	<b>3m</b>
Combined floorspace for living room 2, kitchen and diner.	27 sq.m	<b>37 sq.m</b>	2.5m	<b>4.3m</b>

### *Lifetime Homes*

- 6.27 All habitable rooms within the new dwelling would be provided with sufficient outlook and privacy, whilst assured of natural light intake.
- 6.28 Core Strategy Policy 1 requires all new dwellings to be built to meet Lifetime Homes standards. Annotated plans have been submitted demonstrating that the dwelling would be capable of meeting Lifetime Homes, with the exception of criterion 1 (car parking) as this is a car free scheme. A condition is recommended that ensures that the completed development achieves the criteria prior to first occupation.

### *Amenity Space*

- 6.29 In regard to amenity space, the dwelling would benefit from a 30sq.m private rear garden, in accordance with HSG 7 Gardens, which requires a safe, secure garden area for family dwelling measuring a minimum depth of 9 metres. In this case, the garden would measure a width of 10.7 metres.
- 6.30 Two additional courtyards would be provided, including a 7sq.m space to the front of the building leading to the secure cycle store, and a centrally located 13sq.m space lying between the living room and kitchen/ diner. At second floor level, a small terrace measuring 8sq.m would be provided, accessed from the hallway.
- 6.31 Overall, the provision of amenity space within the development is considered to be acceptable.

### *Electricity Sub-Station*

- 6.32 The site is currently part occupied by a single-storey brick built electricity sub-station that would be retained as part of the redevelopment of the site. The new dwelling would be constructed around the structure, but would at no point adjoin, be built upon or disturb it. (Plan PL115 indicates stained timber cladding would be affixed to the flank wall of the sub-station, however this would need to be agreed with the operator.)
- 6.33 The applicant has discussed the proposal with UK Power Networks who own the sub-station, and they advised that considering access to the structure would be maintained, no objections would be raised.
- 6.34 Building Control officers have no jurisdiction in such matters, however they have advised subject to the sub-station being maintained properly, there is no reason why the safety of future occupiers would in any way be compromised by the close proximity of the structure.
- 6.35 During site inspections, officers did not hear any adverse noise being emitted from the sub-station that would potentially disturb future occupiers of the development.

### Highways and Traffic Issues

#### a) Access

- 6.36 Access into the site would remain from Inglemere Road via the existing 15 metre long, 3.1 metre wide passageway. The D&A Statement advises that low level security lighting will be installed to ensure the passageway is 'well lit and inviting'.

- 6.37 It is considered the development would accord with HSG 8 which seeks a 'proper means of access.....safe for both drivers and pedestrians' for new backland development.
- 6.38 Objections have been received from Innes Lodge residents in regard to their existing bin store which is located adjacent to the passageway. The applicant has advised that he owns the passageway, and does not intend upon relocating the existing bin store.
- b) Cycle Parking*
- 6.39 Secure cycle spaces are proposed, located within the front courtyard that may only be accessed via the main entrance into the dwelling.
- c) Car Parking*
- 6.40 The proposal does not include off street car parking as there is insufficient space within the site. Despite the PTAL 1b rating, a car free approach in this case is considered to be acceptable, attributed in part to the single dwelling nature of the development. The site is located within close proximity to bus routes that operate along Perry Vale and Mayow Road. whilst there are unrestricted on-street parking opportunities within the immediate area. Highways have raised no objection to the proposal.
- d) Refuse*
- 6.41 A timber store is shown on plan for the storage of refuse and recycling bins adjacent to the front entrance. The siting, provision and appearance is considered acceptable.

#### Impact Upon Neighbouring Properties

- 6.42 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.43 The nearest residential dwelling-houses lie directly to the west. These are 2-storey and have rear gardens measuring 9 metres deep. The applicant has acknowledged the distance between the Bampton Road dwellings and the application site by proposing that the new dwelling would be single-storey to that side, with the first and second floors set-back 4.2 metres from the boundary. This provides a separative distance of approximately 13.8 metres from the rear elevations of the Bampton Road dwellings.
- 6.44 The single-storey element would measure 600mm higher than the existing boundary wall/ fence. It is not considered that this element, or the development as a whole, would significantly harm the visual amenities of the Bampton Road occupiers.
- 6.45 The applicant has advised discussions about the proposal were held with the Bampton Road occupiers after the application was submitted, and subsequently, no formal objections have been received from those residents.
- 6.46 The highest part of the new building would lie closest to the 4-storey Innes Lodge, which has been extended at roof level and is 1.8 metre greater in height than the proposal. The new building would project 1.5 metres beyond the rear

elevation of Innes Lodge, however it would not result in any significant harm to neighbour visual amenity.

- 6.47 A Daylight/ Sunlight Assessment has been included within the Design & Access Statement, and concludes ‘.....the design has a minimal impact on any of it’s surroundings and other buildings at all times of the year. No impact is shown on any windows to neighbouring properties, and the overshadowing of gardens is minimal.’
- 6.48 Having visited the site, it is considered that this conclusion is acceptable, therefore no objections are raised on these grounds.
- 6.49 The proposed second floor terrace would be sited to the front corner of the new building, 4.6 metres from the boundary with the Bampton Road dwellings, and 13.8 metres from their rear elevations. Considering these distances, it is appropriate that a condition be included that requests details of screening to the terrace to avoid any unacceptable overlooking to the neighbouring occupiers.
- 6.50 Due to the backland siting of the proposed building, it is considered that no other properties within the vicinity would be harmed by the development.
- 6.51 It is recommended that given the backland nature of the site, and proximity to neighbouring buildings, all permitted development rights are removed if permission is granted. This is to ensure officers have an opportunity to formally assess any alterations to the building, and to safeguard the amenities of neighbouring occupiers.

#### Sustainability and Energy

- 6.52 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.53 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
  2. Be clean: supply energy efficiently
  3. Be green: use renewable energy
- 6.54 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum Code for Sustainable Homes Level 4.
- 6.55 The applicant has submitted a Code for Sustainable Homes pre-assessment that confirms the proposal would meet Code Level 4. This will be secured by condition.

- 6.56 The applicant has submitted a Code for Sustainable Homes pre-assessment that confirms the proposal would meet Code Level 4. This will be secured by condition.
- 6.57 The Design & Access Statement lists a number of sustainable measures that would be undertaken to assist in achieving a lean, clean and green development, including the installation of energy efficient appliances, rainwater collection, low energy lighting and water efficiency.
- 6.58 It is considered therefore that the development would be in compliance with sustainability policies. The Sustainability Manager has raised no objections to the proposal.

### Landscaping

- 6.59 A mix of soft and hard landscaping is proposed to the rear garden, and within the front courtyard. The central courtyard would be paved, whilst a new tree is indicated on the plan. The existing paving to the passageway would be retained.
- 6.60 The landscaping approach is acceptable, however it is appropriate to apply a condition requiring paving materials are permeable to avoid rainwater run-off.

## **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8.0 Equalities Considerations**

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

8.4 In this matter there is considered to be no impact on equality.

## **9.0 Conclusion**

9.1 The provision of a single dwelling-house upon the site is acceptable due to the existing residential character of the immediate area. It is considered that the proposed standard of accommodation would be compliant with policies.

9.2 The design and massing of the proposed development is considered to be appropriate, respecting the general character of the area. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future habitants.

9.3 The applicant will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows to ensure the development would impact positively upon the streetscene.

9.4 For these reasons, it is therefore recommended that planning permission be granted.

## **10.0 RECOMMENDATION GRANT PERMISSON subject to the following conditions:**

### (1) Time limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

### (2) Accordance with Plans

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010, PL011, PL012, PL013, PL014, PL101, PL102, PL103, PL104, PL105, PL106, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL115, PL116, PL117, PL118, CGI 123, CGI 124, CGI 125, CGI 126 & CGI 127, Lifetime Homes: LTH Ground Floor Plan, LTH First Floor Plan & LTH Second Floor Plan, Design & Access Statement and Code for Sustainable Homes Planning Pre-Assessment.

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

(3) Construction Environment Management Plan

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(4) Site Contamination

- (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
  - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the

Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

(5) **Sound Insulation**

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LMax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) The development shall not be occupied until the sound insulation scheme detailed in (a) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with Saved Policy ENV.PRO 11 Noise Generating Development in the Unitary Development Plan (July 2004).

(6) **Code for Sustainable Homes**

- (a) The building hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.

- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

(7) Materials

No development shall commence on site until a detailed schedule and samples of all external materials and finishes/windows and external doors/roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

(8) External Lighting

Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

**Reason:** In order to minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(9) Lifetime Homes

The dwelling hereby approved shall meet the relevant Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on the Lifetime Homes Plans hereby approved.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

(10) Removal of permitted development rights

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

(11) No new windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the elevations of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(12) Use of flat roofs

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door (other than the second floor terrace) providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(13) Privacy Screening

No development shall commence on site until a detailed scheme of privacy screening for the second floor terrace has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally, to ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Saved Policies HSG 4 Residential Amenity and URB 3 Urban Design in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

(14) Cycle Parking Provision

All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

(15) Landscaping

Any proposed hard landscaping measures shall include use of permeable materials only, and be completed in full prior to occupation of the development.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

### **INFORMATIVES**

- (1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Contact was made with the applicant prior to determination to seek further information.
- (2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (3) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- (4) It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

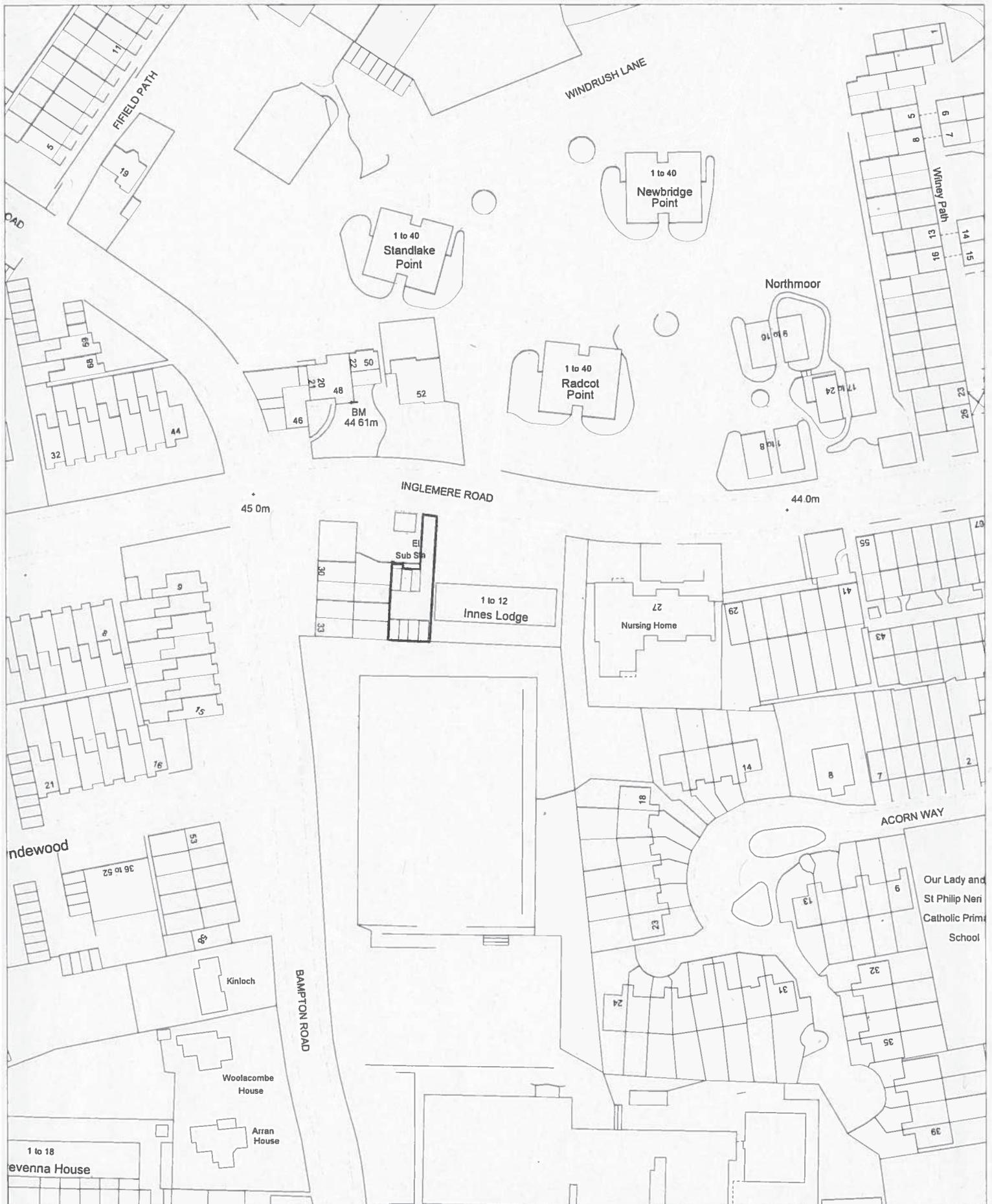
When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Developer Services will be required. They can be contacted on 0845 850 2777.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes you are recommended to contact Thames Water to discuss their status in more detail, You can contact Thames Water on 0845 850 2777 or for more information [www.thameswater.co.uk](http://www.thameswater.co.uk).

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water pipes. The developer should take account of this.

This page is intentionally left blank

# Innes Lodge, Inglemere Road SE23 2BD



45.0m

44.0m

Scale: 1250

Base on the  
Ordnance Survey map  
Licence no: 100017710  
London, SE6 4RU

This page is intentionally left blank

Committee	PLANNING COMMITTEE C	
Report Title	79 CULVERLEY ROAD SE6 2LD	
Ward	Catford South	
Contributors	Elizabeth Donnelly	
Class	PART 1	09 OCTOBER 2014

<u>Reg. Nos.</u>	DC/14/87984
<u>Application dated</u>	09.06.14 [as revised 12.08.14 & 18.09.2014]
<u>Applicant</u>	Graham Associates on behalf of Ms P Clarke
<u>Proposal</u>	The construction of three dormer windows to the rear roof slope, the installation of one conservation roof light to the side roofslope together with a new window to the front facing gable end.
<u>Applicant's Plan Nos.</u>	6217/9.6.14/01A; Site Location Plan (Received 17 June 2014); 6217/12.8.14/03B; 6217/12.8.14/04B; 6217/12.8.14/05C (Received 12 August 2014); 6217/9.6.14/02A (Received 18 September 2014)
<u>Background Papers</u>	(1) Case File LE/752/79/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	(1) Area of Archaeological Priority - Thames and Ravensbourne Terrace Gravels (Catford) (2) PTAL 4 (3) Culverley Green Residents Association (4) Culverley Green Article 4 Direction (5) Local Open Space Deficiency
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 This application relates to a two storey, semi-detached, Edwardian single family dwelling. It is located on the northern side of Culverley Road. The property is located within the Culverley Green Conservation Area and is subject to an Article 4 direction. It is not a listed building, nor in the vicinity of a listed building. The road is unclassified.
- 1.2 The existing windows in the front elevation are white UPVC casements. The existing windows in both the side and rear elevations are white painted timber sash windows. Surrounding properties uphold a mix between original timber sash windows and UPVC casements. The property benefits from an original double storey projection with an additional single storey extension to the rear.

- 1.3 The property is located in a residential street which consists mainly of single family dwellings and flat conversions. There is also a primary school in the street. The building style in the street is of the Edwardian era; the Culverley Green Conservation Area is mainly a residential Edwardian suburb. It is the building detail that gives the area its special interest and includes carved and moulded capitals and window surrounds, terracotta window dressings, sash windows, solid timber doors and stained glass.
- 1.4 There are a number of properties in the street and surrounding conservation area that have undertaken loft conversions and have the addition of roof lights to their roof slopes. There are also a number of properties that have inserted a rectangular timber sash window into the front facing gable end.

## **2.0 Planning History**

- 2.1 No relevant planning history.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 The original application related to the construction of three dormer windows to the rear roof slope, the installation of conservation roof lights to the side and front roof slopes together with the installation of a new window into the front facing gable end at 79 Culverley Road SE6.
- 3.2 The proposed dormer windows to the rear roof slope would consist of double glazed UPVC sliding sash windows. The proposed dormer would be constructed from hung tiles to match the existing roof with a flat warm deck felt roof to dormer.
- 3.3 The original proposal included conservation roof lights located on the side and front roof slopes. However, the proposal was amended to remove two of the proposed roof lights. The revised plans include one conservation roof light that would be located on the side roof slope behind the chimney stack that is positioned towards the front of the property.
- 3.4 The proposal includes the installation of a window into the front facing gable end. It would be rectangular in shape and measure 890mm x 1426mm. It would be located centrally on the wall of the gable end. The original proposal showed that this window would be constructed from UPVC. The plans were revised to show a timber sliding sash window opposed to the UPVC originally proposed.

### Supporting Documents

- 3.5 Design and Access Statement and Design and Heritage Statement; Photos.

## **4.0 Consultation**

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 A site notice was displayed and six neighbouring properties were consulted by letter. The Councillors for Catford South and the Culverley Green Residents Society were also consulted.
- 4.3 The Amenity Societies' Panel and the Council's Conservations team were consulted.

### Written Responses received from Local Residents and Organisations:

Two letters of objection were received. The Amenity Societies Panel also objected to the proposal. The objections raised the following concerns:

#### Culverley Green Residents Association

- The design and access statement is inaccurate with regards to the location of the property.
- Concerns centre around the proposal to include a window in the front facing gable, rooflight in the front facing roof slope and the proposed rooflights on the side roof slope.
- Aware that there has been a number of unfortunate alterations to properties in the street in the past, including windows in the gable, rooflights and even dormers in the front roofslopes but this should not be allowed to set a precedent for the further erosion of the architectural integrity of the buildings in the street which the Article 4 direction is intended to prevent.
- We would therefore argue that the Council should resist the proposed window in the front gable as well as the rooflight in the front rooflight in the front roofslope and should consider the set back of the rooflights in the side roofslope to behind the chimney.
- In our view, the proposals as they stand serve neither to preserve nor enhance the Conservation Area and would serve to a further erosion of the architectural cohesiveness of the Edwardian villas typical of the estate.
- If, despite objection, the Council does proceed to agree this proposal then it should ensure that the window in the gable is a timber sliding sash, that the rooflights are definitely conservation type and that no waste/soil pipes from the proposed first floor bathroom are allowed to intrude onto the front elevation of the building.

#### Neighbouring Occupiers at no. 121 Inchmery Road

- The positioning of dormer windows on the roofline of the property, albeit the rear roofline, would seem to go against the priorities of the conservation area which include preserving the architectural integrity of the buildings here.
- Allowing such development is the thin end of the wedge.

(Letters are available to Members).

#### Amenity Societies' Panel

- The Panel objected to the proposed window in the front gable and rooflight on front roofslope. Side rooflight should be set behind the chimney. Only two dormer windows were considered appropriate at the rear with the dormer nearest the side elevation omitted.

### **Pre-Application Consultation**

4.4 Pre-application advice was not sought in this instance.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 With regards to Heritage assets, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.6 The other relevant national guidance is:

Conserving and enhancing the historic environment  
Design

London Plan (July 2011)

- 5.7 The London Plan policies relevant to this application are:

Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 5.9 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design  
URB 6 Alterations and Extensions  
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas  
HSG 4 Residential Amenity

Residential Standards Supplementary Planning Document (August 2006)

- 5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

## Emerging Plans

- 5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The following emerging plans are relevant to this application.
- 5.12 The following emerging plans are relevant to this application.

## Development Management

- 5.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23<sup>rd</sup> of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29<sup>th</sup> of April 2014.
- 5.14 The Council expects to formally adopt the DMLP in autumn 2014.
- 5.15 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 5.16 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

## **6.0 Planning Considerations**

The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design and impact on the Conservation Area
- c) Impact on Adjoining Properties

## Principle of Development

- 6.1 The proposed external alterations provide for a loft conversion which would add an additional two bedrooms to the existing dwelling. The Council supports the principle of such applications provided that the proposal does not detract from the character and appearance of the host dwelling or surrounding area or harm the amenities of neighbouring properties.

## Design and Impact on the Conservation Area

- 6.2 Policies URB 3 and URB 6 of the UDP, Core Strategy Policy 15 and DM Policy 30 and 31 seek to ensure that a high standard of design is upheld; proposals must compliment the existing development, townscape and character. Policy URB 16 of the UDP, Core Strategy Policy 16 and DM Policy 36 seek to preserve and enhance the special architectural, historical character of conservation areas, in this case, the Culverley Green Conservation Area.
- 6.3 The proposed alterations originally incorporated the addition of three rooflights. Following discussions with Conservation Officers, the proposal was amended to remove two of the three proposed rooflights. The rooflights located on the front roofslope and the first rooflight on the side roofslope were considered to be unacceptable. They would have been highly visible from the public highway and surrounding conservation area, creating an incongruous addition to the original roof slope. The level of visual harm that they would have caused cannot be justified for the following reasons. One of these rooflights would have served the proposed bedroom to the front of the property which would also benefit from the remaining rooflight and the window in the gable end. The other would have served the bathroom where it is considered acceptable not to have an external window.
- 6.4 The remaining proposed rooflight would be located behind the chimney on the side roofslope is considered to be acceptable as it would be heritage style and obscured from public view by the chimney. Whilst the Culverley Green Residents Society and neighbouring occupiers at no.121 Inchmery Road raise objection to the principle of the addition of rooflights in general, Officers feel that because of the positioning of this rooflight to the side and behind the chimney, it would not give rise to a significant level of harm to the Conservation Area.
- 6.5 The proposal includes a rectangular window that would be located in the centre of the gable end of the front facing roof slopes. It would measure 890mm x 1421mm. The original submission proposed a UPVC sliding sash. Taking into the consideration the special characteristics of the conservation area, Officers requested that the plans were revised to incorporate a timber sliding sash.
- 6.6 The Culverley Green Residents Association raise strong objections to the addition of a window in the gable end, stating that it would give rise to the further erosion of the architectural cohesiveness of the Edwardian villas typical of the estate. The Amenity Societies' Panel also objected to this proposed window.
- 6.7 Whilst Officers accept that a window of this kind is not an original feature of this building, there are historic precedents (pre-1947) of windows within the forward facing gables on this street. Therefore, it is not felt that the introduction of a timber sash window would threaten the architectural integrity of the building in the way that rooflights in the front roofslope would. From a conservation point of view,

an additional window to the front elevation of the building - where the presence of window openings is wholly established – would not appear out of place nor detrimental to the appearance of the host building and the surrounding conservation area.

- 6.8 This view has been taken on various applications of the same nature within the Culverley Green Residents Association and is considered to be a preferred option to using rooflights in the visible roofslopes. This includes applications at 54 Inchmery Road (DC/14/83822), Flat 5 83 Bargery Road (DC/14/86728), 54 Culverley Road (DC/12/81037) and 134 Bargery Road (DC/14/86321).
- 6.9 The proposal also includes three dormer windows to the rear roof slope. Given that the rear of this property is not visible from the public realm, Officers are satisfied that they would not harm the appearance of the conservation area. Officers also feel that design and size of the dormers respects the character and appearance of the host dwelling and would appear a subservient addition to the original roof slope. They are therefore considered to be acceptable.
- 6.10 In conclusion, the revised proposal is considered to be in accordance with Council policy that seeks to ensure good design and protect the special characteristics of the Culverley Green Conservation Area.

#### Impact on Adjoining Properties

- 6.11 Policy HSG 4 and DM Policy 31 seeks to protect residential amenity, whilst HSG 12 seeks to ensure that residential extensions are neighbourly. When seeking permission for extensions/alterations to existing buildings it must be demonstrated that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss or privacy or general noise and disturbance.
- 6.12 The proposal involves the addition of various window openings to the upper level front elevation and side and rear roof slopes. Given the positioning of the proposed rooflight and dormer windows, they would not be expected to give rise to an increased impact with regards to overlooking or loss of privacy. Further to this, the proposed sash window would not be considered to give rise to a level of overlooking over and beyond what is already established by the existing windows.
- 6.13 The Culverley Green Residents Society also raised concern to the inaccuracy of the Design and Access Statement, especially with regards to the location of the property. Officers ensured that the Design and Access Statement was amended to rectify such inaccuracies. A revised version can now be seen on the Council's website.
- 6.14 For the above reasons, Officers are satisfied that significant harm would not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss of privacy or general noise and disturbance. The proposal is therefore considered to be acceptable with regards to policy HSG 4, 12 and DM Policy 31.

#### **7.0 Conclusion**

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

- 7.2 The proposed development is considered to be acceptable with regards to design. It is in accordance with saved policies URB 3 and URB 6 of the UDP (2004), Core Strategy Policy 15 (2011) and DM Policy 30 and 31 of the Local Plan (2014).
- 7.3 The proposal is also considered to respect the special characteristics of the surrounding Culverley Green Conservation Area and is therefore considered to be in accordance with saved policy URB 16 of the UDP (2004), Core Strategy Policy 16 and DM Policy 36 of the Local Plan (2014).
- 7.4 With regards to impact on adjoining properties, the proposal is considered to be acceptable and in line with saved policies HSG 4 and HSG 12 of the UDP (2004) and DM Policy 31 of the Local Plan (2014).
- 7.5 For the above reasons, it is recommended that the proposed development is granted planning permission.

7.6 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

6217/9.6.14/01A; Site Location Plan (Received 17 June 2014); 6217/12.8.14/03B; 6217/12.8.14/04B; 6217/12.8.14/05C (Received 12 August 2014); 6217/9.6.14/02A (Received 18 September 2014)

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

**INFORMATIVE**

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

This page is intentionally left blank

79 Culverley Road SE6 2LD



This page is intentionally left blank

Committee	PLANNING COMMITTEE C	
Report Title	183A WALLER ROAD SE14 5LX	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	09 OCTOBER 2014

Reg. Nos. DC/14/88626

Application dated 03.08.2014

Applicant Miss A Hales

Proposal The construction of a single storey extension to the rear, together with the reinstatement of sliding sash windows to the ground floor rear bay window and the addition of a new window opening in the flank elevation at ground floor level.

Applicant's Plan Nos. 37.01 & 37. k k 02\_DGN\_P\_001, 02\_DGN-00\_201, Heritage Statement; Planning, Design and Assess Statement.

Background Papers

- (1) Case File DE/49/183/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Telegraph Hill Conservation Area

Screening N/A

## **1.0 Property/Site Description**

- 1.1 183A Waller Road is a two storey plus basement mid-terrace house on the east side of the road. The property is converted into flats and the application relates to the lower flat. The property forms part of an architecturally cohesive street of two storey terraces of almost identical design.
- 1.2 The property features an original three storey rear projection with a single storey bay window to the side which has been altered within the existing opening to accommodate kitchen units behind.
- 1.3 The property is located within Telegraph Hill Conservation Area. It is not within the setting of a listed building.

## **2.0 Planning History**

- 2.1 An application ref DC/14/86590 was previously considered at planning committee on the 31<sup>st</sup> July. The application was identical to the current application and was recommended for approval. However, during the committee meeting it came to

light that the incorrect certificate in relation to ownership had been submitted with the application. The current application has now been submitted with the correct certificates and is otherwise identical to that submitted previously.

### **3.0 Current Planning Applications**

#### **The Proposal**

- 3.1 The applicant proposes to construct a single storey extension to the rear along with other alterations including the reinstatement of sliding sash windows to the ground floor flank bay window and the addition of a new window opening in the flank elevation, all to the rear of the subject property.
- 3.2 The proposed extension would extend 3.5m from the back wall of the rear outrigger and would have the same width as the original rear projection. It would have a mono pitch roof with a height of 2.5m to the eaves rising to 3.5m adjoining the rear projection. The extension would adjoin the boundary with 181 Waller Road and would replace a small outside toilet/store. The extension would be constructed from London stock bricks to match the existing house and would have two rooflights.
- 3.3 This application also seeks permission to reinstate timber, sliding sash windows into an existing bay window in the flank of the rear projection. This had previously been altered to have casement windows with infill panels below, in order to accommodate kitchen units behind. It is also proposed to make an additional window opening in the side of the rear projection; this would have a fixed light with opaque glass.

### **4.0 Consultation**

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters were sent to adjoining neighbours, a site notice was displayed, the Telegraph Hill Society and Ward Councillors were notified.
- 4.3 Telegraph Hill Society

The Telegraph Hill Society have objected to the design of the extension as regards rooflights and the design of the sliding doors which they do not consider appropriate to a property of this age. In particular it is considered that the rooflights have the potential to give rise to impacts on the amenities of neighbours as a result of light pollution.

In relation to the previous application the following representations were received:

- 4.1 One letter of support was received from the occupiers of 181 Waller Road confirming that it will not affect them.
- 4.2 One letter of objection was received from the occupant of the first floor flat who objects on the following grounds
  - The roof of the extension will come too close to my back window and look unsightly

- This could also have security implications as people could climb into my back window

(Letters are available to Members)

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority shall have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (UDP) (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

### Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

### London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology

### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

### Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:  
URB 3 Urban Design  
URB 6 Alterations and Extensions  
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas  
HSG 4 Residential Amenity  
HSG 12 Residential Extensions

### Residential Standards Supplementary Planning Document (August 2006)

- 5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

- 5.10 Telegraph Hill Conservation Area Character Appraisal (2008)

### Emerging Plans

- 5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the merging plan to the policies in the NPPF the closer the policies in the emerging plan to the policies in the Framework the greater the weight that may be given.

The following emerging plans are relevant to this application.

#### Development Management Local Plan

- 5.12 The Development Management Local Plan (DMLP) – Post Examination Version with main and additional modifications, is a material planning consideration and is growing in weight. Adoption of the Local Plan expected to take place in Autumn 2014.
- 5.13 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation and therefore holds significant weight at this stage.
- 5.14 The following policies are considered to be relevant to this application:
- |              |   |
|--------------|---|
| DM Policy 31 | Alterations/extensions to existing buildings  |
| DM Policy 1  | Presumption in favour of sustainable development  |
| DM Policy 30 | Urban design and local character  |
| DM Policy 36 | New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and garden |

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- a) Design and visual impacts on the subject property and Conservation Area
  - b) Impact on the amenities of neighbouring properties

#### Design and visual impact on the Conservation Area

- 6.2 Retained UDP Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of, existing development and its setting.
- 6.3 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions to buildings will not be permitted where the proposal is incompatible with the special characteristics of the area, including the area's buildings, scale, form and materials.

- 6.4 The Telegraph Hill Society's objections relating to the rooflights and sliding doors to the rear and their preference for timber French doors have been noted. Although it is acknowledged that sliding doors and rooflights are not a traditional characteristic of these properties, given that they will not be visible from any public vantage point and would have very limited visibility to other properties at the rear, the visual impact of the alterations is considered to be minimal.
- 6.5 Furthermore, as the proposed extension is modest in scale having a depth, width and maximum height of 3.5m and would be constructed from reclaimed stock brick to match the existing house, Officers do not consider that the proposed extension would result in any significant harm to the subject property or the Telegraph Hill Conservation Area.
- 6.6 It is welcomed that the application proposes to reinstate timber framed traditional sliding sash windows to the existing ground floor bay, the windows of which have been unsympathetically replaced with ill fitting casement windows. Regarding the addition of a fixed light window to the side of the rear projection, this is considered to be a minor alteration which being at ground floor level to the rear of the property, will not be visible from any public vantage point and is therefore not considered to be objectionable and not detrimental to the character of the property or the wider conservation area..
- 6.7 The proposed single storey extension is considered to be suitably subservient to the existing building and will be constructed from acceptable materials and will therefore safeguard the character and appearance of the Telegraph Hill Conservation Area and the subject property, subject to a condition that the facing materials should match the existing.

#### Impact on neighbouring properties

- 6.8 The Council's UDP policies HSG 4 Residential Amenity and HSG 12 Residential Extensions state that development should safeguard the residential amenities of the local area, that extensions should be neighbourly, and should not result in an appreciable loss of privacy and amenity for adjoining houses and their back gardens.
- 6.9 The proposed extension is relatively modest in scale and would project 3.5m from the back of the existing rear projection and would be 3.5m in width. The proposed extension features a mono pitched roof containing two rooflights falling from a maximum height of 3.5m adjoining the rear elevation to an eaves height of 2.5m. It is also noted that the height would be well within the relevant permitted development allowance, had the property been a single dwellinghouse. The proposed extension would adjoin the boundary with number 181 and would result in the demolition of an existing small outside store, that would originally have been a WC. As the proposed extension projects 3.5m, has an eaves height of 2.5m and is located next to an existing matching rear toilet/store next door, the proposed extension is not considered to have any significant implications for the adjoining property at number 181 in terms of impact on their amenities. With regard to the neighbour on the other side (number 185), that property is located at a higher site level and has an existing rear conservatory. As the extension would be located 1.7m from the property boundary, the impact on the amenities of No.185 is considered to be marginal.

- 6.10 It is not considered that the extension would result in a lack of security in relation to the upper flat, such that planning permission should not be granted.
- 6.11 Whilst the Telegraph Hill Society's comments have been noted, it is not considered that the use of rooflights on the extension is unreasonable in terms of its amenity impact.
- 6.12 The introduction of an additional obscure glazed window at ground floor level to the side elevation of the rear projection and the reinstatement of sash windows to the side bay window are not considered to have any significant implications for the amenities of adjacent properties.
- 6.13 The subject property would retain a readily accessible, secure, private and usable external space for recreation and domestic purposes in line with policy HSG 12 Residential Extensions.
- 6.14 Overall it is considered that the proposal will not result in an unacceptable impact on neighbouring properties in terms of overshadowing, overlooking, loss of light or loss of outlook. The proposal is therefore considered to be in accordance with the Council's adopted residential amenity policies.

## **7.0 Equalities Considerations**

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the building, the character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies 7.6 Architecture and 7.8 Heritage assets and archaeology in the London Plan (July 2011); Policies

15 High quality design for Lewisham and 16 Conservation areas, heritage assets, and the historic environment in the adopted Core Strategy (June 2011); and Policies URB 3 Urban Design, URB 6 Alterations and Extensions, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas HSG 4 Residential Amenity, and HSG 12 Residential Extensions in the adopted Unitary Development Plan.

**9.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

37.01 & 37. k k 02\_DGN\_P\_001, 02\_DGN\_00\_201, Heritage Statement; Planning, Design and Assess Statement.

**Reason:** To ensure that the development is carried out in accordance with the approved documents.

- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

**INFORMATIVE**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

Committee	PLANNING COMMITTEE C	
Report Title	183A WALLER ROAD SE14 5LX	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	31 JULY 2014

<u>Reg. Nos.</u>	DC/14/86950
<u>Application dated</u>	20.03.2014
<u>Applicant</u>	Miss A Hales
<u>Proposal</u>	The construction of a single storey extension to the rear, together with the reinstatement of a full bay window and the addition of fixed lights window to the rear ground floor.
<u>Applicant's Plan Nos.</u>	37.01 & 37. k k 02_DGN_P_001, 02_DGN-00_201, Heritage Statement; Planning, Design and Assess Statement.
<u>Background Papers</u>	(1) Case File DE/49/183/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 183A Waller Road is a two storey plus basement mid-terrace house on the east side of the road. The property is converted into flats and the application relates to the lower flat. The property forms part of an architecturally cohesive street of two storey terraces of almost identical design.
- 1.2 The property features an original three storey rear projection with a bay window to the side which has been altered within the existing opening to accommodate kitchen units behind.
- 1.3 The property is located within Telegraph Hill Conservation Area. It is not within the setting of a listed building/Heritage Asset.

## **2.0 Planning History**

- 2.1 There is no relevant history associated with the subject property.

### **3.0 Current Planning Applications**

#### **The Proposal**

- 3.1 The applicant proposes to construct a single storey extension to the rear along with other alterations including the reinstatement of sliding sash windows to the ground floor flank bay window and the addition of a new window opening in the flank elevation, all to the rear of the subject property.
- 3.2 The proposed extension would extend 3.5m from the back wall of the rear outrigger and would have the same width as the original rear projection. It would have a mono pitch roof with a height of 2.5m to the eaves rising to 3.5m adjoining the rear projection. The extension would adjoin the boundary with 181 Waller Road and would replace a small outside toilet/store. The extension would be constructed from London stock bricks to match the existing house and would have two rooflights.
- 3.3 This application also seeks permission to reinstate timber, sliding sash windows into an existing bay window in the flank of the rear projection. This had previously been altered to have casement windows with infill panels below, in order to accommodate kitchen units behind. It is also proposed to make an additional window opening in the side of the rear projection; this would have a fixed light with opaque glass.

### **4.0 Consultation**

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters were sent to adjoining neighbours, a site notice was displayed, the Telegraph Hill Society and Ward Councillors were notified.
- 4.3 One letter of support has been received from the occupiers of 181 Waller Road confirming that it will not affect them.
- 4.4 One letter of objection has been received from the occupant of the first floor flat who objects on the following grounds
- The roof of the extension will come too close to my back window and look unsightly
  - This could also have security implications as people could climb into my back window

(Letters are available to Members)

#### **Telegraph Hill Society**

- 4.5 The Telegraph Hill Society have objected to the application on the following grounds:
- Objection to the design of the extension particularly the sliding doors and rooflights. The sliding doors should be timber French doors with glazing bars and stall risers.
  - The rooflights may result in light pollution for the neighbouring property.

## Amenities Societies Panel

- 4.6 Objection. The Panel welcomed the retention and restoration of the side bay window to the back addition. However, the new window opening in the side elevation of the back addition should be in a matching style to the rest of the property. The Panel objected to the design of the proposed rear extension which was not in keeping with the style of the host building and also featured large roof lights likely to lead to nuisance to nearby occupiers from glare and light pollution. In this case the rooflights were also difficult to justify as the opportunity exists for windows in the side elevation of both the extension and the existing back addition.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority shall have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (UDP) (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:  
Policy 7.4 Local Character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:  
URB 3 Urban Design  
URB 6 Alterations and Extensions  
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas  
HSG 4 Residential Amenity  
HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

- 5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

5.10 Telegraph Hill Conservation Area Character Appraisal (2008)

Emerging Plans

5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the merging plan to the policies in the NPPF the closer the policies in the emerging plan to the policies in the Framework the greater the weight that may be given.

The following emerging plans are relevant to this application.

Development Management Local Plan

5.12 The Development Management Local Plan (DMLP) – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. Adoption of the Local Plan expected to take place in Autumn 2014.

5.13 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.14 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.15 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31 Alterations/extensions to existing buildings

5.16 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and garden

## **6.0 Planning Considerations**

6.1 The main issues to be considered in respect of this application are:

- a) Design and visual impacts on the subject property and Conservation Area
- b) Impact on the amenities of neighbouring properties

### Design and visual impact on the Conservation Area

6.2 Retained UDP Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of, existing development and its setting.

6.3 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions to buildings will not be permitted where the proposal is incompatible with the special characteristics of the area, including the area's buildings, scale, form and materials.

6.4 The Telegraph Hill Society's objections relating to the rooflights and sliding doors to the rear and their preference for timber French doors have been noted. Although it is acknowledged that sliding doors and rooflights are not a traditional characteristic of these properties, given that they will not be visible from any public vantage point and would have very limited visibility to other properties at the rear, the visual impact of the alterations is considered to be minimal.

6.5 Furthermore, as the proposed extension is modest in scale having a depth, width and eaves height of 3.5m and would be constructed from reclaimed stock brick to match the existing house, Officers do not consider that the proposed extension would result in any significant harm to the subject property or the Telegraph Hill Conservation Area.

6.6 It is welcomed that the application proposes to reinstate timber framed traditional sliding sash windows to the existing bay which have been unsympathetically replaced with ill fitting casement windows. Regarding the addition of a fixed light window to the side of the rear projection this is considered to be a minor alteration which being at ground floor level to the rear of the property, will not be visible from any public vantage point and is therefore not considered to be objectionable.

6.7 The proposed single storey extension is considered to be suitably subservient to the existing building and will be constructed from acceptable materials and will therefore safeguard the character and appearance of the Telegraph Hill Conservation Area and the subject property, subject to a condition that the facing materials should match the existing.

### Impact on neighbouring properties

6.8 The Council's UDP policies HSG 4 Residential Amenity and HSG 12 Residential Extensions state that development should safeguard the residential amenities of the local area, that extensions should be neighbourly, and should not result in an appreciable loss of privacy and amenity for adjoining houses and their back gardens.

- 6.9 The proposed extension is relatively modest in scale and would project 3.5m from the back of the existing rear projection and would be 3.5m in width. The proposed extension features a mono pitched roof containing two rooflights falling from a maximum height of 3.5m adjoining the rear elevation to an eaves height of 2.5m. It is also noted that the height is well within the relevant permitted development allowance, had the property been a single dwellinghouse. The proposed extension would adjoin the boundary with number 181 and would result in the demolition of an existing small outside store, that would originally have been a WC. As the proposed extension only projects 3.5m, has an eaves height of 2.5m and is located next to an existing matching rear toilet/store at door, the proposed extension is not considered to have any significant implications for the adjoining property at number 181 in terms of impact on their amenities. With regard to the neighbour on the other side (number 185), that property is located at a higher site level and has a rear conservatory. As the extension would be located 1.7m from the property boundary the impact on the amenities of No.185 is considered to be marginal.
- 6.10 Whilst the objectors comments have been noted, the proximity of the roof of the proposed extension to the first floor rear window is a common relationship in converted properties and is not objectionable in planning terms and as there is already a small single storey outbuilding close to the underside of this window the position of the proposed extension is not considered to introduce any unreasonable additional security risk to residents of the first floor flat.
- 6.11 The introduction of an additional obscure glazed window at ground floor level to the side of the rear projection and the reinstatement of sash windows to the side bay window are not considered to have any significant implications for the amenities of adjacent properties.
- 6.12 The subject property would retain a readily accessible, secure, private and usable external space for recreation and domestic purposes in line with policy HSG 12 Residential Extensions.
- 6.13 Overall it is considered that the proposal will not result in an unacceptable impact on neighbouring properties in terms of overshadowing, overlooking, loss of light or loss of outlook. The proposal is therefore considered to be in accordance with the Council's adopted residential amenity policies.

## **7.0 Equalities Considerations**

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the building, the character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policies 7.6 Architecture and 7.8 Heritage assets and archaeology in the London Plan (July 2011); Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets, and the historic environment in the adopted Core Strategy (June 2011); and Policies URB 3 Urban Design, URB 6 Alterations and Extensions, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas HSG 4 Residential Amenity, and HSG 12 Residential Extensions in the adopted Unitary Development Plan.

## **9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:**

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason** As required by Section 91 of the Town and Country Planning Act 1990

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

**Reason** To ensure that the development is carried out in accordance with the approved documents  
37.01 & 37. k k 02\_DGN\_P\_001, 02\_DGN\_00\_201, Heritage Statement;  
Planning, Design and Assess Statement.

- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

## **INFORMATIVE**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

## **MINUTES**

### **183A WALLER ROAD SE14 5LX** (Item 7 on the Agenda)

The Planning Officer outlined details of the construction of a single storey extension to the rear, together with the reinstatement of a full bay window and the addition of fixed lights window to the rear ground floor.

He also reported to Members that a letter dated 28 July, was received from a resident of 181 Waller Road, stating that they were unable to attend the meeting but supported the development.

The Committee received verbal representation from the resident of 183B, who raised objections to the window within the new extension being 26 inches from her existing window, she also stated that notice was served to her regarding the extension.

Following discussion with the planning officer regarding the legality of serving notice on the owners, it was made clear that notice should have been served on Lewisham Homes not the tenant and so a decision could not be made on the proposal.

Councillor Kennedy moved a motion to defer the item to rectify the issue, which was seconded by councillor Till.

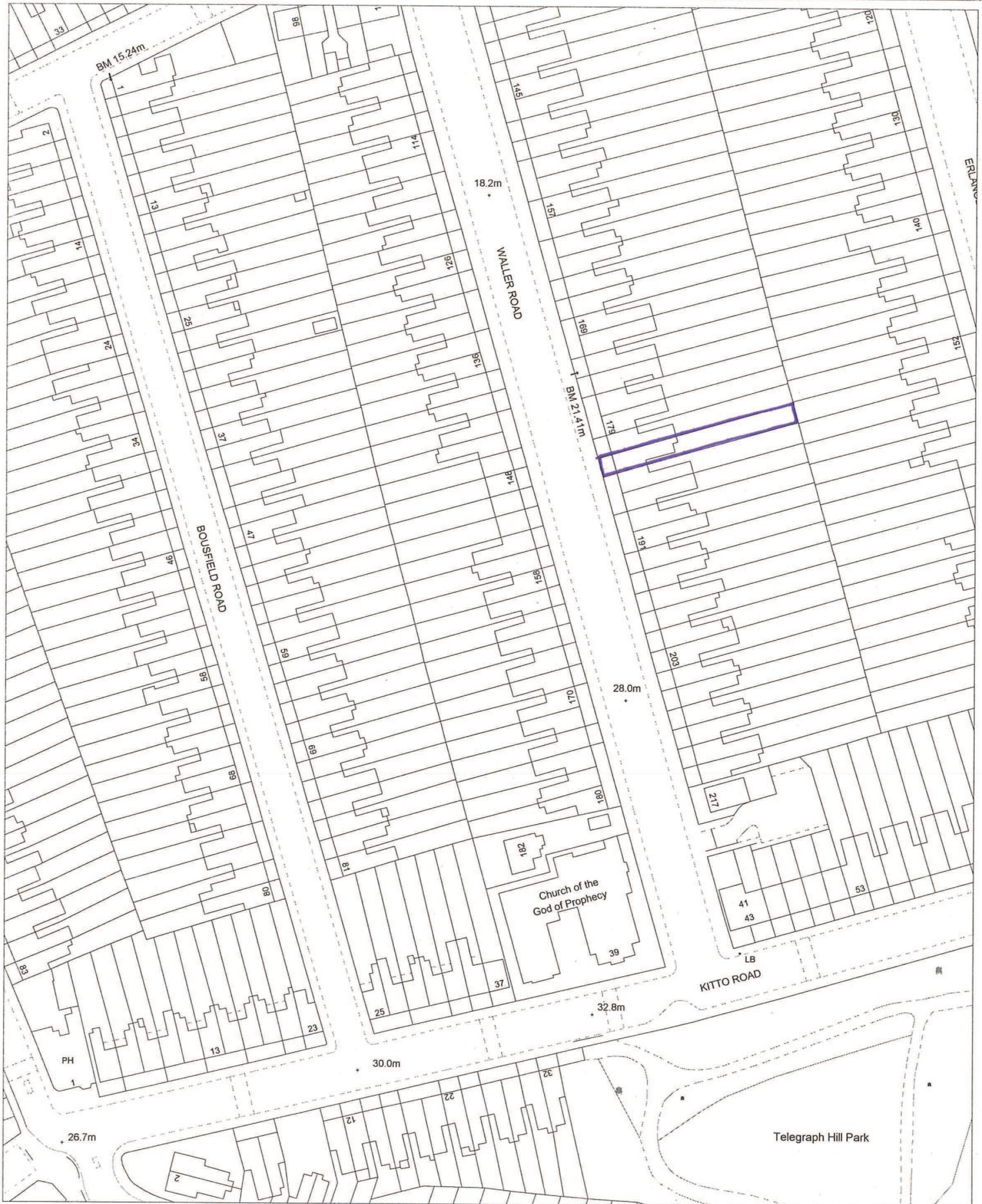
Members voted as follows:

FOR: Councillors Amrani (Chair), Roy Kennedy, De Ryk, Raven, Till and Upex.

RESOLVED: that planning permission be deferred in respect of application No. DC/14/86950 to enable officers to rectify the issue with Certificate 'B'

This page is intentionally left blank

# 183A WALLER ROAD SE14



This page is intentionally left blank