

## PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 7 JANUARY 2016 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:**

**Abdeslam Amrani (Chair)  
James-J Walsh (Vice-Chair)  
Stella Jeffrey  
Obajimi Adefiranye  
Andre Bourne  
Amanda De Ryk  
Roy Kennedy  
Pat Raven  
Alan Till  
Paul Upex**

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  
Lewisham Town Hall  
London SE6 4RU  
Date: Thursday, 07 January 2016**

**For further information please contact:  
Rachel Stephenson Committee Co-ordinator  
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If recording causes a disturbance or undermines the proper conduct of the meeting, 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.	48 Lee Park, SE3	Blackheath	7 - 18
4.	1 Reservoir Road, SE4	Telegraph Hill	19 - 34
5.	53 Bishopsthorpe Rd, SE26	Perry Vale	35 - 52
6.	106A Burnt Ash Hill, SE12	Grove Park	53 - 62

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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 7 January 2016

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).

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Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 7 JANUARY 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 19<sup>th</sup> November 2015.

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Committee	PLANNING COMMITTEE A	
Report Title	48 LEE PARK, LONDON, SE3 9HZ	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	7th January 2016

<u>Reg. Nos.</u>	DC/14/94141
<u>Application dated</u>	20.10.2015
<u>Applicant</u>	Kesby Design
<u>Proposal</u>	An application to extend the width and depth of the raised terrace to facilitate the creation of a carport supported by a brick wall and metal posts to the side (south) elevation of 48 Lee Park, SE3, together with the installation of a safety balustrade on top of the car port and a trellis fence in the front garden.
<u>Applicant's Plan Nos.</u>	253; 253.1.3; 253.4.4; 253.4.5 Received 28th October  OS Map; Block Plan Received 29th October  15/1201 Rev A Received 8th December 2015
<u>Background Papers</u>	(1) Case File LE/475/48/TP (2) Adopted Core Strategy (2011) (3) Development Management Plan (2014) (4) The London Plan (March 2015)
<u>Designation</u>	Adjacent to Blackheath Conservation Area
<u>Screening</u>	N/A

**1.0 Property/Site Description**

- 1.1 The property is a three storey plus attic house with integral garage on the east side of Lee Park at the corner with Shearman Road.
- 1.2 The property forms part of the 1970s Page Heath Estate and has a large sloping garden to the side due to a change of ground level from Lee Park to Shearman Road.
- 1.3 The properties within the estate are characteristically open plan with long lawns.
- 1.4 At present the main access to the property is off Lee Park with a secondary entrance from steps leading off of Shearman Road to a patio area surrounded by a 2m high wall and railings. There is an existing 0.3m high dwarf wall to the front and side boundaries.

- 1.5 The site is located adjacent to the Blackheath Conservation Area, which is not subject to an Article 4 direction, and is opposite the Grade II listed mid-19th century property at no. 135.

## **2.0 Relevant Planning History**

- 2.1 DC/04/56037/FT: The demolition of external steps at 48 Lee Park SE3 and the construction of a 1.5 to 2.2 metre high brick boundary wall with pillars and steel panels. **Refused due to the design, height and choice of materials for the proposed fence, which was considered to be visually intrusive, over dominant and have an adverse effect on the streetscene.**
- 2.2 DC/04/58518/FT: The demolition of external steps at 48 Lee Park SE3 and the construction of a 1.1 metre high brick wall with railings above and a concealed retaining wall. **Granted by Planning Committee.**

## **3.0 Current Planning Application**

### The Proposal

- 3.1 The application proposes to extend the raised stone terrace 2.15m deeper into the front garden and 1.65m wider into the side part of the garden fronting Shearman Road. The extra width towards the rear of the property would facilitate the creation of a carport, which would measure 3.05m wide by 3.75m deep by 1.8m high and is sufficient space for one motor vehicle. It would be supported by a brick wall and metal posts.
- 3.2 On top of the carport a 1.2m high frosted glass safety balustrade with stainless steel posts is proposed. It would partly extend around the eastern edge of the terrace by 90cm where it would meet the existing brick wall and partly extend along the southern edge of the terrace by 4.35m.
- 3.3 Also proposed is a wooden trellis fence in the front garden measuring 1.8m high.
- 3.4 The existing brick wall with railings above would be demolished, the boundary wall fronting Shearman Road would be increased in height to a maximum of 1m, the boundary wall fronting Lee Park would be increased in height to no more than 50cm and a stone-edged lawn would be created in the front garden. However, none of these would require planning permission.

## **4.0 Consultation**

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed, Blackheath Ward councillors and the Council's Conservation Officer were consulted and letters were sent to six neighbours.

### Written Responses received from Local Residents

- 4.4 Eight objections were received from neighbouring occupiers not directly consulted, who raised concerns regarding the following:
- The frosted glass balustrade would be totally out of keeping with the area, would be visible from the entire length of Shearman Road and would be ugly.
  - The car port and associated walls would be unnecessary given that the occupants already have a garage and further off-street parking.
  - The scheme would conflict with the 'open plan' Shearman Road development.
  - The carport appears to intrude over the building line of the adjacent houses and would make it difficult for the occupants of no. 74 to access their cars.
  - Will there be planting to screen the brick walls?
  - Bringing the building line of the application property forward would reduce outlook and sunlight and the proposed window would look into nearby residents' windows.
  - Construction works close to road boundary would narrow it unacceptably.
  - The proposed development would be out of scale for the neighbourhood and would flout the design principles on which Shearman Road was originally built.
  - Being located at the top of Shearman Road, which is on a hill, would mean that this wholly inappropriate development would dominate the streetscape.
  - The same problems (design, scale and road safety concerns) as with the last application remain with this one.
  - A driveway fronting Shearman Road was created during the construction works, but was not part of the previous planning application. This has not been used by the occupants of the application property and could have been rented out.
  - The raising of the boundary walls would be at an absurdly high level, thus altering the aspect and appearance of the road. It would also reduce visibility when exiting the driveway and it would be less overlooked, making it less secure.
  - The occupiers of the application property do not use their garden.
  - If granted, this would set a precedent for other properties along Sherman Road to do the same.
  - The proposal appears to be a blockade for the garden and a prelude to an application for the construction of an extension.
  - The site notice was camouflaged by a bush and no consultation letter from the council was received.
- 4.5 The Council's Conservation Officer had no objection to the scheme as it would have no impact on the adjoining Conservation Area or the nearby listed buildings.

## **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 any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 that (paragraph 211), 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 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 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The 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 the Development Management Local Plan and the London 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 5 Areas of Stability and Managed Change  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

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

#### Residential Standards Supplementary Planning Document (updated May 2012)

- 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.

### **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are the impact of the proposals on the character and appearance of the host property, the streetscape, the adjacent Conservation Area and on the amenities of residents in the immediate vicinity.

#### *Design and conservation*

- 6.2 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'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 6.3 London Plan Policy 7.4 Local character states that buildings, streets and open spaces should provide a high quality design response that:
- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
  - b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
  - c) is human in scale; and

d) is informed by the surrounding historic environment.

- 6.4 London Plan Policy 7.6 Architecture states that buildings and structures should:
- a) be of the highest architectural quality;
  - b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm;
  - c) comprise details and materials that complement, not necessarily replicate, the local architectural character;
  - d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing;
  - e) provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces;
  - f) meet the principles of inclusive design; and
  - g) optimise the potential of sites.
- 6.5 London Plan Policy 7.8 Heritage assets and archaeology states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.6 Core Strategy Policy 15 High quality design for Lewisham states that 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.
- 6.7 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.8 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas, taking all available opportunities for enhancement.
  - Height, scale and mass should relate to the urban typology of the area.
  - How the scheme relates to the scale and alignment of the existing street including its building frontages.
  - The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context.
  - Details of the degree of ornamentation, use of materials, bricks walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials.



- A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.9 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, and detailing of the original buildings, including external features. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.10 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where development adjacent to a Conservation Area would have a negative impact on the significance of that area.
- 6.11 The proposed frosted glass safety balustrade with stainless steel posts, which would be adjacent to the flank elevation of the house, would be lower in height than the existing wall, even at its lowest point. Whilst the design comprises a new element in the frosted glass safety balustrade, there is no policy requirement that prevents the introduction of contemporary elements provided that they complement the host building. Given the applicant's wish for privacy for the ground floor doors in the flank elevation, Officers consider that it would be unreasonable to refuse this scheme on the basis that it would be inappropriate for the style of the property.
- 6.12 Although the proposed balustrade would start approximately 2m above the ground level of the pavement at its highest point, it is felt that it would not result in any additional overbearing impact on the street due to the large scale of the existing building and its limited extend along the southern edge of the terrace fronting Shearman Road. It is considered that the wall with railings would break up the appearance of the existing largely blank flank wall, thus assisting in reducing the present overbearing feel of the subject property.
- 6.13 The raised terrace would be constructed in stone to match that of the existing terrace. It is therefore considered that it would relate well to the appearance of the existing house. Its extension into the front and side gardens is unobjectionable in principle.
- 6.14 The proposed carport is regarded as an extension, but its dimensions are not considered excessive, being appropriate for the storage of a standard family car (in this case a VW Golf estate measuring approximately 1.5m high by 1.74m wide by 4.77m long). It would be located on brick hardstanding, as approved by the landscaping condition (DC/05/61339/FT), adjacent to the three garages. Officers consider that it would not have any significant effect on them, nor would it intrude over any property boundaries.
- 6.15 The wooden trellis fence proposed in the front garden would not be excessively high and would not directly front a public highway and is therefore acceptable.

- 6.16 The character of the area is one of open plan, long front gardens. Due to the proposed retention of the sloping side garden, albeit at a different profile, and the low height of the boundary walls (not requiring planning permission) it is felt that the scheme would not result in a loss of openness to the estate. It is notable that this property is unique in this estate and it is therefore considered that the limited enclosure of this amenity space to increase its recreational use would not have a detrimental impact on the character of the immediate area and would be unlikely to set a precedent for further enclosure of the estate.
- 6.17 Due to the position of the proposed development being mainly to the side (south) part of the dwellinghouse opposite the Blackheath Conservation Area running to the west of the site, and more than 30m from the Grade II listed mid-19th building at no.135 Lee Park, it is considered that the proposal would have a neutral impact on the character or appearance of those heritage assets.
- 6.18 Therefore, the proposals are considered to be appropriate in their scale, design and materials and thereby would preserve the character and appearance of the property, the streetscape and the adjacent Conservation Area in accordance with London Plan Policies 7.4, 7.6 and 7.8, Core Strategy Policies 15 and 16 and DM Policies 30, 31 and 36.

*Impact on the amenity of neighbouring occupiers*

- 6.19 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed.
- 6.20 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.21 It is felt that levels of privacy, outlook, sunlight, daylight or associated overshadowing currently experienced by neighbouring properties would not change given the height of the proposed carport and its distance of 7.6m being a sufficient distance away from the nearest residential property.
- 6.22 The front garden wooden trellis fence would not have any impact on the amenities of no. 50 given its proposed location of at least 3.4m from their boundary.
- 6.23 The proposed frosted glass safety balustrade would be set back from the edge of the pavement and the second retaining wall would be concealed beneath the side garden. It is therefore felt that the impact of the alterations would be reduced and would have no significant effect on the visual amenity of this residential area.
- 6.24 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

*Other issues raised during consultation*

- 6.25 Issues regarding the occupier not using their garden and potential future constructions are not valid planning considerations.

- 6.26 Building works would have to be in accordance with Lewisham's Good Practice Guide - Control of Pollution & Noise from Demolition & Construction Sites.
- 6.27 On the Officer's site visit it can be confirmed that the yellow Site Notice was displayed prominently on the nearest lamppost to the development.
- 6.28 Officers feel that the consultations carried out were adequate for an application of this scale and none of the neighbours directly consulted by the Council commented on or objected to the proposal.

## **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 In this matter there is no impact on equality.

## **8.0 Conclusion**

- 8.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015) and the National Planning Policy Framework (2012).
- 8.2 It is considered that the proposed alterations and carport extension would preserve the character and appearance of the building, the streetscene and the adjacent Conservation Area. In addition there would be no significant impact on the residential amenity of the area and, as such, approval is recommended.

## **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 3 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:

253; 253.1.3; 253.4.4; 253.4.5 Received 28th October

OS Map; Block Plan Received 29th October

15/1201 Rev A Received 8th December 2015

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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed carport hereby approved shall be as set out in the application and no development or the formation of any door 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 Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

### **INFORMATIVES**

**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.

# 48 LEE PARK, SE3



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Committee	PLANNING COMMITTEE A	
Report Title	1 Reservoir Road, SE4 2NU	
Ward	Telegraph Hill	
Contributors	Colm Harte & Karl Fetterplace	
Class	PART 1	Date: 7 JANUARY 2016

Reg. Nos. DC/14/90375

Application dated 03/02/2015

Applicant Green Tea Architects on behalf of Mrs Elaine Jackson

Proposal The construction of a part three storey, part one storey extension at the rear of 1 Reservoir Road SE4.

Applicant's Plan Nos. 290-100A-P01, 290-102-P01, 290-103-P01, 290-104-P01, 290-105-P01, 290-110-P03, 290-120-P03, Design and Access Statement (December 2014, Green Tea Architects) received 23rd December 2014; Heritage Statement (February 2014, Green Tea Architects) received 3rd February 2015; 290-300-P01, Timbertherm Heritage Window Range - Box Sash Windows Brochure, Timbertherm Windows High Performance Slim Weighted Box Sash Sections received 12th June 2015; 290-210-P03 received 28th July 2015; 290-100-B P02, 290-202-P05, 290-203-P05, 290-204-P05, 290-205-P03, 290-220-P03 received 4th December 2015.

Background Papers

- (1) DE/61/1/TP
- (2) Core Strategy (2011)
- (3) Development Management Local Plan (2014)
- (4) The London Plan (2015)

Designation PTAL 4  
Telegraph Hill Article 4(2) Direction  
Telegraph Hill Conservation Area  
Not a Listed Building  
Unclassified Road

Screening N/A

## **1.0 Property/Site Description**

- 1.1 The application site is located on the corner of Reservoir Road and Sandbourne Road and comprises a part two, part three storey Victorian end of terrace house. The house has frontages to both Reservoir Road and Sandbourne Road and the entrance is on Sandbourne Road via a short flight of external steps. The original rear projection is on three levels. The frontage to Sandbourne Road steps back from a corner bay feature in a series of recessed elements. The rear garden is enclosed by a boarded fence.
- 1.2 The surrounding area is mostly residential, with Victorian era London stock brick dwellings the predominant housing type. The site is within the Telegraph Hill Conservation Area and is subject to the Telegraph Hill Article 4(2) Direction, but is not a listed building.

## **2.0 Planning History**

- 2.1 **DC/14/88564:** The construction of a three storey extension at the rear of 1 Reservoir Road SE4. Refused on 13 November 2014 for the following reason:

The proposed extension, by reason of its design, height, massing and prominence when viewed from Sandbourne Road together with the position of windows and differing roof pitches would result in a poorly designed, bulky extension, that would relate poorly to the host building and dominate the view of the building from Sandbourne Road, harmful to the character and appearance of the Telegraph Hill Conservation Area and contrary to Policy URB 3 Urban Design of the Unitary Development Plan (2004), Policy 15 High quality design for Lewisham of the Core Strategy (2011), DM Policy 31 Alterations/extensions to existing buildings 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 (adoption version) (2014).

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 The application seeks the construction of a part three storey, part one storey extension at the rear of 1 Reservoir Road SE4, which would be visible from Sandbourne Road. At ground floor this would comprise an enlarged kitchen/dining room, at first floor level bedroom 1 would be enlarged and at second floor the existing bathroom would be enlarged.
- 3.2 This dwelling would aim to reflect the Victorian character of the subject dwelling and surrounding buildings, by using materials to match the existing – London stock brick, white painted timber windows (sliding sash) & doors and a slate roof.
- 3.3 The pitch of the part three storey extension would match the existing, whilst the one storey extension would have a flat roof. The depth of the three storey extension would match that of the original rear projection of the neighbouring property at 3 Reservoir Road.



- 3.4 The three storey extension would have a total depth of 5.8m, width of 3m and height of 10m at the pitch and 7.5m at the eaves. This would include the floor area that would incorporate the existing three storey component at the rear of the dwelling measuring 3.5m deep x 2.9m wide x 10m high at the pitch and 7.5m high at the eaves and an outhouse measuring 1.25m deep x 1.3m wide that is 3.2m wide at the pitch of the roof and 2.5m at the eaves.
- 3.5 The single storey extension would project to the side of the three storey extension by 1.4m and would be 5.8m deep and 3.7m high, with a flat roof. It would feature a square bay window that would project a further 0.7m to the side for a depth of 3.3m (having the same height as the remainder of the one storey extension), but this bay window would not extend beyond the existing main part of the Sandbourne Road elevation.
- 3.6 A Heritage Statement and Design and Access Statement have been submitted as supporting documents.
- 3.7 The drawings as originally submitted have been amended to address concerns raised by officers and the Telegraph Hill Society. This is discussed further in the planning considerations of this report.

#### **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 neighbouring properties, along with the Telegraph Hill Ward Councillors were consulted. One objection was raised by a local resident. The Telegraph Hill Society was also consulted and provided the comments outlined below.
- 4.3 The Councils Conservation and Highways teams were also consulted. The latter did not provide comments, however the conservation comments have been incorporated into this report.

##### Written response received from local residents – 3 Reservoir Road

- 4.4 An objection from no 3 Reservoir Road has been received stating the following comments:
- 2 of the bedrooms (at no.3) would be attached to no 1 and share a wall, this is a concern with regard to noise and privacy.
  - Maintenance/subsidence issues arising from shared wall.
  - Reduction of light and privacy in the garden through extended footprint and two new windows.

##### Telegraph Hill Society

- 4.5 The Telegraph Hill Society have objected to the proposed development on the following basis:

- The development results in a significant loss of historic fabric that is visible from the public realm.
- Flat roofs are not characteristic of Victorian dwellings in the conservation area.
- The design of the windows in the street elevations seeks to mimic the windows in the main ground floor portion of the dwelling, but fail to do so properly.
- The windows in the rear elevation are not aligned with the neighbouring property.
- The ground floor French doors do not have a lintel and therefore appear modern in style.
- The bonding should be Flemish and not stretcher bond.

4.6 Use in assessment – Sansbourne Road is not an attractive street, with many of the original dwellings having been replaced with modern developments and this site is not part of the original master plan for the area.

These comments were submitted in relation to the original plans for this application, which have now been amended to address these concerns. This is discussed further in the planning considerations.

#### Thames Water

4.7 No objection is raised with regard to either sewerage or water infrastructure capacity.

#### Amenity Societies Panel

4.8 ASP thinks that this quirky building enhances the Conservation Area and should be preserved. The side elevation is a prominent street frontage which should be conserved. ASP is concerned not to establish a claimed precedent for substantial demolition on visible elevations. ASP objects in principle but also objects to the current design: in particular the flat roof and the proposed fenestration.

### **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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 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 (March 2015)

5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

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

#### Core Strategy

5.6 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 Development Management Local Plan and the London 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:

Core Strategy Policy 15 High quality design for Lewisham

## Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

### Development Management Local Plan

5.7 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

5.8 The following policies 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 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

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

5.9 Paragraph 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:

- a) How the extension relates to the house;
- b) The effect on the character of the area - the street scene and the wider area;
- c) The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
- d) A suitably sized garden should be maintained.

5.10 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building.

5.11 Paragraph 6.4 (Bulk and size) states that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.

### Telegraph Hill Conservation Area Appraisal and Supplementary Planning Document (2007)

5.12 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Telegraph Hill Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are the impact on the design and appearance of the existing building and conservation area and whether the amenity of neighbouring properties is affected.

### Design, scale and impact on the conservation area

- 6.2 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’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 6.3 London Plan Policy 7.4 states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area’s visual or physical connection with natural features. High quality design requires that the development, amongst other things, is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.
- 6.4 London Plan Policy 7.8 states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.5 Core Strategy Policy 15 states that 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.
- 6.6 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.7 DM Policy 1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 6.8 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place. Residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property.

- 6.9 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.10 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.11 The design has been amended to address the concerns raised by officers and the Telegraph Hill Society, namely to reduce its scale, refine the design and provide greater detail on the proposed materials. Essentially, the proposal in its original form included a part three storey extension with a roof that would now be more in keeping with the existing roofslopes, a part two storey extension with a flat roof that has now been partly absorbed into the three storey extension and partly also now forms a one storey extension, and a two storey bay window element that now does not project as far as previously proposed, and is only one storey.
- 6.12 The proposed development includes a three storey extension to the rear elevation. This would be a traditional design of a scale and with materials that would complement the main property and act as extension to the original rear projection to match the depth of that of the adjoining property at no.3. This is a common design feature within Reservoir Road, with the houses in the immediate vicinity having a three storey rear projection and several others having two storey original rear projections. The scale of this portion of the dwelling would therefore be consistent with the existing properties in the area.
- 6.13 The proposed development also includes a single storey extension adjoining the three storey extension. It is evident that there are other single storey extensions to the nearby dwellings and therefore this would not be out of character with the surrounding area. It is acknowledged that such an extension in this location would be more visible due this being a corner property, but due to the scale and the materials proposed it is considered acceptable in this instance. The appropriateness of both these components of the development is discussed in relation to the comments received from the Telegraph Hill Society and the conservation officer below.
- 6.14 The following concerns raised by the Telegraph Hill Society have now been addressed:
- The development results in a significant loss of historic fabric and would be visible from the public realm – the parts of the dwelling proposed to be altered to permit the extensions are proposed to be replaced with materials to match the existing, as now noted on the drawings.
  - Flat roofs are not characteristic of Victorian dwellings in the conservation area – the roof of the three storey extension is now proposed to be pitched, to form

the other half of the original rear projection for the adjoining property, with only a single storey flat roofed extension proposed. This is considered acceptable as its visibility would be limited from the public realm.

- The design of the windows in the street elevations seeks to mimic windows in the main ground floor portion of the dwelling, but fails to do so properly - central glazing bars have now been included and the proposed windows in the side elevations (fronting Sandbourne Road) cannot align exactly due to the difference in levels between the different sections of the dwelling.
- The windows in the rear elevation are not aligned with the neighbouring property – it is acknowledged that there is still a very slight non-alignment, but the second floor window has now been amended to align with the corresponding window in the adjoining original rear projection. The remaining difference in levels of approximately 10cm is not considered to significantly unbalance the appearance of these windows, particularly given that a difference in window height is often seen across the length of a terrace, as building heights change in order to accommodate differences in levels.
- The ground floor French doors do not have a lintel – this has now been added, to match that of the windows above and is acceptable.
- The bonding should be Flemish - this has now been clarified as Flemish bond through annotation on the revised drawings.

6.15 The following concerns raised by the conservation officer have now been addressed:

- The proposed roofing material is “new slates to match existing”. The applicant should supply details of the material, type, colour and texture of the proposed slates through provision of a detailed specification. Natural slate is preferred – this has now been specified on the plans as “dark blue grey Cwt-y-Bugail Welsh Natural Slate”, which is acceptable.
- The proposed walling material is “brick to match existing”. The applicant should supply details of the size, type, colour and texture of the proposed bricks through provision of a physical sample. Reclaimed yellow London stock in imperial size is preferred – this is now specified on the plans as imperial size London stock brick. Reclaimed Soft Reds (Rubbers) are proposed as a capping, to match the existing. Given this detail that has been provided and is acceptable, it is not considered necessary to obtain a brick sample.
- The applicant should specify details of the brick bond and pointing proposed. Flemish bond or snapped headers resembling Flemish bond is preferred. Pointing should be in lime mortar, of a gritty buff coloured mix with slightly inset (3mm) pointing – this is now specified on the drawings as Flemish bond, slight inset (3mm) pointing in lime mortar, with a gritty buff coloured mix, which is acceptable.
- The applicant should supply details of the proposed windows, which appear to be white painted timber sashes. This should include a 1:20 elevation drawing of each window type, with 1:5 horizontal and vertical section drawings showing

the top and bottom stiles, the side frames, meeting rails, glazing bars and window horns – this has now been provided and is considered satisfactory.

- The applicant should supply details of the proposed windows and door reveals. This should include a 1:20 vertical section drawing showing the lintel and cill and the location of the window or door within the reveal. Reveals of 115mm will be preferred - this has now been provided, with a 115mm reveal and is therefore considered satisfactory.
- The applicant should supply details of the proposed doors. This should include a 1:20 elevation drawing of each door type, with 1:5 horizontal and vertical section drawings showing the top and bottom rails, the side frames, and any glazing bars. A 1:20 elevation has been provided, but not the sections, however sections are not considered necessary as the doors would not be highly visible due to their proposed location on the ground floor/this will be conditioned.

6.16 Overall, officers consider this to be an extension that would successfully replicate the design of the existing building and the surrounding conservation area, whilst also being of an acceptable scale. Further, the proposal will not adversely impact on the design and character of the conservation area.

#### Impact on Adjoining Properties

6.17 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.

6.18 DM Policy 30 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.

6.19 The extension would project rearward to meet the original rear projection of no 3 Reservoir Road, the occupants of which have submitted a letter of objection referring to the shared wall between this house and the extension and the impacts upon noise transference and loss of privacy from the rear facing windows.

6.20 Although the extension would project rearward along the flank wall of no. 3, it would not project beyond it. Therefore it is not considered that the proposals would result in a significant loss of light to, or overshadowing of, no. 3. A building footprint of this style is a typical feature of many London properties and its impact is not considered to be unreasonable. Whilst there would be windows on the rear elevation this would provide a view over the rear garden and a limited view across neighbouring gardens, however, this is typical for properties of this design and of the pattern of development in the area and occupants would expect an element of mutual overlooking between gardens.

6.21 With regard to noise transference, the proposed rooms within the extension at first floor and second floor are for bedrooms and bathrooms, acceptable for this location and floor level. It is not considered that the proposals would be detrimental to neighbouring amenity given the need to comply with building regulations with regard to sound insulation.



- 6.22 With regard to the objection received from the neighbouring resident, all construction must be undertaken in accordance with the Building Regulations and Party Wall Act. The Building Regulations would ensure that the design and construction of the dwelling is satisfactory in terms of structural design and the Party Wall Act would protect the interests of the adjoining neighbours. It is acknowledged that some noise and some disruption is inevitable, however it is not envisaged that this would have an unreasonably adverse impact.
- 6.23 This proposal is therefore considered to have an acceptable impact on neighbouring amenity.

## **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 not payable on this application.

## **8.0 Community Infrastructure Levy**

- 8.1 The above development is not CIL liable.

## **9.0 Equalities Considerations**

- 9.1 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.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 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.
- 9.4 In this matter there is no impact on equality.

## **10.0 Conclusion**

- 10.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015, as amended) and the National Planning Policy Framework (2012).
- 10.2 The proposed development is acceptable from a design, scale and conservation perspective as it would be a well designed extension that reflects the character of the existing building and surrounding conservation area and it would not be expected that there would be any unreasonably adverse impacts on neighbouring occupiers.

## **11.0 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:

290-100A-P01, 290-102-P01, 290-103-P01, 290-104-P01, 290-105-P01, 290-110-P03, 290-120-P03, Design and Access Statement (December 2014, Green Tea Architects) received 23rd December 2014; Heritage Statement (February 2014, Green Tea Architects) received 3rd February 2015; 290-300-P01, Timbertherm Heritage Window Range - Box Sash Windows Brochure, Timbertherm Windows High Performance Slim Weighted Box Sash Sections received 12th June 2015; 290-210-P03 received 28th July 2015; 290-100-B P02, 290-202-P05, 290-203-P05, 290-204-P05, 290-205-P03, 290-220-P03 received 4th December 2015.

**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) 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 2015 (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).

- (4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door 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 Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

## **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 discussions took place which resulted in further information being submitted.

- (2) **Thames Water Informatives:**

Surface Water Drainage - With regard to surface water drainage 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 Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Waste Comments - 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 boundary 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 we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

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# 1 RESERVOIR RD, SE4



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Committee	PLANNING COMMITTEE A	
Report Title	53 Bishopsthorpe Road, London, SE26	
Ward	Perry Vale	
Contributors	Rachel Stephenson	
Class	PART 1	7 January 2016

<u>Reg. Nos.</u>	DC/15/93186
<u>Application dated</u>	11 August 2015
<u>Applicant</u>	Mr and Mrs Koval
<u>Proposal</u>	The proposed demolition of two single storey rear projections and the construction of a replacement single storey extension to the rear of 53 Bishopsthorpe Road, SE6, together with the construction of a replacement timber fencing, the installation of replacement front, side and rear windows and the installation of replacement rooflights to the main roof slope.
<u>Applicant's Plan Nos.</u>	Photographs; Design Access and Heritage Statement Rev A received 9 October 2015; Email from Mick Haley dated 13 October 2015; Mumford and Wood Sash Window Sections; Mumford and Wood Casement Window Sections received 13 October 2015; AL(50)003 Rev C; AL(50)004 Rev C; AL(50)005 Rev B; Email from Mick Haley (dated 11 November 2015) received 11 <sup>th</sup> November 2015; AL(50)002 Rev D; EX(00)001 Rev C received 20 November 2015; AL(50)001 Rev C received 4 December 2015; AL(00)001 Rev N received on 15 December 2015.
<u>Background Papers</u>	(1) LE/175/53/TP (2) Development Management Local Plan (adopted November 2014) (3) Core Strategy (adopted June 2011) (4) London Plan (March 2015)
<u>Designation</u>	PTAL 3 Sydenham Thorpes Conservation Area Sydenham Thorpes Conservation Area Article 4 Direction Not a Listed Building Site of Nature Conservation Importance
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application relates to a two storey semi-detached property located on the northern side of Bishopsthorpe Road, near the junction with Dukesthorpe Road.
- 1.2 The property is one of eight properties of similar character. On the front elevation, they have unique projecting roofslope gables with double storey bow windows. Originally, the windows featured multi-pane timber casements with heavy framing and thick glazing bars on the first floor with similar framing to ground floor casements with one large pane and fanlight above.
- 1.3 The rear elevation features two original single storey rear projections. The rear projections are relatively small and vary in height and depth. The rear projection nearest property no. 55 Bishopsthorpe Road is 1.4m deep and has a pitched roof with 2.85m maximum height and a 2.1m eaves height. The rear projection adjoining property no. 51 Bishopsthorpe Road is 1.5m deep, has a 3.9m maximum height, and an eaves height of 3.1m and 2.8m. The adjoining properties both mirror the size and height of the application site's rear projections.
- 1.4 The property contains white UPVC top and side hung windows to the front, sides and the rear. The front and the side elevations are visible from the public footpath. Other properties on the street predominately have white, timber top hung and side hung windows in the front elevation.
- 1.5 The property also contains seven aluminium clad timber framed Velux roof lights on the front, side and rear roof slopes. They project approximately 120mm above the roof slope.
- 1.6 The rear garden extends approximately 15m from the existing rear projection and is 8.5m wide.
- 1.7 To the rear of the property there is a gated community group area within Mayow Park. They are called Grow Mayow Community Garden Project. However the ground floor is predominantly out of sight due to the vegetation at the rear. The views from the park area surrounding the Community project are screened well by mature trees and vegetation.
- 1.8 The property is within Sydenham Thorpes Conservation Area and is subject to an Article 4 direction, but not in the vicinity of a listed building.

## **2.0 Planning History**

- 2.1 DC/15/92003 - Lawful Development Certificate (Proposed) in respect of the construction of a single storey rear extension, timber clad spa enclosure in rear garden and installation of replacement double glazed timber windows at 53 Bishopsthorpe Road SE26. Withdrawn August 2015.

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 The subject application seeks approval for the demolition of two single storey rear projections and the construction of a replacement single storey extension to the rear of 53 Bishopsthorpe Road, SE6, together with the construction of a



replacement timber fencing, the installation of replacement front, side and rear windows and the installation of replacement rooflights to the main roof slope.

- 3.2 The proposed single storey extension would extend the full width of the existing rear elevation. It would extend 2.4m deep from the main section of the property. It would have pitched roof with a maximum height of 3.75m (excluding a 0.6m parapet) and an eaves height of 2.5m.
- 3.3 Six aluminium framed bi-folding doors would be inserted within the rear wall of the extension. It would incorporate an anthracite zinc roof. Six aluminium clad timber framed rooflights would project approximately 40mm above the roofslope.
- 3.4 The rear extension would accommodate a new dining room connecting to the existing kitchen and living room.
- 3.5 The proposed windows are:

<b>Elevation</b>	<b>Floor Level</b>	<b>No.</b>	<b>Proposed Window Style</b>
<b>Front</b>	Ground	W.01	Top hung casement - timber
	Ground	W.03	Top and side hung casement - timber
	1st floor	W.11	Top hung casement - timber
	1st floor	W.12	Top hung casement - timber
	1st floor	W.13	Top and side hung, six pane casement - timber
	Roof	W.21	Flush Conservation Rooflight - Aluminium
<b>Rear</b>	1st floor	W.16	Top hung, six pane casement – timber
	1st floor	W.17	Top hung, six pane casement – timber
	Roof	W.26	Flush Conservation Rooflight - Aluminium
	Roof	W.27	Flush Conservation Rooflight - Aluminium
<b>Side (East)</b>	Ground	W.04	Sliding sash – timber
	1st floor	W.14	Side hung, six pane casement - timber
	1st floor	W.15	Sliding sash - timber
	Roof	W.22	Flush Conservation Rooflight - Aluminium
	Roof	W.23	Flush Conservation Rooflight - Aluminium
	Roof	W.24	Flush Conservation Rooflight - Aluminium
	Roof	W.25	Flush Conservation Rooflight - Aluminium
<b>Side (West)</b>	Roof	W.21	Flush Conservation Rooflight - Aluminium

- 3.6 W.02, a side ground floor window, would not be replaced. All of the proposed replacement windows would be white timber double glazed windows which would replace the existing uPVC windows that are not original. The windows are mainly of casement type, with two sash window to the west side.
- 3.7 All of the proposed replacement rooflights on the main roof slope would be black, aluminium clad timber, flush fitting, conservation style rooflights.
- 3.8 The rear and sides fence would replace the existing timber fence on the north, east and west boundaries to the rear of the property. It would be a traditional timber close board fencing at 1.8m in height. On the western boundary this would be an increase of 200mm in height. The existing height would remain on the eastern boundary.

- 3.9 The scheme has been revised following initial concerns. The rear windows (W.16 and W.17) have been amended so that the frame dimensions of the casement and fixed windows are equal. Replacement main roof rooflights have been amended to be of conservation style. The existing plans have been amended to include the height of the existing fencing. The out-building to the rear has also been removed from the application.

#### Supporting Documents

- 3.10 The application is accompanied by a Design and Access and Heritage Statement.

### **4.0 Consultation**

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A public notice was displayed, letters were sent to adjoining residents and the application was advertised in the local newspaper for a period of three weeks. Grow Mayow Community Garden Project (located within Mayow Park), Local ward Councillors, and The Sydenham Society were consulted but no objections were received.

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

The Sydenham Society:

- 4.4 Number 53 Bishopsthorpe Road lies within the Sydenham Thorpes Conservation Area. There is a duty imposed by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision-makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The cohesive nature of the area is a key characteristic. The Sydenham Society believes that the two proposals (a large extension plus a sizeable outbuilding) will greatly reduce the cohesive nature and strong group identity of this part of Bishopsthorpe Road. The Thorpes Estate is covered by an Article 4 Direction which seeks to protect both front and rear elevations in order to maintain a unity of built design in the area.

#### 4.5 *Extension*

- The extension is too large. Given that number 53 Bishopsthorpe Road occupies a generous plot, on the northern side of Bishopsthorpe Road, the Society is of the view that the applicants should be asked to move the western flank wall away from the boundary fence with the adjoining property, 51 Bishopsthorpe Road. Number 51 has been sub-divided into two flats and it is possible that the residents of the flats share the back garden. The residents of the ground floor flat could find themselves feeling "hemmed in" and suffer from a loss of morning light (particularly from October to March) as the proposed extension is to be built on its eastern side.
- The outlook of the residents of the ground floor flat of number 51 would be adversely impacted by this scale of development in such close proximity to their

rear windows. The side wall of this extension would not be an attractive prospect for the immediate neighbours.

- An extension built so close to the neighbouring property will create problems with regard to access for maintenance and repairs. The adjoining householders will have to grant access to their garden for such works in the future.
- UDP Policy HSG12 seeks development which would, amongst other matters, not unduly impinge upon the amenities of neighbours. The Sydenham Society is of the view that this proposed development is not in accordance with this policy.
- There is an over-abundance of rooflights on the rear extension – the doors to the garden are full height and width so there should be enough illumination. Light will shine up in an unneighbourly fashion, unless there are blinds to these rooflights.

#### 4.6 *Plans*

- No application form is shown online; there is difficulty in viewing the plans as they are positioned on a few sheets. It is hard to read the dimensions; there are few details of the proposed materials. There is no separate detailed description; photographs on the large panel are shown at different orientations and are not numbered or labelled.

#### 4.7 *Windows*

- All the windows should be timber framed. The two windows W12 (at the corner of first floor) should have glazing bars dividing each into 6 panes, as in W13, in order to match those seen on most of the other neighbouring properties of this design. (Check window W1 [ground floor] and W11 for type, and glazing bars if needed.)

#### 4.8 *Fencing*

- New fencing – is this higher than the original, especially at the side of the shed? There is the possibility that the long view across the gardens could be lost.

#### 4.9 *Outbuilding*

- Is the pool in the outbuilding resting on the ground, or is it partially sunk? Presumably it will need plumbing and electricity connections. Could it be visible from the public realm (Mayow Park) in the winter months? There is a lack of detail about this building.

4.10 Paragraph S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires preservation of the character or appearance of a conservation area. In the Society's view the proposed development would be in conflict with this policy and should therefore be refused planning consent.

Sydenham Ward Councillor:

4.11 I would like to support the Sydenham Society with the comments – I agree that the extension is too large.

4.12 Since the Sydenham Society's objection, the applicant has removed the outbuilding from the proposed development. Further details have been submitted in regards to the original fencing. A 1.8m high fence would be installed. The height

would be consistent the existing fence on the eastern boundary, and would increase by 200mm on the western boundary.

## **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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 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 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The 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 Lewisham Town Centre Local Plan, the Development Management Local Plan and the London 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:

Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Local Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

#### Residential Standards Supplementary Planning Document (amended 2012)

- 6.0 Paragraph 6.7 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:

- How the extension relates to the house;
- The effect on the character of the area - the street scene and the wider area;

- The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
- A suitably sized garden should be maintained.

6.1 Paragraph 7.4 (Replacement windows) states that when considering applications for window replacements in houses covered by an Article 4 Directions the Council will look at these main issues:

- Replacement windows will be required to be compatible with the character of the Conservation Area in order to obtain planning permission.
- Windows should be the appropriate type for the style and age of building.
- For example the windows of a traditional building should be replaced with traditionally constructed timber sliding sash windows, including glazing patterns and horns, the pattern either found on the windows being replaced or on similar windows in the same street.

## **7.0 Planning Considerations**

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

- a) Design and Conservation
- b) Impact on Adjoining Properties

### Design and Conservation

7.2 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’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

7.3 Core Strategy Policy 15 states that 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.

7.4 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.

7.5 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place. Furthermore, building

materials used should be of high quality and either match or complement the existing development.

- 7.6 DM Policy 31 Alterations and extensions to existing buildings including residential extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 7.7 DM Policy 31 also states that residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden area.
- 7.8 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 7.9 The Residential Standards SPD states in section 6.4 that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.

#### *Rear Extension*

- 7.10 The proposed single storey, pitched roof extension is to be constructed of brick and rendered white to match the existing and would replace the original rear projections. It is proposed to measure the full 7.6m width of the dwellinghouse, with a 2.4m depth. Access to the garden will be through new aluminium framed bi-folding doors. An anthracite zinc roof would cover the rear extension with 6 aluminium clad timber framed openable rooflights inserted.
- 7.11 Concern was raised in public submissions that the extension would be too large and would greatly reduce the cohesive nature and strong group identity of this part of Bishopsthorpe Road. This is also discussed in the Sydenham Thorpes Conservation Area Character Appraisal.
- 7.12 The Sydenham Thorpes Conservation Area Character Appraisal identifies 51-65 Bishopsthorpe Road as a principle villa style in the area and details specific design features of the front elevation. The Appraisal states that “the front gardens in general have low boundaries and are highly visible from the street – consequently they make a strong contribution to the character of the area. Although they are more hidden away, glimpsed views of the rear gardens of the houses and in particular of the trees within them are also very important to the calm, suburban atmosphere of the estate.” This highlights that the protection of rear garden viewpoints is an important feature within the area

- 7.13 In regards to modern extensions, the Appraisal raises the point that “the principle source of concern in this respect is the enclosing of recessed porches, which is frequently undertaken in a visually intrusive manner, detracting from the original design of the buildings involved.” This would imply that despite having rear extensions, these buildings continue to make a positive contribution to the special character of the conservation area. An aerial view of side of Bishopsthorpe Road reveals that several of the properties already feature single storey rear extensions, including No.39, 47 and 65. Due to the vegetation which is located to the rear of the site and the mature trees that surround the Grow Mayow Community Garden Project the rear extension would be ‘tucked away’ from public view and would not be readily visible from Mayow Park. The Council’s Conservation Officer has not objected to the proposal on the basis that the ground floor of the rear of the building is not overly visible from the public realm. It would therefore not be reasonable to refuse planning permission on the basis of the loss of this feature
- 7.14 In addition to the above, a suitably sized rear garden (over 50% of the existing) would be retained at the property and all materials used to construct the proposed extension have been chosen to compliment, match or improve the quality of the existing property (e.g. matching render, replacement of UPVC with aluminium framed doors).
- 7.15 Whilst the roof form of the rear extension is contemporary, it is considered to be one that pays homage to the traditional pitched roof form and cleverly seeks to reduce its impact on the host property in terms of its bulk. The maximum height would sit just beneath the first floor window sill. This height would be 50mm lower than the adjoining rear projection at neighbouring property No. 51 Bishopsthorpe Road and one of the site's original rear projections. The height would therefore be considerate to the form present on the application site and of the neighbouring property.
- 7.16 When considering the design of the existing rear projections and the rear garden to be retained (approximately 14m deep), Council officer’s are satisfied that the proposed 2.4m deep rear extension is considered to be of a modest size that is of an appropriate scale and proportion when compared to the existing property. Council officer’s recognise that the proposed extension would have some impact on the appearance of the host dwelling, however the extension is entirely contained to the rear of the property and subordinate to the main dwellinghouse. The impact is not considered to be significant enough to warrant refusal of the application.
- 7.17 Given the above, it is concluded that the proposed extension would not result in any adverse design impact to the subject building and will not adversely impact the character and appearance of the Conservation Area.

### *Windows*

- 7.18 The proposal seeks to replace the existing uPVC windows with white, timber framed, double glazed windows, inserting the proposed windows into the existing openings. All glazing bars, when proposed on a window, would go through the glazing.
- 7.19 On the front elevation the replacement windows (W.13) on the first floor bow would be side hung, six pane windows. The proposed change would include reinstating



the original feature of six pane timber windows where currently there are clear pane UPVC windows. On the ground floor bow (W.03) there would be top and side hung clear windows, which are consistent with the style of the original and neighbouring properties.

- 7.20 Concern was raised in public submissions regarding the design of the windows not matching the group of similar neighbouring properties.
- 7.21 The windows (W.1, W.11 and W.12) on the front elevation would be replaced with top hung clear windows. Due to clear panes on the existing windows and within the group of neighbouring properties, it would not be a feature that detracts from the character of the streetscape. Officers note that the applicant has followed the window design present on the detailed drawing of a property of similar architecture in the Sydenham Thorpes Conservation Area Character Appraisal, p.22. Officers would therefore not object to clear panes on these windows.
- 7.22 At the side, the windows are partially visible from public viewpoints. On this elevation there would be two replacement white timber, top hung sash windows, with a central glazing bar. There would also be one white timber, six pane window. These windows would reinstate the original style and material existing on neighbouring properties.
- 7.23 On the rear, the replacement first floor windows would include top/side hung and fixed, six pane windows. The windows have been amended so that the frame dimensions of the casement and fixed windows would be equal.
- 7.24 Sections have been provided to show the window details. The width of the proposed glazing bars are slim and similar to existing windows in the street.
- 7.25 The windows would be inserted within the existing openings and would replicate the original timber windows in terms of their design, style and colour. The proposed windows are therefore considered to be acceptable in this regard.

### *Fencing*

- 7.26 The rear and side fencing would replace the existing timber fence on the north, east and west boundaries to the rear of the property. It would be a traditional timber close board fencing at 1.8m in height. On the western boundary this would be an increase of 200mm in height. The height would remain on the eastern boundary. The existing side gate would hide the replacement boundary treatment from public viewpoint.
- 7.27 Due to the replacement timber fencing not significantly varying in height and material, the proposal would be considered acceptable. The cohesive nature of the Sydenham Thorpes Conservation Area would therefore retain.

### *Rooflights*

- 7.28 All of the proposed replacement rooflights on the main roof slope would be black, aluminium clad timber, flush fitting, conservation style rooflights.
- 7.29 The Appraisal states that “common alterations include rooflights and roof extensions, which can all detract from the character and appearance of the area.” Whilst officers do encourage the removal of some of the existing rooflights, the

material and flush detail of the replacements would be an improvement of the already existing. A mix of side rooflights are present on the neighbouring properties, including conservation style on No.55 Bishopsthorpe Road. The proposed rooflights would match the adjoining property.

- 7.30 It is considered that the replacement rooflights would enhance the existing property and streetscene within the conservation area and therefore would be acceptable.

#### Impact on the Amenity Adjoining Properties

- 7.31 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.

- 7.32 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens. This was an issue of concern raised in public submissions.

#### *Rear extension*

- 7.33 The existing rear projection at the nearest property no. 55 Bishopsthorpe Road is 1.4m deep and has a pitched roof with 2.85m maximum height and a 2.1m eaves height. The rear projection adjoining property no. 51A + 51B Bishopsthorpe Road is 1.5m deep, has a 3.9m maximum height, and an eaves height of 3.1m and 2.8m.

- 7.34 The proposed single storey extension would extend the full 7.1m width of the existing rear elevation. Currently there is a space in between both rear projections, and so the new extension would add an additional 1.7m width. It would extend 2.4m deep from the main section of the property. It would have a maximum height of 3.75m and an eaves height of 2.5m.

- 7.35 The proposal would create an approximate 1m increase in depth on the side neighbouring property No. 55 Bishopsthorpe. In terms of light and overbearing impact, it is felt that the extension would have an impact on neighbouring property No. 55. However, as there would be a 1m distance from the boundary and 1m from the side elevation of No.55, it is considered that there would not be a significant impact to the amenity. There may be some overshadowing, but not an amount significant enough to justify refusal of planning permission.

- 7.36 Concern was raised in public submissions that the close proximity and scale of the proposed ground floor rear extension would cause loss of light, loss of outlook and a sense of enclosure to adjoining property, 51 Bishopsthorpe. Access for maintenance and repairs are not planning considerations and shall therefore not be discussed.

- 7.37 As the proposed depth would protrude 1m and have a 200mm reduced height from adjoining No. 51A + 51B's single storey rear projection, Officers are satisfied that the proposed extension would be a modest size and would not give rise to a significant loss of amenity, in terms of outlook, sense of enclosure or overbearing impact to these adjoining occupiers. It is acknowledged that the extension would result in some loss of daylight. However, the level of change would not be a considerable loss given the orientation of the host dwelling.

7.38 There are no new windows proposed on the side or flank elevations. Officers therefore consider there to be no material impact on privacy.

#### *Windows and Rooflights*

7.39 The proposed alterations to the property do not include the creation of any additional or enlarged openings, therefore, there would be no increase in overlooking or loss of privacy.

#### *Fencing*

7.40 The height of the proposed fencing would be 1.8m high. Since the height and design would not significantly change, the proposed alterations are considered neighbourly and harm will not arise with respect to amenity impacts.

7.40 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

### **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; and
- (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 no impact on equality.

### **9.0 Conclusion**

9.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2015) and the National Planning Policy Framework (2012).

9.2 It is considered that this particular proposal represents an acceptable development as its scale, design and materials are appropriate to the main property and would preserve this part of the Conservation Area and would not have an unacceptable impact on the amenities of the neighbouring occupiers.

9.3 As such, the proposal is recommended for approval, subject to conditions.

**10.0 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:

Photographs; Design Access and Heritage Statement Rev A received 9 October 2015; Email from Mick Haley dated 13 October 2015; Mumford and Wood Sash Window Sections; Mumford and Wood Casement Window Sections received 13 October 2015; AL(50)003 Rev C; AL(50)004 Rev C; AL(50)005 Rev B; Email from Mick Haley (dated 11 November 2015) received 11 November 2015; AL(50)002 Rev D; EX(00)001 Rev C received 20<sup>th</sup> November 2015; AL(50)001 Rev C received 4 December 2015; AL(00)001 Rev N received on 15 December 2015.

**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.

**Informatives**

- A. **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.
- B. **Waste Comments:**  
There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

**Surface Water Drainage -** With regard to surface water drainage 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 Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments:

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

- C. For the avoidance of doubt, the proposed garden room and guttering referred to in the Design Access and Heritage Statement has not been included within the assessment of this application.

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# 53 BISHOPSTHORPE RD, SE26



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Committee	PLANNING COMMITTEE (A)	
Report Title	106 Burnt Ash Hill SE12	
Ward	Grove Park	
Contributors	Case Officer	
Class	PART 1	7 January 2016

Reg. Nos. DC/15/93331

<u>Application dated</u>	04.09.2015
<u>Applicant</u>	Angle Builders Ltd
<u>Proposal</u>	The formation of a hardstanding and vehicular access to the front of 106A Burnt Ash Hill, SE12.
<u>Applicant's Plan Nos.</u>	OS Map; Existing & Proposed Elevations; Construction Drawing; Proposed Plan; Proposed Vehicle Crossing
<u>Background Papers</u>	(1) Case File LE/365/106/TP (2) Core Strategy (June 2011) (3) Local Development Framework Documents (4) The London Plan (March 2015)
<u>Designation</u>	
<u>Screening</u>	Not EIA development

**1. Property/Site Description**

- 1 This application relates to a three storey + basement semi-detached dwelling located on the west side of Burnt Ash Hill. The dwelling contains four flats referred to as 106A, 106B, 106C and 106D. 106A is the subject of this application.
- 2 The front garden is currently laid in lawn and has an area of approximately 85sqm. The front boundary treatment consists of a small wall with a gate bordered by a privet hedge. The side boundary consists of hedges.
- 3 The property lies within a residential street consisting of a mix of semi detached properties and large houses, a number of which have been converted into flats. There are a number of dropped kerbs, areas of hardstanding and altered front boundary walls within the immediate area.
- 4 The property is not located within the a Conservation Area, nor is it subject to an Article Four Direction. It is not nor is it adjacent to a listed building.

**2. Planning History**

5 There is no relevant planning history.

### **3. Current Planning Application**

6 The applicant proposes the formation of vehicular crossover including a drop kerb, the alteration of the front boundary wall to create access and the creation of a hard standing parking area to the front of 106 Burnt Ash Hill, SE12 0HT.

7 The drop kerb would be 3.7 metres wide and 3.7m of the boundary wall would be removed. The proposed hard standing in the front yard would be permeable and would measure 3.9 metres in width and 5 metres in length (total area of 19.5m<sup>2</sup>).

### **4. Consultation**

8 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.

9 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.

#### Neighbours and Local Amenity Societies

10 The Grove Park Ward Councillors were consulted however no comments were received.

11 Seventeen neighbouring properties were consulted.

#### Written responses received from Local Residents

12 Four objections were received from local property occupiers. Below is a summary of the points raised by the objections.

- The resulting removal of an onstreet car park (by implementation of the crossover) would further exacerbate the onstreet parking shortage on Burnt Ash Hill
- The hardstand would have an adverse impact on the amenity of the street scene
- The hardstand would have an adverse impact on drainage

13 The above matters will be taken into consideration in the report.

(Letters available to Members)

#### Highways Officer

14 The Highway's officer raised no objection to the proposal.

### **5. Policy Context**

#### Introduction

- 15 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:-
- 16 (a) the provisions of the development plan, so far as material to the application,
- 17 (b) any local finance considerations, so far as material to the application, and
- 18 (c) any other material considerations.
- 19 A local finance consideration means:-
- 20 (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
- 21 (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 22 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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

- 23 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)'.
- 24 Officers have reviewed the Core Strategy 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 (March 2015)

- 25 On the 15<sup>th</sup> March 2015, the London Plan (consolidated with alterations since 2011) was adopted. The London Plan policies relevant to this application are:
- Policy 6.3 Assessing effects of development on transport network
  - Policy 6.11 Smoothing traffic flow and tackling congestion
  - Policy 6.13 Parking

- Policy 7.4 Local character

#### Core Strategy

26 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 Development Management Local Plan and the London 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:-

- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High Quality Design for Lewisham

#### Development Management Local Plan

27 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:-

- DM Policy 30 Urban design and Local Character

#### Residential Standards Supplementary Planning Document (Updated 2012)

28 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.

### **6 Planning Considerations**

32 The main planning considerations for the proposal are the principle of the proposed vehicle crossing, and the impact on the design and appearance of the existing building and any impact on the amenity of neighbouring properties.

#### Principle of the Proposed Vehicle Crossing

33 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on the transport network, at both corridor level and local level, are fully assessed. Furthermore, development should not adversely affect the safety of the transport network. The Core Strategy, including Policy 14 'Sustainable movement and transport' supports the London Plan policies.

34 Core Strategy Policy 14 'Sustainable Movement and Transport' states that 'the access and safety of pedestrians and cyclists throughout the borough will be protected.

- 35 The proposed entrance is considered a sufficient distance from the nearest road junction to not cause any conflict with either vehicles access or egressing the street or the road itself. It is considered there is reasonable and appropriate visibility in both directions.
- 36 The loss of an on street car park is considered acceptable given the provision of one car park off street is being provided. The Council's Highways Officer has been consulted and has confirmed that the proposed vehicle crossing would not give rise to any traffic safety concerns.
- 37 It is considered that the proposal would not adversely impact on the safety of vehicular access, other road users or pedestrians. The use of the front garden and installation of a dropped kerb is therefore acceptable in principle at this location and would not result in highway or traffic safety issues.

### Design

- 38 Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 39 Core Strategy Policy 15 states that 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.
- 40 Development Management Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 41 The immediate and wider area consists of a number of properties who have installed dropped kerbs as well as areas of hardstanding to create off street car parking areas.
- 42 The front garden of the property is currently laid in lawn. The applicant proposes to replace part of the existing lawn with an area hardstand measuring 4 metres by 4.8 metres (19.2sqm). The hardstanding would be permeable and this is considered acceptable from a drainage and surface water perspective.
- 43 The remainder of the area would remain in lawn. A section of the existing boundary wall will also be removed to allow of the installation of a drop kerb.
- 44 Given the character of the surrounding area and the number of existing drop kerbs, the proposed vehicular crossover and hard standing is considered to have no significant visual impact on Burnt Ash Hill and is therefore considered to be acceptable in terms of design and appearance.

### Impact on amenity of neighbours

- 45 DM Policy 31 seeks to protect residential amenity where alterations are proposed. When seeking permission for alterations to the front boundary, development proposals must be able to demonstrate that significant harm will

not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss of privacy and general noise/disturbance.

46. The proposed vehicular crossover and hardstanding is considered to have no significant visual impact on the adjoining properties or harm the character of the area. This proposal is therefore considered to have an acceptable impact on neighbouring amenity.

## **7 Community Infrastructure Levy**

48. The above development is not CIL liable.

## **8 Equalities Considerations**

49. 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:-

*eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;*

*(a) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;*

*(b) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

50. The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
51. 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.
52. It is considered that the proposed alterations to the property would have no adverse impact on equality.

## **9 Conclusion**

53. This application has been considered in the light of policies set out in the development plan and other material considerations.
54. It is considered that the proposed development is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the area, or the amenities of neighbouring occupiers, nor highway safety.

## **10 Recommendation**

**GRANT PERMISSION** subject to the following conditions:-

55. 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.
56. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

OS Map; Existing & Proposed Elevations; Construction Drawing; Proposed Plan; Proposed Vehicle Crossing

## **11 Informatives**

Prior to commencing works, the applicant should contact the London Borough of Lewisham's Highways Officer on 020 8314 7171 or [highways@lewisham.gov.uk](mailto:highways@lewisham.gov.uk) to make an application for the construction of a vehicle crossover.

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.

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# 106A Burnt Ash Hill SE12



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