

PLANNING COMMITTEE B

Date of Meeting: **TUESDAY, 3 MAY 2016 TIME 7.30 PM**

PLACE: **GROUND FLOOR OF LAURENCE HOUSE, 1
CATFORD ROAD, LONDON, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Joan Reid (Chair)
Olurotimi Ogunbadewa (Vice-Chair)
Mark Ingleby
Alicia Kennedy
Jim Mallory
Hilary Moore
John Muldoon
Jacq Paschoud
Gareth Siddorn
Susan Wise**

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, 21 April 2016**

**For further information please contact:
Maeve Wylie Committee Co-ordinator
3rd Floor Laurence House
Catford Road SE6 4RU**

**Telephone No: 020 8314 7118
Email: Maeve.Wylie@lewisham.gov.uk**



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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 03 May 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 (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 03 May 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 3rd March 2016.

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Committee	PLANNING COMMITTEE B	
Report Title	24 CANONBIE ROAD, LONDON, SE23 3AP	
Ward	FOREST HILL	
Contributors	LUKE MANNIX	
Class	PART 1	03 MAY 2016

<u>Reg. Nos.</u>	DC/15/92381
<u>Application dated</u>	27.05.15 [as revised on 28.02.16]
<u>Applicant</u>	Esatto Design [on behalf of Mr and Mrs Patel]
<u>Proposal</u>	Demolition of the existing store and garage at 24 Canonbie Road SE23 and the construction of a single storey plus basement, 3 bedroom dwelling house, together with the provision of one off-street parking space
<u>Applicant's Plan Nos.</u>	E360/PP/010; E360/PP/020 rev 1; E360/PP/040 rev 1 (received 27 May 2015); E360/PP/030 rev 2; Supporting Statements (received 25 January 2016); Roofingreen Nature Drain Specification (received 19 June 2015); E360/PP/050 rev 2; E360/PP/060 rev 2; E360/PP/070 rev 2; E360/PP/080 rev 2 (received 28 February 2016); E360/PP/051; (received 7 March 2016)
<u>Background Papers</u>	(1) Case File LE/50/24/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	No designations.
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the north-west side of Canonbie Road and is currently occupied by a 2-storey residential dwelling with an associated single-storey garage and storeroom to the side. The garden land at the rear measures approximately 30 metres deep.
- 1.2 The surrounding area is predominantly residential, with some neighbouring properties having been altered/extended, including a number of rear dormers, single storey and two storey rear extensions. The general land level slopes down steeply to the north-west and also to the north-east down Canonbie Road towards Forest Hill Road.
- 1.3 The site does not lie within a conservation area, neither is it occupied by or located adjacent to any listed buildings.

- 1.4 Canonbie Road is an unclassified road with no parking restrictions. The site has a PTAL value of 2, based on a scale of 0-6b with 6b being excellent.

2.0 Planning History

- 2.1 DC/14/87609 – Planning permission was refused for the demolition of the existing store and garage at 24 Canonbie Road SE23, together with the construction of a two/three/four storey, 3 bedroom detached house, together with the provision of one off-street parking space. Permission was refused for the following reasons:-

1. *The proposed development, by reason of design, prominent siting, mass and scale, would appear incompatible with the adjacent buildings and the general character of the surrounding area, representing an inappropriate, visually obtrusive and excessive form of development that would neither preserve or enhance the character and appearance or the visual amenities of the locality, contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2011), Policy 15 High quality design for Lewisham and Policy of the adopted Core Strategy (June 2011), saved Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (2004), and DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the Development Management Local Plan (2014).*
2. *The scale of the proposed building would result in significant harm to the visual amenities of the neighbouring occupiers by way of reduced outlook and unacceptable sense of enclosure, contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2011), Policy 15 High quality design for Lewisham and Policy of the adopted Core Strategy (June 2011), saved Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (2004), and DM Policy 32 Housing design, layout and space standards of Development Management, DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the Development Management Local Plan (2014).*

3.0 Current Planning Applications

- 3.1 Planning permission is sought for the demolition of the existing store and garage at 24 Canonbie Road and the construction of a single storey plus basement, 3 bedroom dwellinghouse, together with the provision of one off-street parking space.
- 3.2 The proposed building would be a modern design including a flat roof with vertical windows to the front and rear which continue onto the roof. The building would be finished in brick with the specific material confirmed as Ibstock Brunel Smooth Blue with grey aluminium windows. The flat roof would incorporate a living roof system.
- 3.3 The proposed building would be set back from the host dwelling, roughly in alignment with 26 Canonbie Road. The front lightwell would roughly align with the front elevation of 24 Canonbie Road however. The rear elevation of the lower ground floor would be set back 8.6m from the rear elevation of 24 Canonbie Road

while the ground floor element would be set back 3m from the existing rear elevation.

- 3.4 The proposed dwellinghouse would provide a rear garden 25.7m deep and 6m wide. To the front, the existing crossover is retained with car parking space for the proposed dwelling. Refuse and cycle storage is indicated in the rear garden.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Tewkesbury Lodge Estate Residents' Association were also consulted.

Written Responses received from Local Residents

- 4.3 Neighbouring properties and Ward Councillors were directly notified and a site notice was displayed. One resident located on Canonbie Road objected to the development and raised the following concerns:-

- The site has historical value as the 'old station masters' house' of the disused railway line to the rear;
- The plans have inconsistencies and missing information;
- Loss of privacy to the front from an elevation walkway as well as loss of light and overbearing impact on the conservatory to the rear;
- The proposed design is out of keeping with the existing development and the site would be overdeveloped taking into consideration the narrow width of the site;
- The development would result in an increase in cars parking on Canonbie Road; and,
- Increased pressure on local services such as schools.

- 4.4 With respect to inconsistent plans, officer's have sought updated and improved plans. Based on the information received, it is considered that sufficient information has been provided for a decision to be made.

- 4.5 One letter with comments was received raising the issue of an underground waterway which may be struck during construction. While flooding is a planning issue, the site is located in Flood Zone 1 and not known to have any flooding or drainage issues. Therefore this is not considered to directly impact on the planning application. Furthermore, an informative from Thames Water is considered to satisfactorily deal with the issue.

Written Responses received from local amenity societies

4.6 An objection was received from the Tewkesbury Lodge Estate Residents' Association raising the following concerns:-

- The development is located next to a heritage asset and is not sensitive to the design of this building;
- The proposed development fails to complement the character of the existing development, thereby having a negative impact on the streetscape;
- The proposed development is overdevelopment of the plot which negatively impacts on the residential amenities of neighbouring properties; and,
- The development has an adverse impact on parking.

Other Consultees

4.7 A letter was received from Thames Water. With respect to sewerage and water infrastructure, no objections were raised.

4.8 With respect to surface water drainage, an informative is recommended detailing the applicant's responsibility with respect to proper provision and impacts during construction. This informative should be added if permission is recommended.

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 2016)

- 5.6 On 14 March 2016 the London Plan with updates to incorporate the Housing Standards and Parking Standards Minor Alterations was adopted. The policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre

Local Plan, the 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 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

5.9 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:

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

DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

Residential Standards Supplementary Planning Document (August 2006/ Updated 2012)

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

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

Principle of Development

- 6.2 Housing is a priority use for all London boroughs and the Core Strategy welcomes the provision of small scale infill development, provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.3 The NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 6.4 The proposed dwelling would be placed between the existing buildings at 24 and 26 Canonbie Road with street frontage. With this in mind, the proposal is considered to be infill development as defined within DM Policy 33.
- 6.5 DM Policy 33 states that depending on the character of the area and the urban design function a space fulfils in the streetscape, some sites will not be considered suitable for development and planning permission will not be granted.
- 6.6 The site is currently occupied by single storey buildings used for storage and a garage. With this in mind the space between the existing development is currently occupied at a single storey level.
- 6.7 It is noted that the officer's report in the previously refused scheme states that "the spaces to the side of 22 and 24 are of comparable widths, serving to provide an important break between the properties, whilst defining and complementing the character of the streetscene".
- 6.8 Whilst the space between the buildings is considered important to the character, it is considered that as it is currently filled in a single storey level the space is more important at first floor level and above.
- 6.9 Therefore the principle of the infill development is considered appropriate at single storey level. Given the current scheme proposes to increase the height of the building by 1m, the principle is considered to be acceptable.
- 6.10 Notwithstanding this, the proposal must be acceptable in the remaining planning considerations as detailed below.

Design

- 6.11 A core planning principle within the NPPF outlines that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.12 Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity. Development should also optimise housing output for different types of location within the relevant density range.

- 6.13 The Council's Local Development Framework (LDF) is in line with the NPPF and the London Plan. The Core Strategy places a high level of importance on good design with Objective 10 outlining that Lewisham's distinctive local character will be protected through sensitive and appropriate design.
- 6.14 Core Strategy Policy 15 goes on to add that 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.
- 6.15 Part 6 of Core Strategy Policy 15 relates directly to Areas of Stability and Managed Change, within which this site is located. It states that small scale development, including infill development, will need to be designed and laid out to, complement the character of surrounding development, provide suitable residential accommodation with a high level of amenity and provide for garden and amenity space.
- 6.16 Part A of DM Policy 33 states that infill development should make a high quality positive contribution to an area, provide a site specific creative response to the character and issues of the street frontage typology and respect the character, proportions and spacing of existing houses.
- 6.17 In addition to the requirements of DM Policy 33, DM Policy 30 relates to urban design and includes detailed design issues which applications must adequately respond to. The relevant issues include:-
- 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 including those identified in the London Plan, taking all available opportunities for enhancement;
 - height, scale and mass which should relate to the urban typology of the area as identified in Table 2.1 Urban typologies in Lewisham;
 - 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 of materials should be clearly justified in relation to the existing built context;
 - details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials; and,
 - how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain.

- 6.18 It is noted that concerns were raised over the adjoining property, 26 Canonbie Road, being a heritage asset. The site is not listed as a designated heritage asset, nor is it undesignated as a locally listed building. Furthermore, whilst it is noted that the building may have been used as the old station masters' house, it is considered that due to recent upgrade works to the original building, the significance of this building has been subsequently reduced in terms of heritage value. Therefore it is considered that the building is not worthy of being considered an undesignated heritage asset and as a result the policies in relation to heritage assets are not considered applicable.
- 6.19 It is noted that development along Canonbie Road, as well as other residential roads in the locality, have been subject to modern and unique designs amongst the original semi-detached suburban dwellings. In addition to this, there are a number of post-war flatted development. Taking that into account, whilst the area is predominately suburban in typology, the area has a varied pattern of urban development.
- 6.20 The neighbouring properties directly adjoining the property include the host dwelling, being a two storey semi-detached building finished in render, and 26 Canonbie Road, being a detached cottage with a chalet style giving the appearance of a single storey property with accommodation in the roofspace. 26 Canonbie Road has facing brickwork on the ground floor and white render above.
- 6.21 The proposal aims to demolish the existing single storey element of the host dwelling currently accommodating storage areas and garage. This element is currently attached to 24 Canonbie Road with 600mm gap between 26 Canonbie Road. The existing structure is 2.2m in height from the ground level to the front.
- 6.22 The proposed development would replace this structure with a detached dwellinghouse 3.2m in height as measured from the ground level. Due to the slope of the site, the rear of the building would appear two storey in height while the front would appear single storey. The building would be separated from the both the host dwelling and 26 Canonbie Road by 800mm. In total, the new property would be 4.5m wide at the front and extend to 6m wide at the rear.
- 6.23 The building would roughly align with the front elevation of 26 Canonbie Road. As it includes basement excavation, the development includes a lightwell to the front which roughly aligns with the front elevation of 24 Canonbie Road. The lightwell would be 2.7m into the existing ground level and enclosed by a glass balustrade.
- 6.24 The design of the building would be a more modern approach with facing brickwork to the main facade and elements of white render in the inset areas such as the front entrance. The brick would be Ibstock Brunel Smooth Blue with grey pointing. As well as the lightwell, the development would include a platform to the front entrance with a modern composite aluminium and timber door. The windows are also made of composite frames. The roof would be flat and incorporate a living roof system and roof lights.
- 6.25 It should be noted that the original scheme proposed a more vertical fenestration which included a window which also formed a segment of the rooflight. Officers considered this to be contrasting to the existing dwellings which favoured a more horizontal approach. Therefore amendments were made on the front elevation changing the fenestration to complement the existing development.

- 6.26 There are objections relating to the width of the property not conforming with the existing plot widths. Whilst this is noted, it is considered that the building could sufficiently integrate within the existing development if there is an acceptable height and design.
- 6.27 In terms of height and scale of the dwelling, the proposal is an improvement on the two storey element proposed in the previously refused scheme. Furthermore, given the alignment respects the neighbouring property, the 1m increase in height from the existing structure is considered acceptable as it would not lead to a noticeable change in the current development.
- 6.28 The materials would be more modern in approach, including aluminium windows and an engineering brick which is dark in colour. Whilst this is not in keeping with the surrounding properties, it is considered that this would complement the modern design of the building. Furthermore, taking into account the changes made to the design, officers consider that the sympathetic fenestration would ensure that the building would not be so out of character to be unsympathetic.
- 6.29 Overall, the design of the building in terms of alignment, height, materials and fenestration details is considered to be acceptable within the existing character of the streetscene.

Housing

- 6.30 DM Policy 32 relates to the housing design, layout and space standards of new development and states that the siting and layout of new-build housing development, including the housing element of mixed use developments, will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 6.31 The internal standards outlined in DM Policy 32 uses the London Plan to assess whether new housing provides an appropriate level of residential quality and amenity using the following criteria:
- (a) meet the minimum space standards for new development which should conform with the standards in the London Plan and the London Plan Supplementary Planning Guidance on Housing (as updated)
 - (b) habitable rooms and kitchens and bathrooms are required to have a minimum floor height of 2.5 metres. between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards
 - (c) provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved. North facing single aspect flats will not be supported.
 - (d) family housing (dwellings with three or more bedrooms) should be designed to have the potential to separate dining and living

accommodation from the kitchen area in order to ensure privacy for the occupants

(e) Studio flats (one person dwellings at GIA 37 sq. m.) will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations in the major and district town centres

(f) include sufficient space for storage and utility purposes in addition to the minimum space standards.

- 6.32 It is worth noting that the national housing standards have been adopted and have superseded some standards of the London Plan, including the floor to ceiling height. These are taken into consideration in the assessment.
- 6.33 Finally, new housing development will be required to provide a readily accessible, secure, private and usable external space and include space suitable for children's play. This is in addition to retaining sufficient space to the host dwelling's garden as required in DM Policy 33.
- 6.34 The proposed development would be a three bedroom 5 person dwelling, however it is noted that the single bedroom on the ground floor is also annotated as a home office. Nonetheless, based on a 3b5p occupancy, the dwelling should be a minimum 93sq m in internal floor area. In addition, the national standards state internal bedrooms should be 11.5sq m for double bedrooms and 7.5sq m for single bedrooms.
- 6.35 The proposed dwelling would be 102sq m in floor area. Furthermore, the sizes of the individual rooms are within the minimum standards. Therefore the internal floor sizes are acceptable.
- 6.36 The proposed development would be dual aspect with windows in the rear and front elevation. The windows would face south-east and north-west. It is noted that the main living/kitchen space would have windows facing north-west, which reduces the amount of direct light into this room. However, given these windows have the better outlook, together with the rooflight providing additional sunlight, the level of sunlight/daylight into this room is acceptable.
- 6.37 The proposed development is not significantly overlooked by any neighbouring properties. It is noted that the single bedroom would front the highway with large windows which may reduce the sense of privacy into this room. However, this is not unusual for dwellings along Canonbie Road and is not considered to be a reason for refusal.
- 6.38 The proposed development would have a deep rear garden, together with significant retention of the existing rear garden for the host property. This raises no objection.
- 6.39 Overall, the proposed development is acceptable in terms of amenities for future residents.

Highways and Traffic Issues

- 6.40 The Council takes a restrained approach to car parking in order to promote sustainable modes of travel. The car parking standards in the London Plan are used to assess the amount of parking development is likely to generate. According to the London Plan, the maximum amount of parking for 3 bedroom dwellings is 1.5 spaces.
- 6.41 The proposed development includes the loss of the existing garage, however it would retain parking to the front of the proposed dwelling for future residents.
- 6.42 Therefore the development is below the London Plan standards. However these are maximum standards. Furthermore, it is noted that the surrounding residential streets are unrestricted and would be capable of accommodating the minimal increase in parking as a result of the proposed development. As such there are no objections to the level of parking proposed.
- 6.43 The proposed development includes two cycle parking spaces to the rear of the building. This is considered appropriate in promoting sustainable modes of transport.
- 6.44 The proposed development would incorporate refuse storage to the front adjacent to the lightwell. This is considered to be acceptable both in terms of location and amount.
- 6.45 It is noted that the area is currently used for the storage of refuse bins for the host dwelling. The proposed plans show this would be relocated to the front of 24 Canonbie Road. This is considered to be acceptable for refuse storage.
- 6.46 Overall the development is considered acceptable in terms of highway impacts.

Impact on Adjoining Properties

- 6.47 DM Policy 32 requires all new residential development to be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting for adjoining properties. In addition, DM Policy 33 requires infill development to result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent properties.
- 6.48 The proposed dwelling would be detached between 24 Canonbie Road, being the host property, to the north-east and 26 Canonbie Road to the south-west. To the rear of the property are six-eight storey residential towers located a significant distance from the proposed dwelling and therefore it is considered that these properties would not be impacted.
- 6.49 The proposed dwelling would be single storey in size at the front with an excavated basement level while at the rear, due to the slope of the site, the building would be two storey in height. It is noted that the adjoining properties also appear taller at the rear due to the slope. It is also noted that 24 Canonbie Road has a conservatory 3.4m deep, double height due to the slope and with windows facing towards the subject site.
- 6.50 At the lower ground floor, the proposed building would protrude 8.15m beyond the rear elevation of 24 Canonbie Road and 3.4m from the rear elevation of the adjoining conservatory. The lower ground floor would be set below the glazing level of the adjoining conservatory and 0.9m above the timber deck at 24

Canonbie Road. Therefore the depth of the lower ground floor is not considered to adversely impact on the neighbouring amenities.

- 6.51 At upper ground floor level, the proposed building would protrude 3m from the rear elevation of 24 Canonbie Road before stepping in 1.2m and protruding a further 1.9m. Taking this into account, the top of the dwelling would be just below the bottom sill of the first floor windows and 1m higher than the ground floor windows.
- 6.52 It was noted whilst on the site visit that the ground floor area to the rear of the dwelling at 24 Canonbie Road was an open plan kitchen/dining/living room. The nearest window to the proposed development benefits the kitchen space with two glazed patio doors and a window also allowing sunlight into the open planned space. Therefore in terms of daylight into the main habitable space, the proposed development would not impact on the host dwelling.
- 6.53 The proposed dwelling would mostly be due south and therefore there would be some level of overshadowing to the host property, including the rear garden. However, given the nearest impacted window leads to the kitchen, together with the good access to sunlight from the remaining openings, the development is unlikely to have a severe adverse impact on direct sunlight into the host dwelling. Furthermore, given the significant width and depth of the retained garden space for the host dwelling would allow a satisfactory level of direct sunlight for the amenity space. Therefore the proposed development would no reduce the level of sunlight to the host property.
- 6.54 The building would not protrude beyond the rear elevation of the conservatory of 26 Canonbie Road. Nonetheless, it is noted that the development would impact on the outlook of the windows in the side of the conservatory. However, given these windows are practically built on the boundary and face directly onto the neighbouring property, it is not considered reasonable to restrict development on the site on the basis of these windows. Furthermore, given the development does not protrude to the rear at upper ground floor level, the windows in the rear elevation of the neighbouring conservatory would not be affected.
- 6.55 Taking this into account, the proposed development would not impact on 26 Canonbie Road in terms of loss of outlook, loss of sunlight/daylight or overbearing impact to the rear.
- 6.56 Objections were raised with regard to loss of privacy to the front window of 26 Canonbie Road due to what appeared to be a raised walkway along the side of the property. Whilst this objection is noted, it is considered that the walkway would not be raised based on the plans submitted. Therefore the development would not increase the level of overlooking from the established level.
- 6.57 With regards to the rear of the development, the proposed dwelling would not include windows facing towards neighbouring properties. Therefore the dwelling would not effect adjoining development in terms of loss of privacy.
- 6.58 Overall, the proposed development would not adversely impact on any adjoining property.

Sustainability and Energy

- 6.59 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes from planning to be absorbed into Building Regulation requirements which will be introduced following an amendment to the Planning and Energy Act 2008. This is expected to take place later in 2016.
- 6.60 However, as an interim measure to require sustainability improvements on small scale schemes, Local Government Authority has the benefit of enforcing a Code for Sustainable Homes equivalent in terms of water and energy reduction. Specifically, these are:-
- a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and,
 - water efficiency measures to achieve a target of maximum 110 litres per person per day which includes a 5 litre allowance for external water use.
- 6.61 The supporting statement outlines that the development would meet Code for Sustainable Homes Level 4, including the energy and water saving measures. Therefore the development is considered to meet the Council's sustainability targets. Nonetheless, it is considered that a condition should be added to secure the savings.
- 6.62 The proposal includes a low intensity living roof. DM Policy 24 requires living roofs to be an extensive substrate base, where feasible. Taking into account the minor nature of the development, it is considered that an extensive living roof would unnecessarily reduce the feasibility of the scheme and therefore intensity living roof would be acceptable.
- 6.63 DM Policy 25 justification also includes the level of detail required for the living roof during submission, including a contour plan, 1:20 section and management and maintenance plan to ensure 80% coverage over 5 years. Whilst this information has not been submitted, a condition would normally ensure these details are acceptable. However, given the scale of the development is relatively minor and the development would be otherwise acceptable without a living roof, it is considered that the costs of providing these details would not be reasonable. Therefore it is considered that a condition securing the biodiversity roof as shown in the approved documents would be satisfactory to ensure an appropriate living roof.
- 6.64 Overall, the proposal is considered to be in line with the sustainability policies of the Council and the national guidance.

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. In addition to this, Lewisham's local CIL is also a consideration. CIL is payable on this application and the applicant has completed the relevant form. An informative should be added to advise the applicant of this.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 In this matter there is no impact on equality.

9.0 Conclusion

- 9.1 The proposed infill development would provide a three bedroom dwelling, together with on site parking and a deep rear garden. Given the infilling of this space would not give rise to significant impacts on the character of the area, bearing in mind the existing development on site, the principle of the development is considered acceptable.
- 9.2 The design of the resubmitted scheme is considered to be an improvement on the previous refusal as the height would be more sympathetic to the nature of the space. Furthermore, with minor changes to the fenestration of the windows and the securing of high quality materials through condition, it is considered that the modern design would be acceptable within the character of the area.
- 9.3 Given the minor nature of the development, it is considered that there would be no significant impact on the highway. Furthermore, the development is considered to have no significant adverse impact on neighbouring amenities. Finally, the sustainable measures are considered to comply with the Council's policies.
- 9.4 Overall, the proposed development is considered to be acceptable in light of the relevant policies.

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:

E360/PP/010; E360/PP/020 rev 1; E360/PP/040 rev 1 (received 27 May 2015); E360/PP/030 rev 2; Supporting Statements (received 25 January 2016); Roofinggreen Nature Drain Specification (received 19 June 2015); E360/PP/050 rev 2; E360/PP/060 rev 2; E360/PP/070 rev 2; E360/PP/080 rev 2 (received 28 February 2016); E360/PP/051; (received 7 March 2016)

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 development shall commence on site until a detailed schedule and samples of all external materials and finishes/windows to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (4) (a) The building hereby approved shall be constructed to achieve the following requirements:-
 - (i) a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and,
 - (ii) a reduction in potable water demand to a maximum of 110 litres per person per day.
- (b) Within 3 months of occupation of any of the residential units hereby approved, evidence (prepared by a suitably qualified assessor) shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (5) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. E360/PP/070/ rev 2 and E360/PP/080 rev 2 hereby approved and maintained thereafter.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (6) 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 roof on the building 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 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (7) (a) A minimum of 2 secure and dry cycle parking spaces shall be provided within the development as indicated on plan no. E360/PP/030 rev 2 hereby approved.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (8) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the front elevation of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, shall be fixed on the front elevation of the building.

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (10) 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), 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).

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) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (C) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -
- <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- (D) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- (E) Condition 3 (materials) requires details to be submitted prior to the commencement of works due to the importance of high quality materials to ensure the development would meet the standard of the Council's policies.
- (F) Thames Water Informative:

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.

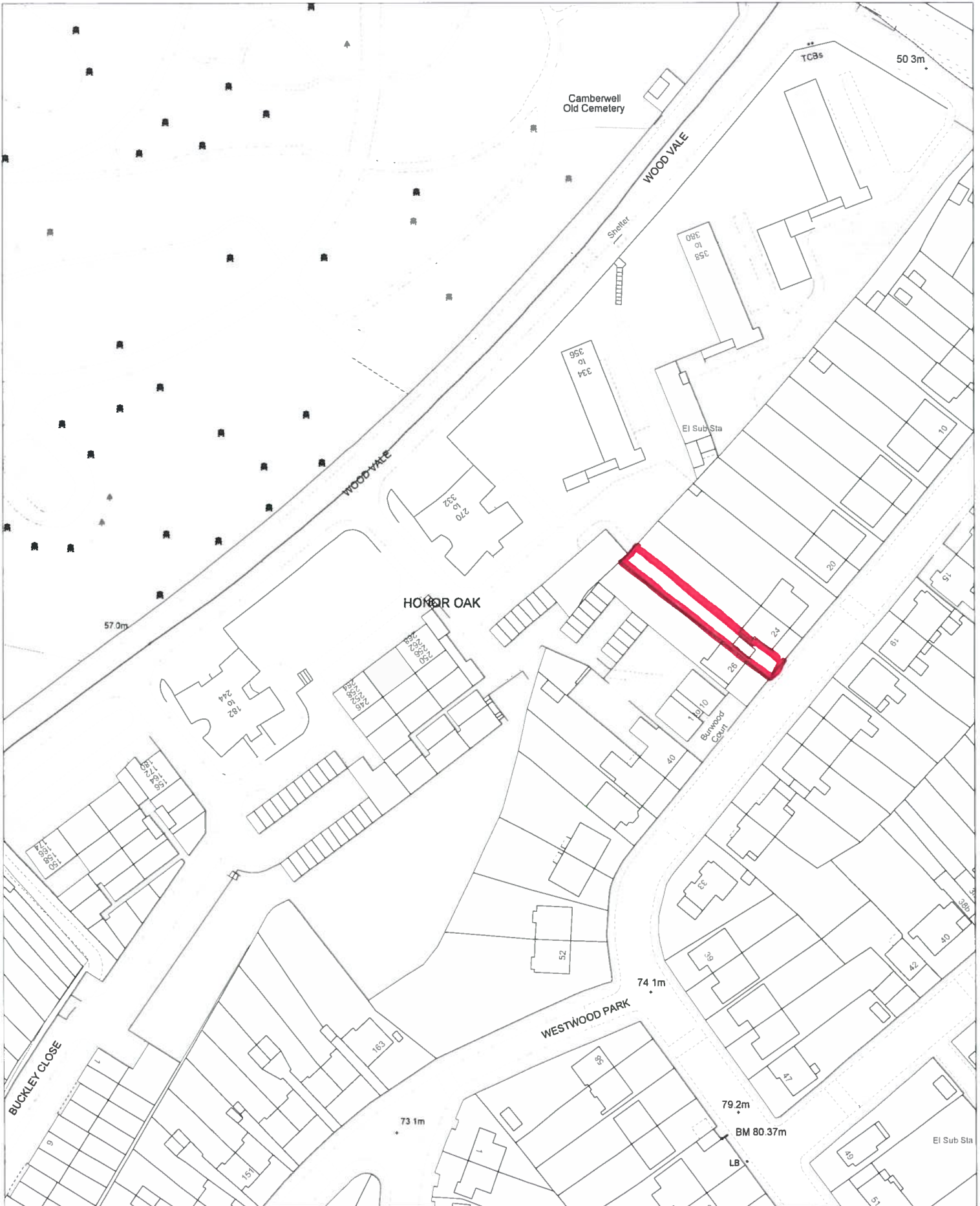
Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non—return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwariskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

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

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24 Canonbie Road



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Committee	PLANNING COMMITTEE C	
Report Title	1 Heathfield Gardens, London, SE3 OUS	
Ward	Blackheath	
Contributors	Simon Vivers	
Class	PART 1	3 May 2016

Reg. Nos. DC/15/93137

Application dated 19 October 2015

Applicant Mr Nigel Treisse align GB Interiors Limited

Proposal Construction of a single storey side and front extension at lower ground floor, together with removal of tree within the front setback and construction of a side extension at first floor level at 1 Heathfield Gardens, SE3

Applicant's Plan Nos. [G] 120 Rev P2, [G] 101 Rev P2, [R] 103 Rev P2, [B] 115 Rev P4, [1] 102 Rev P5, [B] 100 Rev P2, [B] 105 Rev P2, [R] 104 Rev P2, [B] 116 Rev P2, Q 37 Green Roof, Daylight and Sunlight Study (Specification and Maintenance Document) (received 28 July 2015), [G] 001 Rev P1, [B] 110 Rev P1 (received 24 August 2015), [G] 106 Rev P6, [LG] 117 Rev 0, Design, Access and Heritage Statement (received 13 January 2016)

Background Papers (1) Case File DE/676/C/TP
(2) Core Strategy (Adopted June 2011) and Development Management Local Plan (adopted November 2014)

Designation PTAL 2/3
Areas of Special Character
Blackheath Conservation Area
Not a Listed Building
Unclassified Road

1.0 Property/Site Description

- 1.1 The application relates a three storey plus basement property situated on the southern side of Eliot Vale. The property is part of a group of three terrace properties, and sits end of row on the eastern end.
- 1.2 Numbers 1 to 3 Heathfield Gardens (together with 4 Baizdon Road) have been constructed as an infill development in 1997, and use a traditional palette of materials and are of traditional design and appearance.
- 1.3 The subject site has a slope from east to west, and also north to south (away from Eliot Vale). The site has been cut out at the front and eastern side and provides a level side and rear garden which sits lower than Heathfield House to the east. Heathfield House comprises a five storey mid twentieth century block with windows facing towards the flank of the application property. The more eastern part of Heathfield House is Grade II listed, however the part neighbouring to the subject site is not listed or locally listed.

- 1.4 Two points of access are provided at the front of the property, with a main entrance at ground floor and a separate entrance to lower ground floor. The front boundary treatment provides a low yellow brick wall with piers and pedestrian gates, topped with capping stones painted white. Off street parking is provided at the rear of the property, which is accessed from Baizdon Road.
- 1.5 An original two storey projection is located at the side of the property, and has dimensions of 2m (width) x 4m (depth) x 6.3m (height).
- 1.6 The site contains an existing outbuilding (shed) which is situated to the side of the dwelling, behind the boundary fence at the side of the building.
- 1.7 An Ornamental Pear tree approximately 15 years old is situated in the front setback of the site.
- 1.8 The property lies within the Blackheath Conservation Area, and is not subject to an Article 4 direction.

2.0 Planning History

- 2.1 DC/96/40786: The erection of a three storey four bedroom detached house and a two storey terrace with semi-basement and mansard roofstorey to provide 3 four-bedroom houses on land at the corner of Eliot Vale and Baizdon Road SE3 together with the erection of a block of 3 garages and the provision of 4 carparking and vehicular access onto Baizdon Road (planning permission granted 23 September 1997). A fourth dwelling was subsequently approved on Baizdon Road, which forms part of the overall development.
- 2.2 DC/14/89757: Demolition of the garden shed to the side of 1 Heathfield Gardens SE3, the construction of a single storey extension at lower ground floor level to the side to provide an annex, the construction of an extension at first floor level at the side incorporating a roof terrace above with steel balustrade railings, the construction of a dormer extension to the side roof slope, together with the part demolition of the front boundary wall and the installation of sliding gates in connection with the provision of an off-street parking space. (planning permission refused 16th April 2015).

This application was refused to due the dormer extension, roof terrace and balustrade being inappropriate and visually obtrusive, and also due to the adverse amenity impact which would be caused the residents of the neighbouring property (Heathfield House) due to an increased overlooking and an unreasonable loss of privacy.

3.0 Current Planning Application

- 3.1 The application seeks planning permission for the following works:
- Construction of an extension at lower ground floor to the side and front of the property; and
 - Construction of a first floor extension to the eastern side of the property.
- 3.2 The side extension at first floor level would sit directly above the existing two storey projection (thus creating a side projection over three levels, from lower ground floor through to first floor). The height at the side would be increased from 6.3m to 9.1m.

Two windows are proposed, facing towards the front and rear of the site. The extension would have a flat asphalt roof, sitting level with the main roofline (below the mansard roof).

- 3.3 The lower ground floor extension is described as an “Annex” in the Design, Access & Heritage Statement and involves the provision of an additional kitchen, living and dining area and bedroom. The lower ground floor extension is split into two forms.
- 3.4 Towards the front, the extension will infill the north eastern corner of the garden between the front and side property boundaries and the external stair access/light well to the lower ground floor. An additional access would also be proposed providing direct access from street level. The extension would sit 0.5m below the base of the solid front boundary fence, and would have a living roof located above. The construction of this part of the extension requires removal of the Ornamental Pear tree within the front setback.
- 3.5 At the side, the proposal would continue rearward from the front extension, adjacent to the eastern boundary. A courtyard space would be established between the extension and existing host building. The ground level of the garden is 3.3m lower than the neighbouring land to the east. The proposal would require the build up of the existing boundary wall by an additional 0.8m (and would remain below the sill height of windows of Heathfield House to the east). This wall is shown to carry through the yellow brick wall and capping of the front boundary. A mixed green roof is proposed for the bulk of the roof, however a glazed roof would be located in the western part of the extension, behind the existing side projection. The extension includes timber cladding and bi-fold doors which face towards the host building.
- 3.6 The living roof at the front has a 200mm substrate depth, is proposed to be predominately grassed and also have shrubs located that the eastern boundary. The green roof at the side of the property varies in depth from 200mm – 400mm and is proposed to be an intensive shrub roof with wildflowers. A parapet wall level with the front building line would separate each living roof, and is also shown to match the detailing of the front boundary wall.
- 3.7 Supporting Documents:
- Design, Access and Heritage Statement
 - Living Roof specification document (prepared by Blackdown Horticultural Consultants Ltd)
 - Daylight and Sunlight Study (prepared by Right of Light Consulting)

4.0 Consultation

- 4.1 The Council’s consultation exceeded the minimum statutory requirements and those required by the Council’s adopted Statement of Community Involvement.
- 4.2 Adjoining occupiers, The Blackheath Society, and Blackheath Ward Councillors were consulted as part of the application. A site notice was displayed and a newspaper advertisement was also run.

Written Responses received from Local Residents and Organisations

Five objections were received. The objectors are residents of flats within Heathfield House to the east of the subject site. Grounds of objection are summarised as follows:

Amenity

- Loss of daylight/sunlight and overshadowing toward the neighbouring property to the east (Heathfield House);
- Noise nuisance if living roof is used as additional external amenity space; and
- Loss of privacy through introduced overlooking from the living roof towards side windows of Heathfield House (if used as additional external amenity space).

Safety and Security

- Loss of safety and security to properties within Heathfield House through the living roof providing an access route from the street.

Design

- Overdevelopment of the site / garden grabbing.

General

- Resubmission of the daylight/sunlight from the application which was refused;
- The daylight/sunlight assessment omits that sensitive rooms within Heathfield House may be darkened (through blinds and shutters) in order to achieve adequate privacy;
- General similarity to the previously refused scheme;
- Lack of detail available online regarding the mixed green roof construction and its use as an outdoor area; and
- Risk that windows side windows may be installed to the flank wall at first floor level, which would face towards Heathfield House.

Objection was also raised with regards to the installation a roof terrace and the formation of doors to the terrace at roof level, however these elements have not been applied for (and relate to the previously refused application).

5.0 Policy Context

Introduction

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)

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

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)'.

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 2016)

On the 15th March 2015, the London Plan (consolidated with alterations since 2011) was adopted. However, on the 14th March 2016, the London Plan was updated to include the Housing Standards and Parking Standards Minor Alterations to the London Plan. The London Plan policies relevant to this application are:

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

Core Strategy

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

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:

The following policies are considered to be 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 (August 2006, updated 2012)

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.

Blackheath Conservation Area character appraisal and supplementary planning document March 2007

The group of properties is located at the western boundary of Character Area 1F: Eliot Place.

The appraisal states:

Eliot Vale rises onto the Heath to become Eliot Place. This long group of individual houses is on a grand scale (up to three and four storeys) and forms part of the distinctive and unique part of the character of the Heath enclosure. The houses cover a date range of 1796-1911 and many of them are Grade II listed.

The predominant materials are London stock bricks which from a distance are a deep beige/ brown and contrasted on earlier buildings with orange brickwork (some rubbed bricks) for dressings and gauged brick arches. Natural slate roofs are almost ubiquitous in this group. The unity of the group comes in the use of materials rather than architectural style as whilst many of the buildings are classical there are later groups and distinctive individual buildings. Variation comes in the roofline with some gables facing the Heath as well as the strong horizontal emphasis of the parapet. A particular characteristic of this group is the presence and prominence of full mansards with central shared chimneybreasts. The full height and form of these roofs make a very significant impact on the skyline profile of this group and these particular houses can be seen for some distance in views from the Heath.

This is a very high quality group forming part of the wider group of historic built form which enclose the Heath. These houses are very sensitive to change but their individuality provides interest and richness to the character of this part of the conservation area.

6.0 Planning Considerations

- 6.1 The main planning considerations for this application are:
- a) design and scale and its impact on the host building and the character and setting of neighbouring buildings and conservation area; and
 - b) impact that the proposal has on the amenity of adjoining occupiers.

Design & Scale

- 6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.3 In respect of determining planning applications relating to heritage assets, NPPF paragraph 131 advises that:
- “local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 6.4 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council’s Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 6.5 DM Policy 30 supports the Core Strategy as it sets out detailed principles to support good urban design in the borough and the Council will require alterations to existing buildings to attain a high standard of design. The policy also addresses detailed design issues and states that planning applications must demonstrate the creation of a positive relationship to the existing townscape to preserve an urban form which contributes to local distinctiveness, such as building features. Furthermore, building materials used should be of high quality and either match or complement the existing development.
- 6.6 DM Policy 31 sets out more specifically how to achieve good quality alterations to existing buildings and states that proposals for alterations 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.
- 6.7 DM Policy 36 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 are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.8 Chapter 6 of the Residential Standards Supplementary Planning Document (August 2006, updated 2012) sets out Council’s expectations for the design of householder extensions. Rear extensions should reflect and enhance the appearance of the house and be smaller and lower than the original building. Side extensions should be subsidiary to the main building, and not cause disruption to a distinctive or regular street pattern. While the use of traditional building materials is encouraged, modern materials are supported in appropriate circumstances.
- 6.9 No objections have been raised by Council’s conservation officer with regards to the first floor side extension. This extension demonstrates subservience in character to the host building, with the extension relating directly to the projection below, being appropriately set back from the main building line and set below the main roof line. Due to the sufficient 5m setback which would remain to the property to the east, the extension would not give rise to a terracing effect on the streetscene.

- 6.10 A similar side extension has occurred above the original side projection at 3 Heathfield Gardens. The extension at hand would match this, thus overall adding symmetry to each end of the group of buildings. Windows at a both front and rear match proportions and location of those below, which would also be consistent with the first floor side extension at 3 Heathfield Gardens.
- 6.11 The first floor level side extension is shown to use materials which will replicate those used in the original building. It is recommended that a condition is applied requiring all works of this element of the proposal to match the existing dwelling.
- 6.12 The lower ground floor extension relates to a large three storey (plus basement) property, and does not overwhelm the proportions of the host building. The modern architectural design of the extension would contrast to the existing character of the dwelling, however this is considered to be acceptable for the site and property characteristics, and would be of a modest impact given the lower ground floor location.
- 6.13 The subject site benefits from the existing cut out of the site from the front and side boundaries. While the living roofs of the proposal would be visible, they would not add to the scale and form of the property when viewed from street. The proposed glazed roof within the lower ground floor extension would be partially visible from the Eliot Vale, however as this element is to be located between two modern additions to the conservation area and mostly hidden by the host building, it is not considered to have a significant visual impact on the host building, adjoining properties or the wider conservation area.
- 6.14 The subject property is a much later addition to the conservation area and is not a heritage asset, however it is acknowledged that the property has been carefully designed to include the use of an architectural vernacular which is in keeping with the surrounding development and wider conservation area. It is noted that the uniform front light wells form part of the character of the group of properties. As part of that vernacular the provision of formal front gardens enclosed by boundary walls is an important element.
- 6.15 The Council's conservation officer has not objected to the side part of the lower ground floor extension, but has objected to the infilling of the part of the front garden/light well, given it would detract from the unity of design of the group of terrace buildings, result in the loss of a tree which contributes to the amenity of the area and have urbanising effect on the area. However on balance, officers consider this element of the proposal is acceptable, given this area of development would not be highly noticeable from long views, and would therefore not significantly affect the character and setting of neighbouring buildings. A suitably sized light well and access would be maintained (the bulk of the area is an under used sunken front garden, and therefore not solely serving as a light well), and where views of the living roof above the front part of the extension may occur (where overlooking the front boundary), they would not be considered to be offensive. The loss of the Ornamental Pear is considered acceptable, and would not result in the excessive harm to the existing street scene, particularly due to its relationship to a relatively new heritage asset.
- 6.16 Overall, the proposed works to the dwelling are complimentary and of acceptable design and scale, and would not cause excessive harm to the special character of the Blackheath Conservation Area.

Residential Amenity

- 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 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.
- 6.19 Heathfield House is the primary neighbour to be considered, given it sits adjacent to the subject site and area of development.
- 6.20 The first floor level side extension would result in an additional storey being added to the side projection. This projection would be taken from a maximum of 6.1m to 9.3m in height (increase of 3.2m). The proposal would sit above the existing projection, and maintain the existing 5m setback between the nearest side windows of Heathfield House.
- 6.21 The applicant has submitted a daylight/sunlight report in accordance with the BRE guide 'Site Layout Planning for Daylight and Sunlight', and concludes that the proposal will have a low impact in the light receivable by neighbouring properties. Officers have reviewed the report and are satisfied with the conclusions of the report. Objections raised concern regarding the resubmission of a the report (which was associated with a previously refused application), however the report remains accurate given the extension at second floor is equivalent in terms of its scale and massing.
- 6.22 The first floor level side extension would not cause any overlooking or loss of privacy to adjoining residents, given that the proposed windows would be located at the front and rear of the extension, and therefore not establish any direct or of concern views to neighbouring properties.
- 6.23 It is considered that due to the difference in site levels between the subject property and Heathfield House, the proposed lower ground floor extension would not impact significantly on the amenity of adjoining occupiers. The lower ground floor extension will be built to the eastern boundary, and will require the build up of the side wall by 0.8m. This wall would remain below the sill height of the windows of the adjoining property at Heathfield Gardens, and it is therefore not considered to cause any significant adverse impact in terms of loss of outlook to these properties.
- 6.24 Objections received in response to the application detail the potential for noise and a loss of privacy to occur, should the living roof be occupied as an additional amenity space. It is recommended that a condition is applied to the approval which restricts the use of all flat roofed areas of the proposal as areas of additional external amenity space.
- 6.25 Objections also detail a loss of security which may occur to Heathfield House as a result of the adjacent living roof. While not a planning consideration, it was observed during the officers site inspection that opportunities currently occur for a person to gain access from the front of the Heathfield House and down its side, between the two properties. A condition is proposed which restricts access to the living roof.
- 6.26 Some light spill would occur from the glazed roof, however this is positioned well away from the adjoining boundary. Some light spill would occur, however this is considered acceptable for a domestic setting.

6.27 As described above, the proposal would not be expected to have a significant adverse impact on the amenity of neighbouring residents and therefore the proposed works are consistent with Core Strategy Policy 15 and DM Policy 31.

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.

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 (2016) and the National Planning Policy Framework (2012).

8.2 In summary, the proposed works are considered to be appropriate in its scale, form and materials and to preserve the character and appearance of the dwelling in accordance with DM policies 1, 30, 31, 36 and Core Strategy Policies 8, 15 & 16

9.0 Recommendation GRANT PERMISSION subject to the following conditions:

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

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

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

[G] 120; [G] 101; [R] 103; [B] 115; [1] 102; [B] 100; [B] 105; [R] 104; [B] 116; Q 37 Green Roof (Specification and Maintenance Document); [G] 001; [B] 110 (received 24th of August), [G] 106 Rev P6; [LG] 117, Design, Access and Heritage Statement (received 13 January 2016)

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 new external finishes in relation to the first floor level side extension, including works of making good, shall be carried out other than in materials to match the existing building

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- 4) Notwithstanding the details shown on plan numbers [B] 115 Rev P4, [B] 116 Rev P2 and [G] 106 Rev P6, prior to the commencement of works, details of the timber cladding to the rear elevation and the eastern garden wall and living roof dividing wall shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, 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

- 5) (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. [B] 116 Rev P2, [G] 106 Rev P6 and Q 37 Green Roof (Specification and Maintenance Document) hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- 6) The use of the flat roofed extension on the building 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).

- 7) The development hereby approved shall be used only for purposes incidental to the enjoyment of the associated dwelling house a 1 Heathfield Gardens and shall not be

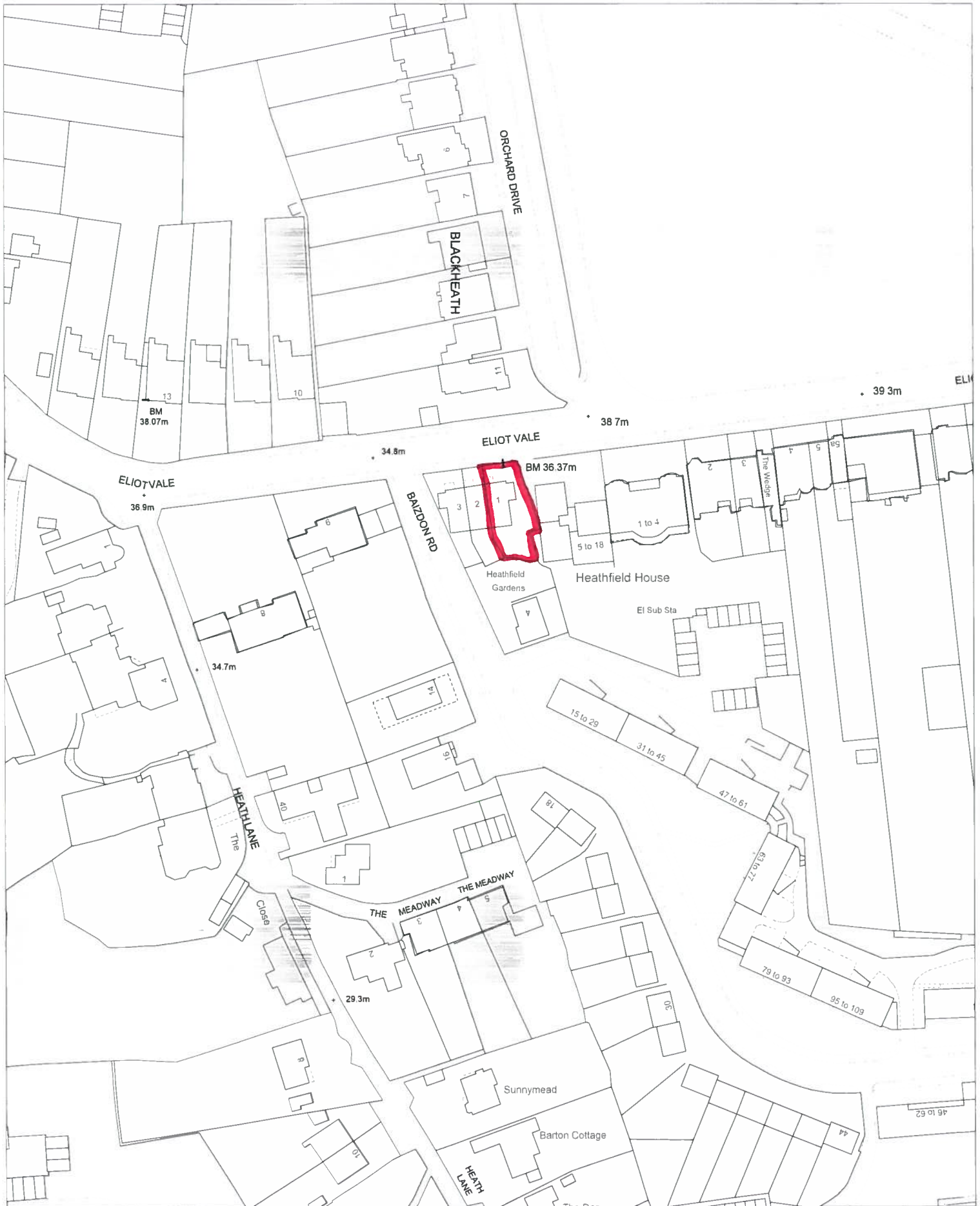
occupied as any form of self-contained residential accommodation without the benefit of planning permission.

Reason: Any other use may have an adverse effect on the character and amenity of the area and be contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (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.

1 Heathfield Gardens



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Committee	PLANNING COMMITTEE A	
Report Title	The Lawns, Lee Terrace, London SE3 9TB	
Ward	Blackheath	
Contributors	Karl Fetterplace	
Class	PART 1	3 MAY 2016

Reg. Nos. DC/15/94708

Application dated 4.12.2015

Applicant Mr P Wilson

Proposal The renewal of planning permission dated 30 January 2013 (DC/12/80365) for the alteration and conversion of lower ground floor level store rooms at The Lawns, Lee Terrace SE3, to provide 1 two bedroom self-contained flat, together with the construction of a single storey extension to the north elevation, alterations to the elevation and the provision of an additional car parking space.

Applicant's Plan Nos. 222B 01, 02, 03 REV A, 04 REV A, 20 REV A, 21 REV A, Site Location Plan, Photographs/CGIs, Design & Access Statement/Heritage Statement (November 2015, Geoff Watkins Architects Ltd), Sustainability Statement (November 2015, Geoff Watkins Architects Ltd).

Background Papers

- (1) Case File DE/187/8/TP
- (2) Core Strategy (2011)
- (3) Development Management Local Plan (2014)
- (4) The London Plan (2015)

Designation PTAL 4
Blackheath Conservation Area
Not a Listed Building
Unclassified

Screening N/A

1.0 Property/Site Description

- 1.1 The Lawns consists of two five storey brick apartment buildings containing 60 units, arranged on either side of a central courtyard, set in their own grounds. The grounds include parking areas and planted and grassed garden areas. The buildings date from the inter-war period and feature art deco elements.
- 1.2 Most of the car parking is to the rear of the site, in the form of surface level car parking and parking garages. There are also a number of car parking spaces within the central courtyard, which also provides vehicular access to the garages and rear parking spaces.
- 1.3 The eastern of the two apartment buildings possesses a lower ground floor area in the northern part of the building which is currently used as two storage rooms, with external access via a short flight of steps. The present application relates to this lower ground floor area.
- 1.4 The property lies within Blackheath Conservation Area. There are grade II listed buildings to the east at 47-61 Lee Terrace.

2.0 Planning History

- 2.1 **DC/12/80365:** The alteration and conversion of lower ground floor level store rooms at The Lawns, Lee Terrace SE3, to provide 1 two bedroom self-contained flat, together with the construction of a single storey extension to the north elevation, alterations to the elevation and the provision of an additional car parking space – granted at Committee on 17 January 2013, dispatched 30 January 2013.
- 2.2 The above permission was for the same works as this current application, but this permission was not commenced within the three period specified on the decision notice.
- 2.3 A second flat was originally applied for in DC/12/80365, but removed from the approved application.
- 2.4 There have been a number of other applications approved for minor works at The Lawns, such as replacement windows, but the above application is the only permission relevant to the works proposed in this application.

3.0 Current Planning Application

- 3.1 This application is for the renewal of planning permission dated 30 January 2013 (DC/12/80365) for the alteration and conversion of lower ground floor level store rooms at The Lawns, Lee Terrace SE3, to provide 1 two bedroom self-contained flat, together with the construction of a single storey extension to the north elevation, alterations to the elevation and the provision of an additional car parking space. This has been applied for as a new planning permission and is the same design approved under DC/12/80365.
- 3.2 The proposed flat would be a 2b3p flat and have a total gross internal area of 65sqm. The two lower ground floor storerooms proposed to be converted are located in the eastern block. The ceiling height would be increased from 2.25m to 2.4m by lowering the floor level.
- 3.3 The flat would be accessed down a flight of four stairs directly from the surface car park. The extension would have a footprint of 8.5sqm, and would be 2.5m high when measured from the external ground level. New windows would be inserted into the eastern elevation of the property to provide light to the proposed kitchen/living/dining room and main bedroom.

3.4 The extension would be built in reclaimed stock bricks to match the existing, with a canopy over a hardwood entrance door. There would be an obscure glazed 'link' element connecting the extension to the existing northern wall of the building. The windows would be a modern equivalent of crittal, with the roof to be single ply membrane.

3.5 An additional car parking space is proposed within the existing garden area near the eastern wall of this building, which would be accessed from the existing parking court. Bins for the new flat would be stored within the common facility. It is proposed to add one secure cycle space to the existing Garage 1, to the north of the proposed flat.

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 Council's Highways and conservation teams were consulted. Highways did not provide comment. Conservation officer comments are discussed in the planning considerations section of this report.

4.3 Site notices were displayed and letters were sent to all units in the complex and the relevant ward Councillors. Eight objections, one comment and one letter of support were received from residents at Flats 16, 17, 20, 21 (two separate objections), 27, 29, 31 & 37 (same owner), The Lawns.

4.4 The letters of objection raised the following matters:

- Poor design & visual impact on the existing building
- Loss of amenity during construction due to noise & vibration
- Loss of car parking - the parking layout was updated in September 2015, which resulted in the loss of two parking spaces.
- Impact on the structural integrity of the building due to excavation
- Loss of mature garden space & outdoor privacy from the flat expanding and the creation of a new parking space, as the flat would be able to look onto the communal area and vice-versa
- Loss of outlook from existing flats
- Possible disturbance to wildlife, as there are claimed to be two bird feeder sites close to the proposed construction area
- The computer graphics are mis-leading in terms of ground levels - the proposed picture window to the rear would be below existing ground level, affecting the amount of light the unit receives and also affecting the symmetry with other windows in the building.

4.5 The letter of support was received from Flat 50, The Lawns, stating that the proposal was welcomed as it would create an additional parking space.

4.6 Comments were received from Flat 9, The Lawns on behalf of the Board of the Lawns Management Company. These comments stated that at the AGM it was passed by majority vote to proceed with the development of the basement flat within 2016 and that

although some residents objected to the development, the vote was passed by the majority of the Owners. Therefore, the Board contends that this consent from the owners in favour of the development takes precedent over any individual correspondence that the Council may receive.

- 4.7 Officers comment: Despite these comments made on behalf of the Board, individual objections must still be considered.

Amenity Societies Panel

- 4.8 No objections raised.

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 3.5 Quality and design of housing developments

Policy 5.2 Minimising Carbon Dioxide Emissions

Policy 5.3 Sustainable Design and Construction

Policy 6.13 Parking

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Sustainable Design and Construction (2006)

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the 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 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan

- 5.9 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:

- 5.10 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

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/ Updated 2012)

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

Blackheath Conservation Area character appraisal and supplementary planning document March 2007

- 5.12 The Appraisal provides a thorough description of the conservation area, and sets out guidance for development. It defines the conservation area into a series of character areas. The application site falls into Character Area 10: Lee Terrace and The Glebe. This is notable for dwellings of grand scale.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Standard of Residential Accommodation and amenity
- c) Impact on the design and appearance of the existing building and conservation area
- d) Transport and Servicing
- e) Impact on Adjoining Properties
- f) Sustainability & Energy
- g) Ecology

Principle of Development

The proposed development is for housing in an established urban area within an existing residential complex and would contribute towards the annual dwelling targets for the Borough. Therefore the provision of additional housing is acceptable in principle subject to the other considerations made in this report. It is also considered that the principle of residential development was established through the approval of the previous proposal on this site (DC/12/80365).

Standard of Residential Accommodation and amenity

- 6.2 Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context and states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.3 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms,

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

- 6.4 The proposal is for a 2b3p flat at 65sqm, which meets the space standard requirement of 61sqm London Plan and The Technical housing standards – nationally described space standard. It is noted that this would also comply with the relevant draft space standards in the Minor Alterations to the London Plan 2015 and accompanying Draft Interim Housing Supplementary Planning Guidance, which are in line with the national housing standards. The proposal is considered to provide good quality residential accommodation. It is also noted that an identical scheme was considered acceptable previously. The proposed additional flat would have its own independent entrance from the rear parking area and would be double aspect. The rooms would all be accessed from a central corridor and each of the rooms is a practical shape with no awkward corners or areas of unusable space.
- 6.5 The double bedroom would have an area of 13sqm, exceeding the 11.5sqm good practice guidance, although the width of 2.5m would result in a minor non-compliance with the standards. Bedroom 2 measures 7.5sqm, which results in a minor non-compliance with the 8sqm required. However, it is noted that this complies with the draft standard of 7.5sqm. The living/dining/kitchen area measures 23sqm, 2sqm less than the 25sqm required under the current standards, however it is noted that this standard is proposed to be removed when the current draft standards are finalised. The cloak storage area in the hallway would provide 1.7sqm of storage space, marginally less than the required 2sqm. The proposed ceiling height of 2.4m is acceptable as it complies with the National Technical Standards, although it is marginally non-compliant with the draft London Plan standard of 2.5m. On balance, the size of the rooms combined with the practical layout of the flat would ensure that the proposed flat would provide a good quality of accommodation for future occupants. Although the living room and second bedroom floor size would fall marginally short of the relevant standards, the accommodation is considered acceptable in this instance due to the constraints of the existing building envelope.
- 6.6 New windows would be inserted into the eastern elevation of the property to provide light to the proposed kitchen/living/dining room and main bedroom. The western elevation has windows that would light the second bedroom. The size and location of the windows are also considered to provide sufficient light for future occupants. The proposed flat would be at lower ground floor level, however, despite the fact that the adjoining garden area may need to be cut away, the window openings would all be above ground level, and would therefore not require lightwells for sufficient light and outlook to be provided. The proposal is therefore considered acceptable from a daylight and sunlight perspective.
- 6.7 No external amenity space is proposed to be created for the flat, however, this approach is considered acceptable as there is a relatively generous amount of garden space within the complex.
- 6.8 As the flat would be accessed via a flight of steps, it would be designed for limited ambulant mobility, rather than full disabled access. This is considered acceptable in this instance, given the nature of the access to the existing storage space.

Impact on the design and appearance of the existing building and conservation area

- 6.9 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.

- 6.10 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.
- 6.11 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.
- 6.12 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.
- 6.13 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, 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.
- 6.14 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.
- 6.15 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof 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.
- 6.16 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.
- 6.17 The external alterations consist of the creation of seven new narrow windows in the east elevation, and the construction of a small extension at ground floor level to the north west of the building. Both of these external elements of the proposal were modified in response to advice provided by the Council's urban design and conservation officers in the original proposal. It is also noted that this proposed scheme is identical to the previously

approved scheme. Regarding the proposed objection about misleading drawings and graphics being provided, the proposed drawings are considered accurate and sufficient for the purposes of assessing this application.

- 6.18 The external alterations are considered to be of a high quality design, despite the objections received regarding this. The width of the windows are shown to match the width of the windows on the floor above (in the locations where there are windows above), and the cill detail is also shown to match that found above.
- 6.19 The ground floor extension is considered to successfully relate to the character of the original building through its simple design and modest proportions. In addition the extension would not be seen from the most important viewpoints of the building, i.e. from Lee Terrace or from the central courtyard.
- 6.20 No objection was raised by conservation officers but it was requested that the bricks, bonding & mortar mix match the existing. The previous permission including conditions requested samples of facing brickwork, along with full details (including materials, specifications and depths of reveals) of all windows and doors to be used on the building to be submitted to and approved in writing by the local planning authority. It is not considered necessary to require samples and further details, as the requirement to match the existing materials of the building via the proposed condition would ensure a satisfactory design.
- 6.21 The extension would have a footprint of 8.5sqm, and would be 2.5m high when measured from the external ground level. This is considered subservient to the existing building.
- 6.22 Regarding the objections about the potential impact on the structural integrity of the building due to the proposed excavation. A structural method statement has not been obtained, as structural adequacy is not a material planning consideration

Transport and Servicing

a) Cycle Parking

- 6.23 It is proposed to add one secure cycle space to the existing Garage 1, to the north of the proposed flat. This would result in a non-compliance with the two spaces required, however it is not considered that the application could be refused on these grounds.

b) Car Parking

- 6.24 One car and one motorcycle space would be lost as a result of the proposed development, however two new car spaces would be provided – one in a reconfigured arrangement to the west of the proposed flat and another in the existing garden area near the eastern wall of this building, which would be accessed from the existing parking court. Regarding the objection about reconfiguration of the parking areas, which appears to be reflected in the proposed parking plan, it is considered that it would be unreasonable to require the present application to resolve the existing parking issues, however the application should also not exacerbate the current problems reported by the objectors. With this in mind, it is considered that the provision of a two bedroom flat coupled with the addition of one parking space would not have a detrimental impact upon parking in this location.
- 6.25 The 3 existing motorcycle spaces are proposed to be relocated from their current location near the proposed new flat to the northern boundary and north-west corner. Further, the site has a PTAL rating of 4, meaning the residents of the proposed flat would have good public transport access. Therefore, despite the objection about loss of car parking, this

proposal is therefore in accordance with Core Strategy Policy 14, DM Policy 29 Car parking and Policy 6.13 Parking of the London Plan.

c) Refuse

- 6.26 Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. Bins for the new flat would be stored within the common facility. Therefore, the proposed refuse arrangement is considered adequate.

Impact on Adjoining Properties

- 6.27 Core Strategy Policy 15 states that extensions and adaptations to existing buildings will need to be designed to protect neighbour amenity.
- 6.28 The proposed car parking space would occupy an area of 11sqm. Whilst this would result in a loss of mature garden space, this is considered acceptable as there is a relatively generous amount of garden space within the complex.
- 6.29 The proposal would not have an adverse impacts with regard to overshadowing or impacts on daylight or sunlight.
- 6.30 There would be the potential for overlooking to occur from the proposed windows on the eastern elevation into the garden area and from the garden area into the proposed flat. However, this is currently the case with all of the existing windows on the eastern elevation and is therefore not considered so unreasonably adverse as to warrant refusal.
- 6.31 It is not considered that the proposed extension would adversely impact on the outlook from the surrounding flats.
- 6.32 A number of objections have been received raising concerns over the potential disruption that could be caused during the construction works. However, these are not considered to be valid planning objections as some disturbance is considered unavoidable during any building scheme. Work should be carried out at reasonable hours, and an informative is proposed to be placed on any permission granted informing the applicant of Lewisham's construction code of conduct, and any work which is carried out beyond at unreasonable hours can be dealt with under environmental health legislation.
- 6.33 Noise transmission between the proposed flat and the existing flats is not a planning consideration and would be controlled by the relevant Building Regulations.

Sustainability and Energy

- 6.34 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.35 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 6.36 Since the original application was prepared, the government has announced the intention to cease using the Code for Sustainable Homes policy. At the current time, for schemes of this scale, it is only possible to secure building regulation equivalent standards for water saving and energy efficiency. It was indicated when this proposal was previously approved that it could achieve the Level 4 standards of Code for Sustainable Homes. Proposed energy efficiency measures include the insulation of the new floor to current standards of thermal efficiency, replacement of single glazing and provision of new

thermally broken insulated windows, doors and rooflights. The proposal is therefore considered acceptable from a sustainability perspective.

Ecology

- 6.37 This proposal has been considered from an ecological and biodiversity perspective. Given the context of the site, it is considered that it is unlikely to be a place for the habitation of wildlife, as it is in an established urban area within an existing residential complex. Further, given that this would be a relatively small extension, it is not considered that the proposal would have any adverse impacts on ecology or biodiversity, despite an objection having been received about the possible disturbance to wildlife. Therefore, the proposal is considered acceptable from an ecological and biodiversity perspective.

7.0 Local Finance Considerations

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

8.0 Community Infrastructure Levy

- 8.1 The above development is 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 This application has been considered in the light of policies set out in the development plan and other material considerations and officers consider that the scheme is acceptable. It is also noted that an identical scheme was considered acceptable previously and there has been no significant change in policy since that time.

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:

222B 01, 02, 03 REV A, 04 REV A, 20 REV A, 21 REV A, Site Location Plan, Photographs/CGIs, Design & Access Statement/Heritage Statement (November 2015, Geoff Watkins Architects Ltd), Sustainability Statement (November 2015, Geoff Watkins Architects Ltd).

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 new external finishes, including works of making good, shall be carried out other than in materials, bonding and pointing to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (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, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

INFORMATIVES

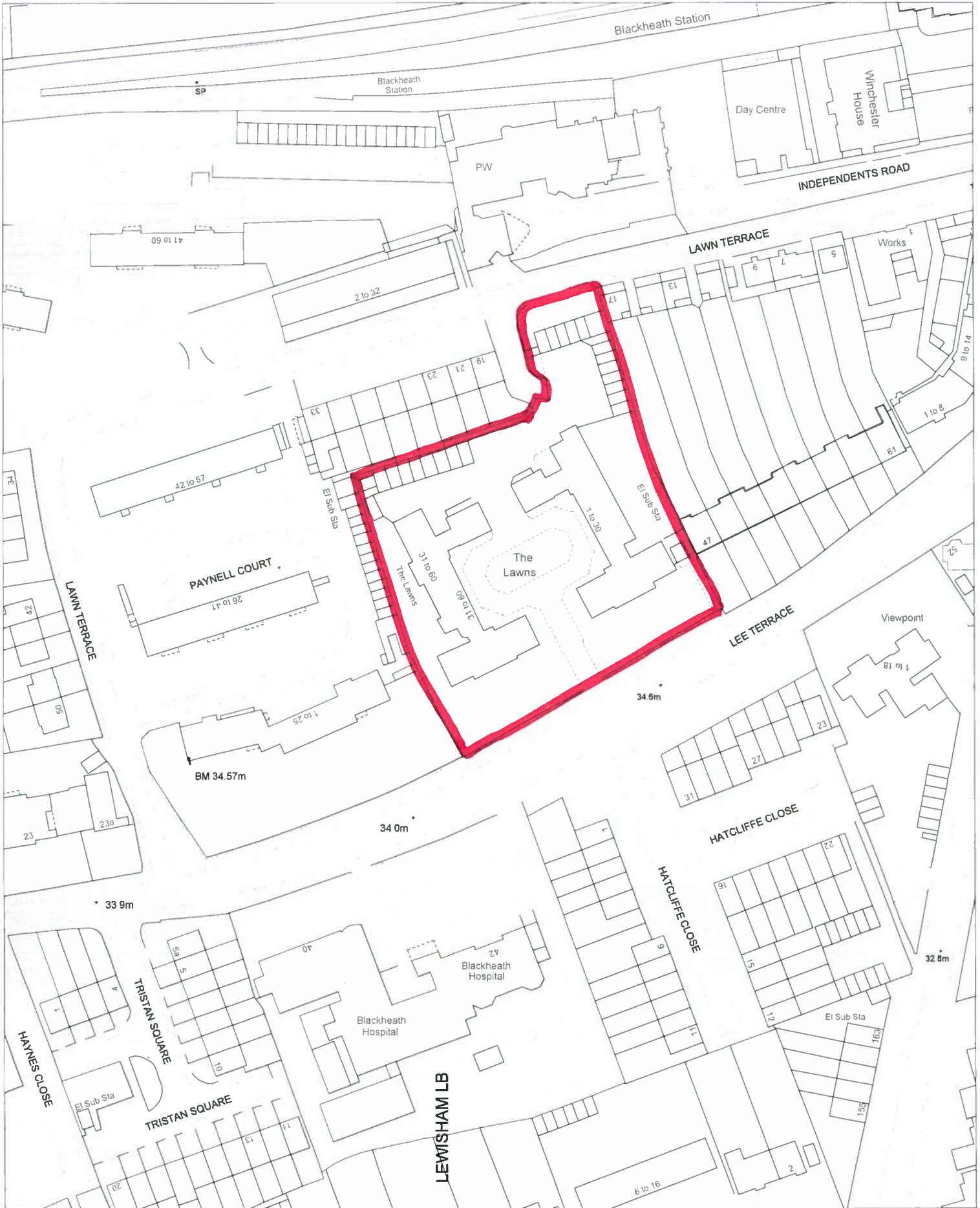
- (1) Positive and Proactive Statement:

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) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- (3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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1 The Lawns



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Committee	PLANNING COMMITTEE	
Report Title	1 Tressillian Crescent, London, SE4 1QJ	
Ward	Brockley	
Contributors	Andrew Harris	
Class	PART 1	3 rd May 2016

Reg. Nos. (A) DC/15/93357

Application dated 03.09.15

Applicant Mr Gregory Berthier

Proposal Alterations to the existing boundary wall fronting the highway to form a driveway entrance with brick piers at 1 Tressillian Crescent SE4, together with the provision of a hard standing / driveway to the front and the insertion of railing fencing along the boundary wall.

Applicant's Plan Nos. Design and Access Statement, 14057 – SV – 02, 14057 – PL – 01 G, 14057 – PL – 01 rev I, 14057 – PL – 02 rev H

Background Papers (1) Case File DE/93/1/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Brockley Conservation Area

1.0 Property/Site Description

1.1 The application property comprises a detached three storey (plus basement) double fronted villa, located on the northern side of Tressillian Crescent, and which has been converted into two self-contained properties. The street is mainly comprised of three storey detached and semi-detached properties consisting of both single dwellinghouses and converted flats.

1.2 The property falls within the Brockley Conservation Area, is not listed although does fall within an area covered by an Article 4 direction. However following the conversion into two separate flats, the property no longer benefits from permitted development rights.

2.0 Planning History

2.1 DC/93/1/TP for the use of 1 Tressillian Crescent SE4 as a self-contained maisonette and separate basement flat is lawful – Approved (30.08.1994).

2.2 DC/14/88405 the formation of a vehicular crossover at 1 Tressillian Crescent SE4 – Approved (07.10.2014).

3.0 Current Planning Applications

The Proposals

- 3.1 The application seeks planning permission for alterations to the front boundary wall to 1 Tresscillian Crescent.
- 3.2 The application seeks the installation of new black steel railings, which would be set into the existing wall. Where necessary, the wall will be repaired with high quality brickwork to match existing. The total height of the boundary wall, incorporating those railings would be 1.5 metres high at its highest point. This has been revised from 1.8 metres, following comments from the Conservation Officer.
- 3.3 The application proposes a 2.65 metre wide opening within the boundary wall to enable the creation of a new driveway. The position of this opening, amended following the initial submission, is located to the far right side of the property to allow an area of landscaping and planting adjacent to the footpath entrance to the property. The drive will be in bonded gravel (permeable) and paving in brick paviors.
- 3.4 The applicant has removed a gate across the driveway from the proposals.

Supporting Documents

- 3.5 The application is accompanied by the following documents:
- Design and Access Statement

4.0 Consultation

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

Written Responses received from Local Residents and Organisations

- 4.3 The Brockley Society objected to the proposal, stating that it would seriously detract from the appearance of the property and would be detrimental to the appearance of the conservation area in a prominent position. They also queried the necessity of the proposal, stating there is currently ample on-street parking in the immediate vicinity. They disputed the relevance of the properties cited as having off road parking, stating some of these occurred before the conservation area was established. The Society also stated that off-road parking for the property would be better positioned adjacent to the garage next to 1 Drake Road.
- 4.4 Objections to the scheme were received from two residents. These are summarised below:
- The installation of railings would result in an imprisoned feeling for the neighbouring front garden.

- There is currently plenty of on-street parking on Tressillian Crescent.
- A dropped kerb would mean no residents, other than the applicant, would be able to park outside the property.
- The insertion of a structure greater than currently present would destroy the open sight lines from the frontage of No. 3 Tressillian Crescent.

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 2016)

- 5.6 On 14 March 2016 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4	Local character
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:

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

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:

- 5.9 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

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

6.0 Planning Considerations

- 6.1 The main planning considerations for the proposal are the on Design and Conservation impacts in relation to the Brockley Conservation Area, the street scene and the existing building, as well as the impact on Highways.

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 contributions to local character and distinctiveness.
- 6.3 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.
- 6.4 Local Plan DM Policy 31 states that ‘planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets’.
- 6.5 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. Therefore there would be no objection in principle to alterations to the front garden or boundary treatment, provided they preserve the character and quality of the Conservation Area.
- 6.6 The scheme has been amended since its initial submission, following feedback received from the Council’s Conservation Officer. This has resulted in the width of the driveway opening and associated hard standing being reduced from 3.05m to 2.65m, as it was felt this would provide adequate room for the ingress and egress of a modern car, in addition to lessening the impact of the hard standing.

- 6.7 The positioning of the proposed opening and hard standing was also altered, being relocated to a more central position within the southern front garden plot. This has allowed for soft landscaping on both sides of the hard standing, again lessening overall the impact of the hard standing on the application property and street scene. This supports the aims of DM Policy 31.
- 6.8 The proposed railing have been amended following concerns from both the conservation officer and local residents in regard to height, with the typical height of said railings now being confirmed at 1.5m by the applicant. In addition, a previously proposed gate for the driveway has been removed in order to break up the appearance of the principle elevation.
- 6.9 At present, the existing boundary wall and piers are in poor condition, with part of the wall having fallen away and the original railings having been lost. Following amendments made, the Conservation Officer noted that the proposal sympathetically rehabilitates the walls and piers and reinstates railings of a historically authentic form due to the railing being set into the existing wall and formed in black painted steel. As such the aesthetic quality of this part of the designated area is enhanced as a result and there is no objection in terms of Policy DM36.
- 6.10 Paragraph 134 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should weighed against the public benefits, including securing its optimum viable use. Therefore the harm of the proposed railings and works to the wall would be minor when taken together with the restoration and improvements to be made to the boundary wall as a whole.
- 6.11 Multiple other properties located within Tressillian Crescent have dropped kerbs, including No. 3 directly adjacent. Therefore in terms of a Design and Conservation perspective, the incorporation of a dropped kerb to the application property is acceptable.
- 6.12 DM Policy 31 seeks to protect residential amenity where alterations are proposed. The proposed development would result in no significant harm in respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss of privacy and general noise/disturbance for neighbouring properties.
- 6.13 It should also be noted that the application site already benefits from approval of permission for a similar scheme in relation to the formation of a vehicle crossover (DC/14/88405). This scheme was approved on 28/08/15. Although not assessed in the previous iteration, the proposed area of hard standing has been significantly reduced within the new proposal, with the total proposed coverage now being approximately 18m² where previously it was approximately 35m². The previous application received no objections from either the Brockley Society or any neighbouring properties, all of whom were notified. Therefore the principle of the dropped kerb has already been determined to be acceptable.

Highways and Traffic Issues

- 6.14 Core Strategy Policy 14 and Policy DM29 states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities.

- 6.15 The proposal includes the provision of one off-street parking space, which will compensate for the loss of an on-street space. It is noted that the objections raised by both the Brockley Society and neighbouring parties indicate there is a large amount of available on-street parking. Therefore impact of the loss of one space can be seen as minimal at best in relation to parking pressure for the street.
- 6.16 The proposed driveway/hard standing and related crossover would benefit from good visibility onto the nearby junctions onto Drake Road and Tressillian Road. The property is not located on a red route.
- 6.17 Highways officers have found that the principle of a vehicle crossover to be unobjectionable, subject to details of Sustainable Urban Drainage Systems (SUDs) in the front garden to ensure water doesn't run onto the Public Highway. The applicant has confirmed that the material of the new driveway/hard standing itself would be in permeable bonded gravel and in brick paviors. This is supported.
- 6.18 Multiple other properties within the street have dropped kerbs. It is therefore considered that the insertion of a dropped kerb is acceptable and would result in no highways or traffic safety issues.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 It is considered that the works to the boundary wall would preserve the character and appearance of the conservation area and are acceptable. Therefore, it is recommended that the planning permission be granted for the proposals as amended, subject to the conditions listed below.

RECOMMENDATION - GRANT PERMISSION subject to the following conditions:

1. Full Planning Permission Time Limit

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

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

2. Develop in Accordance with Approved Plan

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

14057 – PL – 01 rev I, 14057 – PL – 02 rev H

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. Materials/Design Quality

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

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

Informatives

The following informative(s) should be added to the decision notice:

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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