

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 1 DECEMBER 2016 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Joan Reid (Chair)  
Olurotimi Ogunbadewa (Vice-Chair)  
Mark Ingleby  
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: Tuesday, 22 November  
2016**

**For further information please contact:  
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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 01 DECEMBER 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 01 December 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 20 October 2016.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in COMMITTEE ROOMS 1&2, LEWISHAM TOWN HALL, CATFORD SE6 on 20<sup>th</sup> October 2016 at 7:30PM.

PRESENT: Councillors: Reid (Chair), Ogunbadewa (Vice-Chair), Mallory, Moore, Muldoon, Paschoud, Dacres, Best.

OFFICERS: Suzanne White - Planning Service, Kevin Chadd - Legal Services, Andrew Harris - Committee Co-ordinator.

1. DECLARATION OF INTERESTS

Councillors Muldoon and Mallory declared personal non-prejudicial interests, Councillor Muldoon as a member of the Co-Operative Group (item 2 on the agenda), and Councillor Mallory as living near Lampmead Road (item 5 on the agenda).

2. MINUTES

The Minutes of the meeting of Planning Committee (B) held on 8<sup>th</sup> September 2016 were agreed by Members to be a true and accurate record.

3. 197 NEW CROSS ROAD, LONDON, SE14 5DQ

The Planning Officer Suzanne White outlined the details of the case and informed Members that a further petition had been received, further to the one outlined in the Officer's Report.

The committee then received verbal representation from Ms Altine Elias (Agent), who presented the scheme and responded to Members questions. Ms Elias reiterated to Members that the scheme would result in the relocation of an existing betting shop rather than provide a new unit. She also stated that the scheme complied with both national and local policies, and would not result in any harm to local amenities.

Councillor Reid (Chair) queried whether there were any assurances that would ensure the old premises would close if permission was granted. Ms Elias confirmed that this was a condition of the licence.

The committee then received verbal representation from an objector, Ms Shereener Brown. Ms Brown outlined concerns regarding the prominent position of the building, the high concentration of betting shops in the area, the negative impacts on local vulnerable populations and the resulting anti-social impacts. She also argued that there had been strong local opposition to the scheme, with one of the two submitted petitions receiving over 700 signatures.

Ms Brown also objected that insufficient site notices were displayed on site. Councillor Mallory requested for comments about this, to which Councillor Reid (Chair) stated that there was evidence that all the consultation had been sufficiently in line with Council policies.

The committee then heard from Councillor Dacres, who was speaking against the proposal under standing orders. She also stated that she was also representing Councillors from Telegraph Hill and New Cross.

Councillor Dacres went on to highlight concerns regarding the social implications of the scheme such as increases in antisocial behaviour and crime. She also highlighted that there was already a high density of such shops within the area and that there was strong local community opposition to the scheme, which had been seen in the submitted petitions. Councillor Dacres then stated that scheme would cause harm to historic and iconic building, which was highly prominent when entering the borough from Southwark.

Councillor Mallory stated that although there had been some consultation with police, this had been insufficient and that he had concern for the proliferation of such shops. He then requested that the applicant should seek a report from the Metropolitan Police on the scheme. Councillor Muldoon also agreed that there should be further consultation with the police. Kevin Chadd (Legal Services) advised that while it was possible to request this from the police, they would not be obligated to respond. He also outlined that the planning application was a separate process to the licencing process, which the police would be consulted on.

Councillor Ogunbadewa (Vice-Chair) agreed with Councillors Mallory and Muldoon, and suggested that the decision be deferred to a future committee until the police had been consulted. Councillor Reid (Chair) agreed and Councillor Mallory moved a motion to defer the application. It was seconded by Councillor Muldoon.

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Muldoon, Mallory.

That in respect of the planning application No. DC/16/096758, the decision be deferred to allow time for the Metropolitan Police to be consulted.

#### 4. ST CYPRIANS HALL, BROCKLEY ROAD, LONDON, SE4 2RA

The Planning Officer Suzanne White outlined the details of the case.

Councillor Reid (Chair) noted that the Highways Officer had requested several conditions should the application be granted, and questioned whether the scheme was acceptable because of this.

The Planning Officer Suzanne White stated that the site had a public transport access level 4, was within walking distance from two stations and had parking on the opposite side of the road. She outlined that the site was on a residential street, but that there could be conditions which would control noise generated from operations such as deliveries.

Councillor Muldoon enquired about the nature of deliveries and what would happen if two deliveries arrived at once. The Planning Officer Suzanne White stated that the applicant could clarify this, but that there could be conditions which would restrict and reduce the amount of deliveries which would take place.

The committee then received verbal representation from Mr Henry Courtier (Agent). Mr Courtier outlined to Members the benefits of the scheme to the local community, such as the creation of 20-25 new jobs. He also stated that the scheme would also provide services and products which were not currently readily available in the area such as free cash withdrawals and a source of fresh fruit and vegetables. Mr Courtier went on to state that the scheme was in line with Council policies and received positive feedback from local residents. He added that the applicant was also happy for conditions to be attached which would safeguard residential amenities.

Councillor Reid (Chair) asked Mr Courtier to address concerns about the potential impact on parking. Mr Courtier stated that the shop would be designed for 'top-up' shopping, rather than as a place to do weekly shopping. He also stated that most business would be from people on foot, rather than by car. Mr Courtier went on to state that there would be between 4-6 deliveries per day, but that the company's delivery vans had been shown not to impact on local road congestion.

Councillor Moore stated that she had concerns regarding multiple deliveries and questioned how this would impact local amenities. Councillor Ogunbadewa (Vice-Chair) also asked what the times the deliveries would be. Mr Courtier responded stating that the deliveries would be between 7am to 7pm and that a delivery service plan would be used to manage the impact of the deliveries.

No Members of the public opposing the scheme were present at the meeting.

Councillor Reid (Chair) asked the committee if they felt the scheme had been sufficiently justified. Members agreed that it had and Councillor Moore moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Muldoon.

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Muldoon, Mallory.

RESOLVED: That planning permission be granted in respect of application No. DC/16/096995 subject to the conditions outlined in the report.

5. 10 LAWRIE PARK AVENUE, LONDON, SE26 6HJ

The Planning Officer Suzanne White outlined the details of the case.

No representatives from either the applicant or any objectors were present at the meeting.

Councillor Moore asked whether the development incorporated built in storage. The Planning Officer Suzanne White stated that the scheme complied with all required housing standards.

Following deliberation by Members, Councillor Moore moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Muldoon, Mallory.

RESOLVED: That planning permission be granted in respect of application No. DC/16/097415 subject to the conditions outlined in the report.

6. 278-280 KIRKDALE, LONDON, SE26 4RS

The Planning Officer Suzanne White outlined the details of the case.

The Committee then received verbal representation from Mr Joe Alderman (Agent) acting on behalf of the applicant, who further detailed the application and stated that the site had been advertised for its existing use, but there had been no interest in it as A1/A3 use. He also stated that the current application would bring use to a vacant property.

Councillor Paschoud arrived at the meeting at 20:35.

Councillor Reid (Chair) then asked what assurances there were that the other unit would close. She also enquired as to the level of advertising which had taken place on for the unit under the current use. Mr Alderman responded that the existing unit would be closed as it was not viable to run two offices within Sydenham. He also informed Members that the unit had been marketed since the first application in 2010/11, but there had been little interest in the unit for A1 use.

Councillor Reid (Chair) asked the Planning Officer Suzanne White if advertising had taken place. The Planning Officer Suzanne White responded stating that, as the site is in a secondary retail area, there were no policies which required further evidence to be submitted, though the applicant had submitted some evidence.

No Members of the public opposing the scheme were present at the meeting.

The committee then received verbal representation from Councillor Best, who was speaking against the proposal under standing orders. Councillor Best informed Members that she was speaking on behalf of the Sydenham Society.

Councillor Best went on to highlight concerns regarding the density of such uses within the area and that there was local opposition to the proposed change of use. She stated that there had been interest in the use of the premises as an A1 use, but that there had been concerns over the advertised price. However she argues that the current use was viable due to the high footfall from the Overground line and newly renovated Greyhound Pub. Councillor Best followed this by outlining her concern that the previous unit would be left as an A2 use.

The Planning Officer Suzanne White stated that the applicant's planning statement stated that the site had been advertised since 2014 and had had 7 viewings, with no parties showing further interest. Councillor Reid (Chair) asked if more information had been

requested, to which the Planning Officer Suzanne White replied that there were no policies which required this.

Further questions from Members regarding the advertisement of the unit followed. The applicant responded stating that evidence had been supplied and that the physical restrictions of the unit was also responsible for the lack of interest.

Following further deliberation by Members, Councillor Reid (Chair) moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Mallory

ABSTAINED: Muldoon

RESOLVED: That planning permission be granted in respect of application No. DC/16/097653 subject to the conditions outlined in the report.

#### 7. 30 LAMPMEAD ROAD, LONDON, SE12 8QL

The Planning Officer Suzanne White outlined the details of the case.

Councillor Reid (Chair) stated that the materials were of a good quality, but that she had concerns regard the size of the dormer. The Planning Officer Suzanne White confirmed that the dormer complied with Council specifications.

Councillor Paschoud also raised concerns that the development could be seen as out of character with the area. The Planning Officer Suzanne White responded that it was on the edge of the Lee Manor Conservation Area and that some innovation was acceptable. She added that other properties within the terrace also had large dormers.

Councillor Mallory followed by outlining concerns regarding the quality of work which had resulted in the initial collapse of the building, the fact that other more modest applications in the area had previously been refused and that the examples in the Officer's report referenced structures which had been built prior to the expansion of the Conservation Area. Councillor Muldoon asked if conditions could be added which would ensure the quality of the work, to which Councillor Reid (Chair) indicated would be a matter for Building Control. Kevin Chadd (Legal Services) reiterated this to Members.

The Committee then received verbal representation from Mr Robert Williams (Applicant) and Mr Peter Lancaric (Agent). Mr Williams (Applicant) outlined to Members that the intention of the proposal was to complement the main house, while making it compatible with the requirements of modern living. They went on to highlight that pre-application advice and consultation with neighbours had been undertaken, and that other similar development in the area had been approved.

Councillor Reid (Chair) followed by asking Mr Lancaric (Agent) to respond to the concerns regarding the size of the dormer, to which Mr Lancaric replied that the dormer looked much larger on the digital drawings and would look significantly smaller and less dominant in real life.

Councillor Muldoon then enquired about how the initial collapse had occurred. Mr Williams (Applicant) responded stating that it had been the result of an error, coupled with pre-existing damage from wood rot which had caused the collapse. He then advised Members that new structural engineers had been appointed and that there had been two visits from Building Control, who had approved the subsequent works.

Following further deliberation by Members, Councillor Ogunbadewa (Vice-Chair) moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Mallory.

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Mallory

ABSTAINED: Muldoon

RESOLVED: That planning permission be granted in respect of application No. DC/16/097144 subject to the conditions outlined in the report.

Committee	PLANNING COMMITTEE A	
Report Title	18 GLENTON ROAD, LONDON, SE13 5RS	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	1 <sup>st</sup> December 2016

Reg. Nos. DC/16/098361

Application dated 09.10.2016

Applicant Mr A & Mrs M Shannon

Proposal The construction of a single storey extension with a balcony to the rear of 18 Glenton Road, SE13, together with alterations to the side elevation in connection with the re-conversion of the property into a single family dwellinghouse.

Applicant's Plan Nos. 1610.01; 1610.02; 1610.03; 1610.04; 1610.05; 1610.82; Site Location Plan; Heritage, Design & Access Statement Received 10th October 2016

1610.111; 1610.113; 1610.114; 1610.115; 1610.116 Received 9th November 2016

Background Papers

- (1) Case File LE/742/18/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Blackheath Conservation Area

Screening N/A

**1.0 Property/Site Description**

1.1 The application site is on the south side of Glenton Road, which is a curved street linking Brandram Road to the east with Lee High Road (A2142) to the south. It also shares junctions with Callaghan Close to the south west of the application site and Celestial Gardens to the west, which is a gated community.

1.2 The property itself is a three storey plus lower ground floor semi-detached property split into two flats, of which the applicants currently live in the upper. It features a front lightwell, a low, multi-pitched slate roof, a slightly recessed front door with fanlight surrounded by decorative stucco and heavily stuccoed upper ground floor windows, which are timber sashes like on the rest of the front elevation. It was built in yellow London stock brick with three stone steps up to the front door, a hard paved driveway with space for one vehicle and timber boundary fences. The property also benefits from a dropped curb and a large rear sloping garden, currently split into two, accessed via the side gate.

- 1.3 Most of the upper ground floor to the rear of the property is visible from the east side of Brandram Road near the post box. The rear elevation features a non-original railings and a shallow balcony with french doors leading out onto it.
- 1.4 The site is within Blackheath Conservation Area, not subject to an Article 4 direction, nor is it a listed building. The Grade II listed Merchant Taylor' Almshouses are in the vicinity of the site. The site has a PTAL rating of 3.

## **2.0 Relevant Planning History**

- 2.1 DC/16/097368: The construction of a single storey extension with a balcony to the rear of 18 Glenton Road, SE13 in connection with the re-conversion of the property into a single family dwellinghouse. **Withdrawn on the advice of Officers.**

## **3.0 Current Planning Application**

- 3.1 Planning permission is sought for the construction of a single storey extension to the rear (south) of the site as well as the installation of a new window and the partial infilling of a door opening to form a window, both at upper ground floor level to the side elevation. These changes would help facilitate the conversion of the two flats into a single family dwellinghouse.
- 3.2 The proposed extension would form the boundary with no. 16, but would be 2.25m from the boundary with no. 20. It is to measure 6.3m wide by 3m deep by 2.8m high with a flat roof. The railings above would remain as existing.
- 3.3 The extension would feature two rear doors with high level windows above, which would lead onto a raised area finished in paving or decking, and there would be a full height glazed panel to the side (east) elevation in addition to walk-on glass to replace the concrete balcony.
- 3.4 The materials proposed are yellow London stock brick to match for the external walls and timber frames for the windows and slim line conservation type doors.
- 3.5 The application also proposes a raised area finished in paving or decking, but this is not more than 300m and therefore does not require planning permission.

## **4.0 Consultation**

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site and public notices were displayed and letters were sent to seven adjoining residents, Blackheath Ward Councillors, the Blackheath Society and the Council's Conservation Officer.

### Written Responses received from Local Residents and Organisations



- 4.4 Three objections were received raising the following concerns:
- The use of large aluminium windows, which are not in keeping with the rear elevations of the rest of Glenton Road, the use of glass balustrade given all the other houses have cast / wrought iron railings and the size of the extension.
  - Modernising the balcony would ruin the cohesive rear elevations of these historic 'Pagoda Villas' houses and the proposed development is out of scale and out of keeping with the other houses in this Conservation Area.
  - The proposed extension is functionally unnecessary.
  - A structural survey has not been carried out despite an acknowledged history of subsidence at nos. 16 and 18. This should be done and the risks assessed before designing the extension and applying for planning permission.
  - The risk of burglary and trespass at nos. 16 and 18 is increased by the flat roof to the extension, which would provide access to the upper ground and first floors.
  - The 3m deep by 2.8m high extension would overshadow the lower ground floor and patio of no. 16 for most of the mornings for half of the year.
  - There is no provision for extraction from the proposed kitchen area, and if this were sited on the boundary, then it would inflict noise and nuisance.
  - The proposed design of the extension roof allows for its potential use as a roof terrace, especially given the easy egress via the existing french doors.
  - If permitted, this extension could set a precedent for similar development, which could destroy rear views of Pagoda Villas and exacerbate social tensions through noise, disruption and overlooking.

The Blackheath Society also objected, raising the additional comments below:

- The design of the proposed extension seems to be quite out of keeping with the existing property given the excessive glazing and flat roof. There is also a lack of detail about the brickwork on the side elevations.
- It appears that the balcony would be at a different height to those on adjoining properties, which would considerably damage the integrity of this pair of buildings together with the above.
- Not being visible from the street is not justification for granting permission for an unsuitable structure.

Copies of letters are available for Members to view.

## **5.0 Policy Context**

### Introduction

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

A local finance consideration means:

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

- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

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

#### Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan (March 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 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant 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 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Plan

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

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

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

- 5.9 Paragraph 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;
  - The effect on the character of the area - the street scene and the wider area;
  - The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
  - A suitably sized garden should be maintained.
- 5.10 Paragraph 6.4 (bulk and size) advises that extensions should be smaller and less bulky than the original building and reflect its form and shape. Traditionally, extensions to buildings are subsidiary to the main structure. Over-dominant extensions may destroy the architectural integrity of existing buildings and may be out of character with adjacent buildings.

#### Blackheath Conservation Area Character Appraisal and SPD (March 2007)

- 5.11 The Blackheath Conservation Area is one of the most important in the borough and is also part of the Buffer Zone for the UNESCO World Heritage Site of Maritime Greenwich. The settlement dates from at least the 12th century, many of the standing buildings date from the 1790s onwards. The significance of the area lies in the critical mass of well preserved historic housing and the intimate relationship with the famous open space.
- 5.12 The application site is located in Character Area 13: Quentin Road, Belmont Park, Dacre Park, Eton Grove, Kingswood Place, St Margaret's Passage, Brandram Road and Glenton Road. It states that the building makes a positive contribution.

### **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are principle of development, the impact of the proposal on the character and appearance of the existing building, on the Blackheath Conservation Area and on the amenities of neighbouring occupiers.

### *Principle of development*

- 6.2 Housing is a priority use for all London boroughs with the need for family-sized dwellings being particularly acute in Lewisham.
- 6.3 As such, the re-conversion of this property back into a single family dwellinghouse is supported by Officers and outweighs the loss of a two bed, four person unit. However, this is subject to design, impact on the Conservation Area and neighbouring amenity issues, which will all be assessed later in the report.

### *Design and conservation*

- 6.4 NPPF Section 7 Requiring good design states that the Government attaches great importance to the design of the built environment.
- 6.5 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.
- 6.6 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.
- 6.7 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.8 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.9 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council will not grant planning permission where:

- a. alterations to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; or
  - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the Conservation Area.
- 6.10 Officers had informal discussions with the agent and applicant leading to the withdrawal of the previous application. Since then, and also within this application, the following changes have been made: the depth of the extension has been reduced by 50cm, the railings to the balcony have been retained, the balcony would not increase in depth, the glazing pattern of the fenestration has been changed and the amount of glazing has been reduced, thereby improving the solid-to-void ratio.
- 6.11 In terms of the extension itself, its dimensions are considered to be relatively modest, and within the limits for permitted development were the property able to benefit from those rights. As such, and given the property is four storeys at the rear, the extension is considered to be subordinate to it.
- 6.12 The options for the roof form of the rear extension are somewhat limited by the height of the existing balcony and railings, the latter of which would remain as existing, 2.7m off ground floor level. As such, it is considered that the flat roof is the most appropriate option and a multi-pitched roof in an attempt to mimic that of the host property would not be appropriate and result in a bulkier appearance.
- 6.13 It is recognised that the design of the rear extension is contemporary, which is supported by Council policies. A 'pastiche' approach would not be encouraged; rather an extension that draws certain elements from the main building and re-interprets them in a modern style would be acceptable in principle.
- 6.14 The use of yellow London brick would closely match the host building and the design of the rear doors relates well to the critical style horizontal and vertical glazing bars of the upper floor windows with fanlights to match. They are wider than the french doors above, but would allow for natural light into the new space without the need for rooflights, although there is walk-on glass in the roof of the extension closest to the rear elevation of the main property. Its design is therefore considered to complement the form of the host building and would have an acceptable relationship with it.
- 6.15 The new windows to the flank elevation are to be timber framed, which is a traditional material widely seen in Conservation Areas and therefore appropriate in this sensitive context. A material has not been specified for the roof, but the agent has agreed for this to be finished in lead and it shall be secured by condition. As such, it is considered that the materials proposed respect and compliment the form, period, architectural characteristics and detailing of the original building. Following the revisions to the application, the Council's Conservation Officer does not now raise an objection to the proposals.
- 6.16 The proposal would result in the rear garden being made smaller, although it would still leave a reasonably sized garden of at least 15m deep in line with paragraph 3.10 of the Residential Standards SPD that states that residential gardens should be 9m deep.

- 6.17 The installation of a new window and reduction of an existing door opening to facilitate the installation of another is considered acceptable as long as they are both timber framed sashes. This shall be secured by an appropriate condition.
- 6.18 The proposed scale, form, design and materials proposed for the rear extension are considered by Officers to be of a high quality and appropriate for the building and the Blackheath Conservation Area. As such, the proposal complies with Core Strategy Policies 15 and 16, DM Policies 30, 31 and 36, paragraphs 6.2 and 6.4 of the Residential Standards SPD and the Blackheath Conservation Area Character Appraisal and SPD.

*Impact on the amenity of neighbouring occupiers*

- 6.19 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed.
- 6.20 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.21 The extension is not considered to have any significant impact on the amenities of the property to the east, no. 20, given that the rear extension would be 2.8m high at 2.25m off the boundary. The proposed strip of 2.35m high vertical glazing would be fixed and whilst the upper 80cm of it would be visible over the boundary fence, it is not considered to be significantly worse given the existing situation.
- 6.22 With regard to the impact upon No. 16, the proposals would not have any significant impact on noise, or privacy as the flank elevation does not comprise any openings, but the proposals but be assessed in terms of the impact on daylight, overshadowing and outlook.
- 6.23 It is recognised that the extension would be visible looking eastwards from the lower ground floor of no. 16, but given that these properties benefit from large, wide and deep gardens and that outlook would not be affected from the upper three storeys, it is not considered that this effect would be significant enough to warrant refusal of this application.
- 6.24 The extension would be located on the boundary with no. 16 at a height of 2.8m, although given the modest depth of 3m, the impacts upon daylighting are not considered to be adverse as to warrant the refusal of planning permission especially as these gardens face south.
- 6.25 The provision of two new windows in the side (east) elevation of the extension would not add to overlooking given the existing situation of overlooking from the existing windows (two at lower ground, one at first and three at second floor level), which are 4m away from the flank elevation of no. 20.
- 6.26 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

### *Issues resulting from consultation*

- 6.27 Issues regarding structural integrity and subsidence are not relevant planning considerations, but that the applicant would need to enter into a Party Wall Agreement with neighbouring properties. Extraction from a domestic kitchen is also not a planning issue.
- 6.28 Designing out crime is a consideration for planning, but Officers are of the opinion that the provision of a flat roof to the proposed extension would not necessarily lead to an increased level or risk of crime.

### **Equalities Considerations**

- 6.29 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.30 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.31 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.32 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.33 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty

- 6.34 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.35 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

### **Conclusion**

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 8.0 It is considered that the proposal is appropriate in terms of its scale, form, design and materials and therefore would not result in harm to the appearance or character of the dwellinghouse, the Conservation Area or the amenities of neighbouring occupiers.
- 9.0 **RECOMMENDATION: GRANT PLANNING 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:

1610.01; 1610.02; 1610.03; 1610.04; 1610.05; 1610.82; Site Location Plan  
Received 10th October 2016

1610.111; 1610.113; 1610.114; 1610.115; 1610.116 Received 9th November  
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) The flat roof of the proposed single storey extension shall be constructed in lead.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic



environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 4) The proposed new upper ground floor windows in the side elevation shall be timber double-hung sash windows with 90mm deep external reveals.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 5) 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, other than the balcony as shown on plan no. 1610.111 shall be as set out in the application and the roof area shall not be used as a balcony, roof garden or similar amenity area.

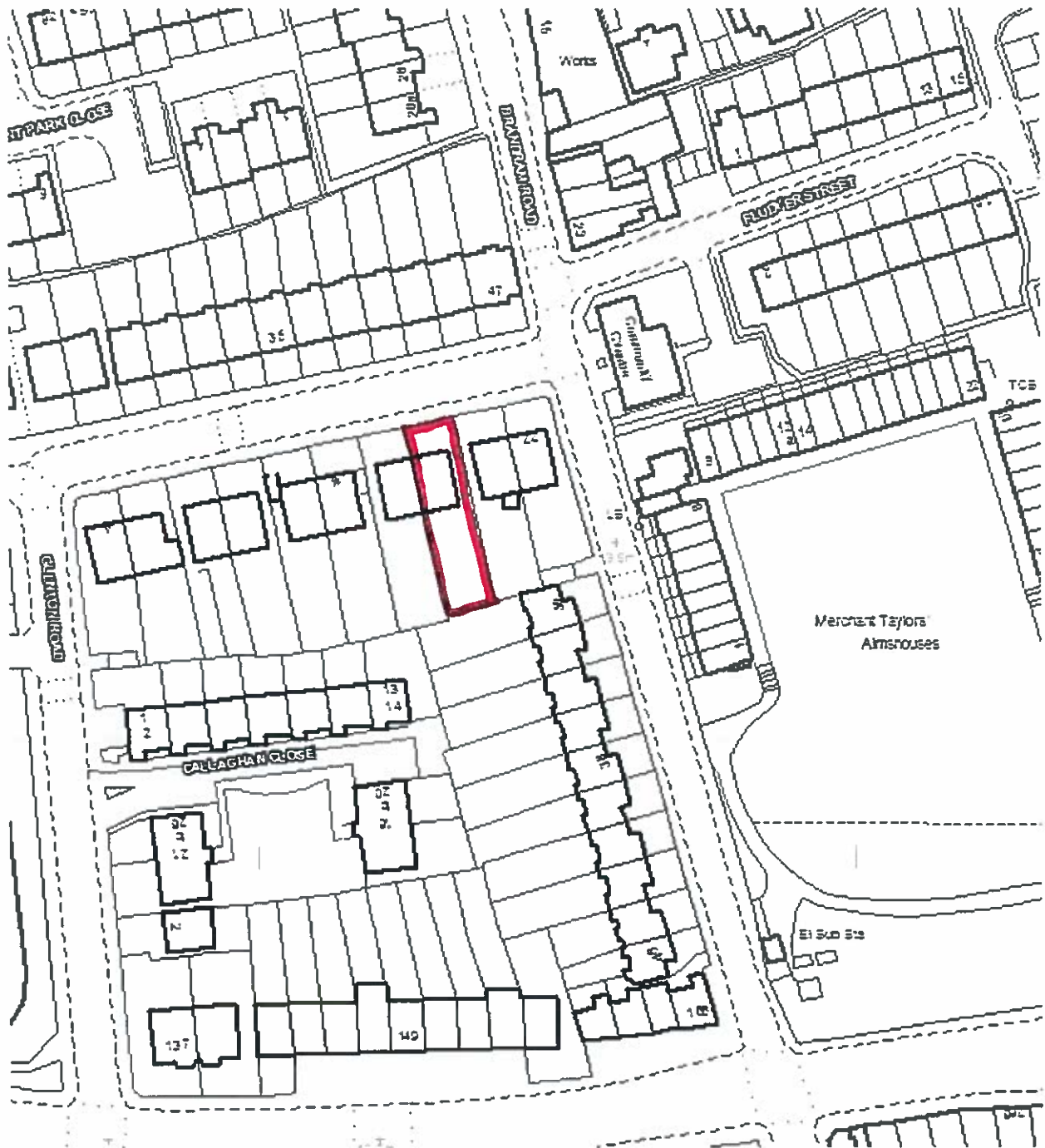
Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

## **INFORMATIVES**

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

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18 Glenton Road



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Committee	PLANNING COMMITTEE A	
Report Title	134 PEPYS ROAD, LONDON, SE14 5SG	
Ward	TELEGRAPH HILL	
Contributors	Russell Brown	
Class	PART 1	1 <sup>st</sup> December 2016

<u>Reg. Nos.</u>	DC/16/098361
<u>Application dated</u>	19.09.2016
<u>Applicant</u>	Mr T Hennessey
<u>Proposal</u>	The construction of a single storey wrap-around extension to the rear of 134 Pepys Road, SE14.
<u>Applicant's Plan Nos.</u>	Design & Access Statement; Heritage Statement; G176-101; G176-121 Rev A; G176-122 Rev A; G176-123 Rev A; G176-130 Rev A; G176-131 Rev A; G176-140 Rev A  G176-100 Rev A Received 3rd October 2016  G176-300 Rev A; G176-401 Rev A Received 24th October 2016  G176_200 Rev A Received 9th November 2016  G176_301 Rev B; G176_302 Rev B; G176_400 Rev B Received 10th November 2016  G176-950 Rev A; G176-951 Rev A; G176-952 Rev A; G176-953 Rev A; G176-954 Rev A Received 16th November 2016
<u>Background Papers</u>	(1) Case File DE/48/134/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Telegraph Hill Conservation Area
<u>Screening</u>	N/A

**1.0 Property/Site Description**

- 1.1 The application site is on the west side of Pepys Road, to the north of the junction with Drakefell Road (A2142) where there is a mini roundabout with an exit to Avignon Road too.
- 1.2 The property itself is a two storey plus lower ground floor semi-detached single family dwellinghouse with a canted bay topped by a turret to the right of the front

door. It is built from yellow London stock brick with a multi-pitched artificial slate roof, recessed porch and stucco surrounds framing the aluminium casement windows. The property also benefits from a dropped curb, crossover and front driveway with space for one vehicle bounded by black metal gates and railings.

- 1.3 Parts of the rear of the property and garden are visible from the south side of Drakefell Road. This elevation features a bay window to the side of the original three storey addition, double doors to the rear elevation of the main house and a small lean-to to the rear of the original addition.
- 1.4 The site is within Telegraph Conservation Area, subject to an Article 4 direction, but is not a listed building nor in the vicinity of one. It has a PTAL rating of 3/4.

## **2.0 Relevant Planning History**

- 2.1 DC/16/096927: The replacement of aluminium casement windows with double glazed timber sash windows at 134 Pepys Road, SE14. **Granted.**

## **3.0 Current Planning Application**

- 3.1 Planning permission is sought for the construction of a single storey extension to the rear (west) of the site. It would wrap around the three storey addition and would form the boundary with no. 132, but would not project beyond the existing side (south) elevation building line, being 1.4m from the boundary with no. 136.
- 3.2 The proposed extension is proposed to measure 5.665m wide, 2.022m of which would infill the side return, which would involve the removal of the bay window. It would be 8.9m deep, 2.1m of which would extend past the original addition facilitated by the demolition of the existing lean-to. It would be 4.4m high where it would meet the rear wall of the main house and 3.4m high where it would meet the rear and side walls of the original addition with an eaves height of 2.5m.
- 3.3 It would feature two rear doors leading onto a patio, three windows and three rooflights, all for the kitchen / dining area, in the multipitched roof.
- 3.4 The materials proposed are dark stained timber cladding over matching brick for the external walls, natural slate tiles for the roof and powder coated aluminium for the windows and doors.

## **4.0 Consultation**

- 4.1 Pre-application advice was twice sought where Officers on both times advised that the principle of the proposal was acceptable and it should be of a high quality, modern design. It should also be subordinate to the main dwellinghouse and have an acceptable impact in terms of neighbouring amenity. Advice was also given on roof design, eaves height and the visibility of the rear of the site.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site and public notices were displayed and letters were sent to six adjoining residents, Telegraph Hill Ward Councillors, the Telegraph Hill Society and the Council's Conservation Officer.

## Written Responses received from Local Residents and Organisations

- 4.4 Two objections were received from the same property raising the following concerns:
- The size and proximity of the proposed extension to the boundary of no. 136 would reduce the sense of space and overall light, compounded by the fact that the application property is higher than no. 136 by virtue of being on a hill.
  - The removal of many of the original Victorian features, like the original French doors and bay window, is concerning and compromises the integrity of the building given that it will never be replaced.
  - The style of and materials for the extension are different to the original house and the horizontal wooden cladding is out of keeping with other buildings in the area that are constructed of brick laid vertically.
  - The proposed extension would be visible from Drakefell Road, thereby altering the appearance of the Conservation Area, and the alteration of the original building would result in the loss to Lewisham's historical environment.
  - Views of Telegraph Hill Park would be obscured by the extension.
  - The rooflights would cause light to shine into bedroom windows at night.

The Telegraph Hill Society also objected, raising the additional comments below:

- The size and design of the proposed extension would cause substantial harm both to the building and, in terms of a cumulative contribution, to the character of the Conservation Area.
- There are precedents for refusals at planning committees for rear extensions where the side bay window was removed, and the precedents provided by the applicant's agent do not involve the removal of this feature.
- The light spillage from the rooflights would be visible from Drakefell Road.
- The kitchen is currently well lit by the side bay window, negating the need for rooflights if the extension was re- designed.
- The design features "square blocky plate glass windows", offset roofline, little ornamentation and oddly shaped windows to the side. None of the materials proposed respect nor compliment the form, period, architectural characteristics and detailing of the original building. No justification has been provided for these.
- Wrap-around extensions destroy the relationship of the original rear extension with the building as a whole.
- The proposal would be contrary to DM Policies 30 parts 1, 2 and 5, 31 part 1 and 36 part 4 and should be refused.

They later added that the location of the proposed extension at a higher floor level than no. 136 would result in overshadowing, loss of light and a wind-tunnel effect.

Copies of letters are available to Members.

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

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

### Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

### London Plan (March 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 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology



## Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant 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 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

## Development Management Plan

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

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

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

- 5.9 Paragraph 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;
  - The effect on the character of the area - the street scene and the wider area;
  - The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
  - A suitably sized garden should be maintained.
- 5.10 Paragraph 6.4 (bulk and size) advises that extensions should be smaller and less bulky than the original building and reflect its form and shape. Traditionally, extensions to buildings are subsidiary to the main structure. Over-dominant extensions may destroy the architectural integrity of existing buildings and may be out of character with adjacent buildings.

## Telegraph Hill Conservation Area Character Appraisal (March 2008)

- 5.11 The Telegraph Hill Conservation Area is a well-preserved planned development of late 19th century terraces and pairs of houses built under the control of the Worshipful Company of Haberdashers. The buildings are good examples of late 19th century middle class houses and villas with many surviving design features. There is a strong sense of group identity to the houses in the Conservation Area due to a limited palette of materials and common design elements.

- 5.12 The application site is located in Character Area 1(a) and is marked up as a building making a positive contribution to the area.

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are the impact of the proposal on the character and appearance of the existing building, on the Telegraph Hill Conservation Area and on the amenities of neighbouring occupiers.

### *Design*

- 6.2 NPPF Section 7 Requiring good design states that the Government attaches great importance to the design of the built environment.
- 6.3 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.
- 6.4 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.
- 6.5 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.6 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. DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.7 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council will not grant planning permission where:

- a. alterations to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; or
- b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the Conservation Area.

- 6.8 The Telegraph Hill Conservation Area Character Appraisal identifies 134 Pepys Road as a building that makes a positive contribution to the Conservation Area. The Appraisal states that “being in good condition and relatively unaltered externally, all of the 19th century buildings make a positive contribution to the special character and appearance of the conservation area”. This is despite the fact that several of these properties on Pepys Road include single storey rear extensions. This would imply that despite having rear extensions, these buildings continue to make a positive contribution to the special character of the conservation area.
- 6.9 The Character Appraisal goes on to discuss the condition of the conservation area (which is described as good) and list the type of small changes to the external appearance of individual houses that are beginning to erode the special interest of the area. This is within Section 5 (Condition of the Conservation Area), which does not include additions to the rear of the property.
- 6.10 The Telegraph Hill Society have objected to the loss of the existing bay window on the side elevation of the original rear addition and state that this would be detrimental to the integrity of the building and, when considered cumulatively with changes to the rear of buildings in the conservation area, would result in harm to the character and appearance of the Conservation Area.
- 6.11 The Society state that the Conservation Area Appraisal makes reference to the rear of properties being as uniform as the front. However, on further examination, the Appraisal states that “there are good views of the backs of houses, as uniform in design as the fronts”. The appraisal refers to the original design of the buildings and remains silent on whether the properties are generally unaltered to the rear. An aerial view of Pepys Road reveals that several of the properties feature rear extensions and conservatories. The Society’s objection states that inappropriate development has eroded this feature.
- 6.12 This objection to the application is therefore recommending changes to the way that the Council makes decisions on rear extensions based on the Society’s opinion that rear extensions are “eroding the character of the area”. Any changes to the SPD to include rear extensions in the list in Section 5 would need to be supported by appropriate evidence being gathered and public consultation being undertaken. This process has not occurred and it would not be appropriate for the Council to start making decisions on this basis.
- 6.13 It is important to note that both the precedents that the Telegraph Hill Society cite (DC/14/87791 at 41 Gellatly Road and DC/14/89277 at 65 Erlanger Road) were recommended for approval by officers, but were overtuned by members at Planning Committee meetings. The reason for refusal for the former, in brief, were the extension being overbearing, visually intrusive and bulky by reason of its height, depth and location, resulting in an increased sense of enclosure, poor outlook and level of light for neighbouring occupiers, who would also have

suffered from light overspill from the proposed rooflights. The latter, although the refusal reason made mention of the loss of the side bay window, was refused on the grounds of its design and visibility from the public realm, therefore being unsympathetic to the architectural integrity of the building and failing to preserve or enhance the special character and appearance of the Conservation Area.

- 6.14 Conversely, applications at the Ground Floor Flat, 104 Pepys Road (DC/15/90028), 82 Drakefell Road (DC/13/84319) and 88 Drakefell Road (DC/14/90279) have been approved despite the loss of the side bay window. Therefore, it would not be unreasonable to refuse planning permission on the basis of the loss of this feature given the aforementioned consented schemes. Officers note that the removal of the bay window does not constitute development and therefore does not require permission in its own right.
- 6.15 The guidance contained in the NPPF states that the more important the asset, the greater the weight should be given to the asset's conservation. If the Council were to require the retention of the bay, it would unjustifiably preclude any form of development to the side return of the property. It is considered that preventing the removal of the bay would be seeking to afford the building with a level of protection that is inappropriate to its status and has no policy justification.
- 6.16 In terms of the extension itself, whilst the maximum depth of its projection is large at 8.9m, its scale is considered to be subordinate to the main building, given the bulk of the original three storey rear addition.
- 6.17 Whilst the roof form of the side extension is contemporary, its design pays homage to the traditional multi-pitched roof form and cleverly seeks to reduce its impact on the host property in terms of its bulk. Its design is therefore considered to complement the form of the host property and would have an acceptable relationship with it.
- 6.18 The extension is proposed in London stock brick behind dark stained timber cladding and powder coated aluminium for the windows and doors, the latter two of which are contemporary materials not seen on the rear elevation of the property. However, there is no policy requirement that prevents the introduction of contemporary elements provided that they complement the host building, which they are considered to do. A condition shall be added requiring details of the timber cladding, the proposed stain and for its maintenance. This is considered to address the Telegraph Hill Society's concerns that the materials do not "respect nor compliment the form, period, architectural characteristics and detailing of the original building. Additionally, it is noted that the Council's Conservation Officer has not objected to the proposals.
- 6.19 The use of slate for the roof is a traditional material in Conservation Areas and is a welcome improvement on the artificial slate originally proposed, which Officers sought to change given the part of the extension most visible from Drakefell Road would be the roof.
- 6.20 DM Policy 31 requires residential extensions to retain an accessible and usable private garden that is appropriate in size in relation to the size of the property and to retain 50% of the garden area. According to the plans, the existing garden is approximately 111m<sup>2</sup>. The proposal would result in a garden of about 83.7m<sup>2</sup>,

which is 75.4% of the existing area. Therefore, sufficient garden space would be left by the proposal.

- 6.21 The two rear doors in addition to the four rooflights would help to bring light into the new space that comprises a dining and kitchen area.
- 6.22 The three rooflights in the pitched roof of the side return part of the proposed extension have been rationalised so that they are in line and would not be visible from the public realm. Therefore, no objection is raised to their insertion.
- 6.23 The proposed scale, form, design and materials proposed for the rear extension are considered by Officers to be of a high quality and appropriate for the building and the Telegraph Hill Conservation Area. As such, the proposal complies with Core Strategy Policies 15 and 16, DM Policies 30, 31 and 36 and paragraphs 6.2 and 6.4 of the Residential Standards SPD.

*Impact on the amenity of neighbouring occupiers*

- 6.24 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.25 The proposal is not considered to have any significant impact on the amenities of the property to the north, no. 132, given that the part of the extension to the rear of the original three storey addition would be a modest 85cm deeper and 90cm taller than the existing lean-to.
- 6.26 However, there is the potential for the extension to impact upon no. 136. Whilst it would not have any significant impact on noise or levels of daylight, sunlight or associated overshadowing given the proposed domestic use of the extension, the orientation of the site and the sloping roof with an eaves height of 2.5m at 1.4m off the boundary, there is the potential for reduced outlook and loss of privacy.
- 6.27 Officers acknowledge that the extension would be 2m closer to the boundary fence with no. 136, but given the relatively modest eaves height and 1.4m distance to the boundary, it is not considered to be significantly overbearing or create a sense of enclosure even with the lower ground level at no. 136.
- 6.28 It is possible obscure views might be had of Telegraph Hill Park from the side windows of no. 136, but Officers consider that the loss of these obscure views would not lead to the overall loss of a significant amount of outlook, and that the loss of a view is not a reason upon which a refusal reason could be based.
- 6.29 The provision of three windows in the side (south) elevation of the extension would face the fence with the upper parts of two windows being visible over the fence. Officers consider that the outlook from these windows toward the fence would be comparable with that which occurs from the existing side bay windows.
- 6.30 Concern has been raised light spillage from the proposed rooflights, but this is not considered significantly worse than light spillage from the existing bay window, and is not considered sufficient grounds to warrant the refusal of planning permission.

6.31 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

### **Equalities Considerations**

6.32 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.33 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) Foster good relations between people who share a protected characteristic and persons who do not share it.

6.34 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.35 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

6.36 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

6.37 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 6.38 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

### **Conclusion**

7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).

8.0 It is considered that the proposal is appropriate in terms of its scale, form, design and materials and therefore would not result in harm to the appearance or character of the dwellinghouse, the Conservation Area or the amenities of neighbouring occupiers.

**9.0 RECOMMENDATION: GRANT PLANNING 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:

G176-101; G176-121 Rev A; G176-122 Rev A; G176-123 Rev A; G176-130 Rev A; G176-131 Rev A; G176-140 Rev A

G176-100 Rev A Received 3rd October 2016

G176-300 Rev A; G176-401 Rev A Received 24th October 2016

G176\_200 Rev A Received 9th November 2016

G176\_301 Rev B; G176\_302 Rev B; G176\_400 Rev B Received 10th November 2016

G176-950 Rev A; G176-951 Rev A; G176-952 Rev A; G176-953 Rev A; G176-954 Rev A Received 16th November 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 details of the type of timber cladding, the stain proposed to be applied to it and details for its future maintenance 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.

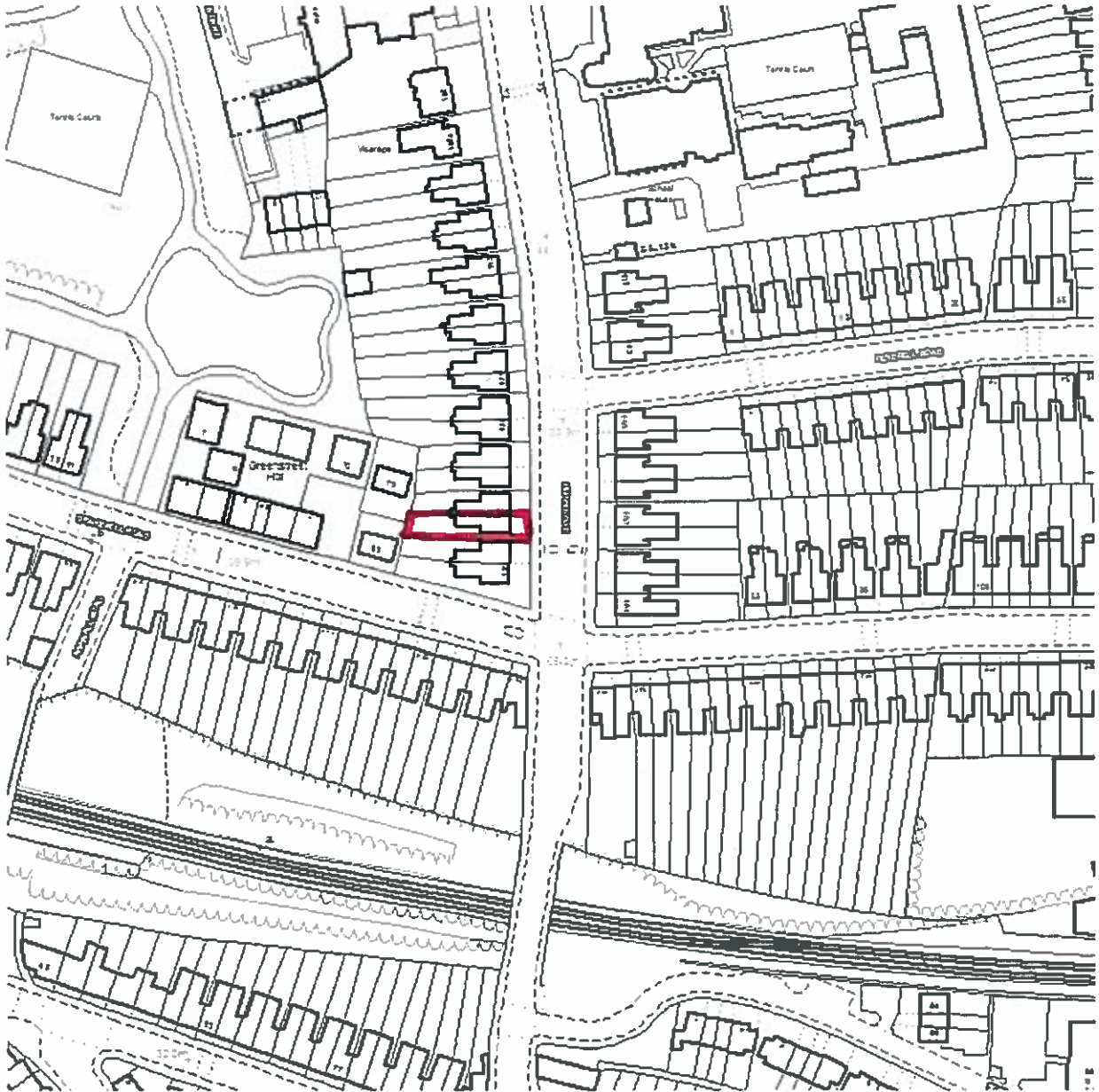
Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the extension and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

## **INFORMATIVES**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. The proposal was broadly in accordance with those discussions, but further information was submitted to bring it in accordance with the Development Plan.



134 Pepys Road, SE14



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Committee	PLANNING COMMITTEE (B)	
Report Title	Land to the rear of 13 Calmont Road, Bromley BR1 4BY	
Ward	Downham	
Contributors	Joe Roberts	
Class	PART 1	Date: 01 December 2016

Req. Nos. DC/16/098248

Application dated 12/09/2016

Applicant Jim Patel Project Nine Design Limited on behalf of Sterling Rose Development Ltd.

Proposal The construction of a two bedroom, single storey dwelling house at the rear of 13 Calmont Road BR1, together with associated boundary treatment and the provision of 1 car parking space with access onto Ambleside BR1.

Applicant's Plan Nos. DWG 1A; DWG 2A; DWG 3A; Site Location Plan; CIL Form; Planning, Design and Access Statement dated 12 September 2016; Planning, Access and Design Statement dated 30 August 2016

Background Papers (1) Case File LE/264/13/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation PTAL 1a  
PTAL 1b  
Local Open Space Deficiency  
Not in a Conservation Area  
Not a Listed Building  
Unclassified

**1. Property/Site Description**

- 1.1. The site is located at the rear of 13 Calmont Road, with a frontage to Ambleside. Prior to being sold and partitioned off, the site formed part of the rear garden of 13 Calmont Road. Currently it is overgrown with weeds and is subject to fly tipping over the wire mesh fence.
- 1.2. The site is roughly rectangular in shape and measures approximately 12m deep and 15m wide. It backs on to the rear gardens of 13 and 15 Calmont Street, as well as 41-44 Ambleside. The balconies of 41-44 Ambleside directly overlook the site.
- 1.3. The property is located near the Millwall sports club training fields. The area is residential in character and consists of two storey semi-detached dwellings, with

the exception of the property known as “The Acorns” located at the rear of 7 Calmont property.

- 1.4. “The Acorns” is located directly opposite the application property, and is similar in design and appearance to the proposed scheme.
- 1.5. The subject property is located within a suburban housing perimeter block typology as defined in the Lewisham Character Study. The site has a PTAL rating of 1a and 1b. The property is not located in a Conservation Area or a listed building.

## **2. Relevant Planning History**

### Application Site

- 2.1. DC/06/62122/FT for the construction of an extension at first floor level to the rear of 13 Calmont. Granted.
- 2.2. DC/14/90379 for the construction of a two bedroom (3 person), single storey dwelling together with a parking space and a rear amenity area to the rear of 13 Calmont. This was refused under delegated authority.
- 2.3. Reasons for refusal are provided below:
  - 2.3.1. *The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study is not acceptable and contrary to DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).*
  - 2.3.2. *The design of the proposed dwelling is of a poor quality and would be in direct contrast to the established pattern of development, appearing as a highly incongruous addition to the streetscene and contrary to Policy 15 High quality design for Lewisham of the Core Strategy (2011), DM Policy 30 Urban design and local character, 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) and Policy 3.4 of the London Plan (2015).*
- 2.4. DC/15/92547 The construction of a two bedroom, single storey dwelling house at the rear of 13 Calmont Road BR1, together with associated boundary treatment and the provision of 1 car parking space with access onto Ambleside BR1
- 2.5. Reason for Refusal:
  - 2.5.1.1. *The proposed development, involving the back garden of a traditional terrace (as originally designed) is considered unacceptable in principle due to the harmful effect to the urban perimeter block typology in which the site is located. The proposal is considered an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider locality, contrary to the NPPF, Spatial Policy 5 Areas of Stability and Managed Change, Policy 15: High Quality Design for Lewisham in the Core Strategy (2011) and DM Policy 30 Urban design and local character, and, particularly, DM Policy 33*

*Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).*

7 Calmont Road

- 2.6. DC/10/76122 for the construction of a single storey building on land to the rear of 7 Calmont Road, fronting on Ambleside to provide a 2-bedroom bungalow, together with the provision of a cross over and 1 parking space. This is a very similar proposal to the current application, and was granted by committee on 11 March 2011.

**3. Current Planning Application**

- 3.1. The current application is for the construction of a two bedroom, single storey bungalow at the rear of 13 Calmont Road BR1, together with associated boundary treatment and the provision of 1 car parking space with access onto Ambleside BR1.

- 3.2. This application is a resubmission of the previously refused application. It has been amended as follows:

- Reduction in depth along the boundary with 13 Calmont Road
- Increase in depth along the boundary with Ambleside.
- Re-positioning of one of the bedrooms to the rear of the dwelling
- Removal of the green roof
- Removal of the glazing to the roof.

- 3.3. The proposed dwelling would front onto Ambleside, measuring 11.6 m in length, 10 m wide with a gross internal floor area of approximately 80.56 sqm. The dwelling would have a flat roof that would measure 2.8m from ground level.

- 3.4. The dwelling would be rectangular in shape, save for a protruding element along the boundary with 41-44 Ambleside. The main rear amenity garden area would face southeast and this comprises of approximately 32sqm when measured. The depth of the garden from the rear elevation to the rear boundary ranges from 2.2m to 4m. The garden would be enclosed by a 2m high fence to the western and southern boundary and enclosed on the eastern boundary by the protruding element of the dwelling.

- 3.5. The existing vehicle crossover would be retained to provide a single car garage, which is accessed via a 1.6m high timber electronic gate which would open via an electronically controlled fob. The rest of the Ambleside frontage would contain a 1m high rendered wall. The building would be accessed via a timber sliding entrance gate on foot.

- 3.6. The property would have white double glazed powder coated aluminium framed windows, a flat roof partially containing green living roof and render white facing walls.

**4. Consultation**

- 4.1. A site notice was displayed. Local neighbours and ward councillors have been notified. Two petitions (18 and 8 signatures respectively) and 1 letters of support from a local resident (who also signed the petition) have been received.

4.2. All letters of support and the introduction to the petitions contain almost identical comments, which are summarised below:

- Area is used for fly tipping
- The area is an eyesore
- Health hazard
- Proposal is similar to that granted planning permission at 7 Calmont Road.

#### Internal Consultations

4.3. Highways and Environmental Sustainability have been consulted. No comments were received from these departments to date.

### **5. 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. 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 3.8  | Housing choice                             |
| Policy 3.9  | Mixed and balanced communities             |
| 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 SPGs relevant to this application are:-  
Housing (2016)  
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:-

Spatial Policy 1	Lewisham Spatial Strategy
Spatial Policy 5	Areas of Stability and Managed Change
CS Policy 1	Housing provision, mix and affordability
CS Policy 8	Sustainable design and construction and energy efficiency
CS Policy 14	Sustainable Movement and Transport
CS 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 policies from the Development Management Local Plan as they relate to this application:-

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable Design and Construction
DM Policy 25	Landscaping and Trees
DM Policy 29	Car parking

DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

Residential Standards Supplementary Planning Document (2012)

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

**6. Planning Considerations**

- 6.1. The relevant planning considerations for this application are as follows:

- Principle of Development
- Design
- Standard of Accommodation
- Residential Amenity
- Highways and Traffic
- Sustainability

Principle of Development

- 6.2. The NPPF introduced a strong presumption against back garden development, stating at paragraph 53:

- 6.3. *“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.*

- 6.4. Back gardens are defined in the Development Management Local Plan 2014 (DMLP) as, *“private amenity areas that were the entire back garden to the rear of a dwelling or dwellings as originally designed.”* It is considered that the application site falls within this definition.

- 6.5. The principle of development on back gardens is addressed in Paragraph C of DMLP Policy 33- Development on infill sites, backland sites, back gardens and amenity areas which states that-

*“The development of back gardens for separate dwellings in perimeter form residential typologies identified in the Lewisham Character Study will not be granted planning permission. Private back gardens in all urban typologies should be retained in development proposals involving new separate dwellings.”*

- 6.6. The principle of the development on these sites is strongly resisted.

- 6.7. The applicant has submitted supporting information relating to a largely similar proposal located on land to the rear of 7 Calmont (ref: DC/10/76122) which was



approved by Planning Committee in 2011. This site is located on the other side of Ambleside, directly opposite the application site.

- 6.8. The principle of the new house on the land at the rear of no. 7 Calmont was assessed against Policy HSG8 of the now-superseded Unitary Development Plan which allowed for backland and in-fill development subject to several criteria.
- 6.9. Since that application was granted the UDP was superseded by the DMPD. Planning policy at all levels was strengthened against back garden development. The DMLP, particularly DM Policy 33, provides the current policy framework. With this policy there is no longer a presumption for development on sites of this nature. This is in line with Paragraph 53 of the NPPF, published since the dwelling to the rear of 7 Calmont was granted.
- 6.10. Given this, the policy context that DC/10/76122 was assessed against is not comparable to the currently policy framework. The permission holds no weight and in fact is an example of the harm this type of development can cause.
- 6.11. The Council's adopted policy, in line with corresponding policies at national and regional levels, is that back garden development is generally unacceptable in principle.
- 6.12. The presence of 7 Calmont dwelling alone would not be sufficient justification to make the principle of development for this proposal acceptable. Indeed, it is considered that this dwelling is demonstrative of the difficulties inherent in achieving a form of development on back garden site which relates successfully to the existing built form and character of the area.
- 6.13. It is also noted that while the proposal would deliver a housing unit, the Council is on track to meet its housing targets through the delivery of more suitable development sites.
- 6.14. Officers consider that on balance of considerations and given the strong policy position, the principle of development in this particular location is unacceptable.

#### Design

- 6.15. Notwithstanding the unacceptability of the principle of development, the remaining planning considerations still require due consideration.
- 6.16. Paragraphs 56-57 of NPPF state that *Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people and that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings etc.*
- 6.17. The relevant policy is guided by the London Plan, London Plan Housing SPG and the Development Management Local Plan as well as the Lewisham Council Housing SPD. Policy 3.4 of the London Plan 2015 sets the high level policy direction for this proposal. It states that boroughs should take into account local context and character, the design principles and public transport capacity; but that development should also optimise housing output for different types of location within the relevant density range.

- 6.18. The matters for specific local scrutiny relate to how the proposal fits within the wider context of the neighbourhood as guided by the relevant policies. DM Policies 30, 32 and 33 are specifically applicable to this proposal. The DM Policy 33 raises issues with developments with regard to disruption to the urban form and achieving a good design fit with neighbouring developments.
- 6.19. DM Policy 30 requires all development proposals to attain a high standard of design where applications must demonstrate the required site specific design response to create a positive relationship to the existing surroundings, taking all available opportunities for enhancement.
- 6.20. DM Policy 32 sets Council's expectations for all residential development, where they are:
- a) *attractive and neighbourly*
  - b) *provide satisfactory level of privacy, outlook and natural lighting for both its future residents and neighbours; and*
  - c) *meet the functional requirements of future residents.*
- 6.21. It goes on to state that the siting and layout of new-build housing development 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.
- 6.22. DM Policy 33 paragraph 2 states that [even] if a site is considered to be suitable for development, 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. This includes spaces between buildings and the size and proportion of the buildings.
- 6.23. The proposal essentially mirrors the building across the road on 7 Calmont Street, in terms of scale, siting, shape, roofs, boundary treatments, cladding and site size. The proposal is capable of providing satisfactory levels of natural day light into the property.
- 6.24. With the exception of "The Acorns", no dwelling directly overlooks Ambleside until the mid point of the cul-de-sac. The development of a new dwelling in the rear garden of 13 Calmont would be inconsistent with the traditional plot layout of this neighbourhood. The Acorns, through its form, materials, and inconsistency with the existing building line appears incongruent in the streetscene. The proposal, which is of similar proportions and materials would sit equally uncomfortably within the traditional urban form of the surrounding area.
- 6.25. Notwithstanding the presence of a similar building opposite, officers consider that the proposal is of poor design quality, failing to relate to the predominant form of development in the area and appearing as an incongruous element in the streetscape.
- 6.26. However, officers acknowledge that while not consistent with the wider environment, the proposal has potential to fit in with the building located opposite at 7 Calmont as a "matched pair". However this is considered to compound the anomaly in the existing urban environment.
- Standard of Accommodation
- 6.27. The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.

- 6.28. In line with this, DM Policy 32 states that the standards of the London Plan, contained within the Housing SPG, will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. In addition to this, the nationally prescribed technical housing standards are also applicable to the scheme.
- 6.29. The Nationally Described Space Standards (2015) sets out the internal space standards required for new dwellings. The internal floor area for a 2b4p dwelling is 70 sqm. The proposed dwelling would be 80sqm and therefore meet this standard. The proposed dwelling would also meet the requirements for built in storage, bedroom size and width and floor to ceiling heights.
- 6.30. DM Policy 32 (4c) states that residential development should 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.
- 6.31. In addition to this, the Council will utilise the standards of the Housing SPG on daylight sunlight and an assessment against the BRE guide to good practice measures will be undertaken where relevant.
- 6.32. The proposed dwelling would have openings in the north and south elevations. Therefore the unit would be dual aspect as a minimum. The openings to the main habitable rooms (living room and kitchen) would be south facing. As such, officers consider there would be sufficient daylight/sunlight afforded to these rooms.
- 6.33. Part of the second reason for refusal in the previous application was the poor outlook proposed. In light of the re-designed proposal, the depth of the garden would still be limited but due to a large amount of glazing on the rear elevation officers consider the outlook provided would be sufficient.

#### Residential Amenity

- 6.34. DM Policy 32 requires residential development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and its neighbours.
- 6.35. In the case of development on these sites this requirement will mean that garden space must not be provided in a piecemeal fashion in a series of small garden areas, but as a usable space suitable for the intended occupants, including where appropriate, for children's play. The proposed amenity space contains a single contiguous area to the rear of the property, is accessible from a living room, secure and has usable space that could allow children's play.
- 6.36. The internal living area is single aspect and faces southeast. The outdoor area is oriented towards the south east. This is considered acceptable.
- 6.37. Private amenity area to the rear of the dwelling is approximately 32 sqm, which is in excess of the baseline requirements of the London Plan SPG which is 7sqm minimum for 4 persons. Due to the re-design of the scheme, officers consider that the proposed dwelling would provide future occupier with an acceptable level of outlook.
- 6.38. The outdoor area would be overlooked by the existing balconies at 41-44 Ambleside. However, this arrangement is typical within London especially terraced

housing. As such, officers consider the overlooking of the private amenity would not constitute a reason for refusal.

- 6.39. As a result of this proposal, the amount of rear garden left for the original 13 Calmont Street property would be 13m long. The SPD requires 9m minimum rear garden and this is considered acceptable.
- 6.40. The proposal does not materially affect the level of residential amenity on the neighbouring properties given that it is a single storey bungalow and does not overlook any property. Officers consider that given the design and the single storey design, there will be no loss of daylight, overlooking or loss privacy imposed on the neighbouring properties as a result of this application.
- 6.41. Based on the above review, it is considered that the proposal would not result in significant harm to the amenity of the adjoining properties. However the overlooking occurring on the application site *from* adjoining properties is likely to be significant and would result in an unacceptable level of overlooking.

#### Highways and Traffic Issues

- 6.42. The site has a PTAL rating of 1a/1b indicating that access to public transport in the area is poor. The proposed 2 bedroom dwelling with an anticipated maximum occupancy of 4 persons has the potential to generate more pressure on parking. Both sides of Ambleside are used for on-street parking. 1 car parking space is provided on site, using an existing dropped kerb, and provision can be made for wheelchair accessibility. This is considered acceptable.
- 6.43. Notwithstanding the PTAL rating, a desktop assessment of nearest public transport revealed that Ravensbourne station is located 11 minutes walk from the site, being the nearest train station. Beckenham Hill station is also located 19 minutes walk away. Bus stops are located within a 10 minute walk on Bromley Hill Road to the northeast as well as Farnaby Road to the southwest.
- 6.44. Access and parking is considered to be acceptable for the nature and scale of the development proposed.

#### *Cycle Parking*

- 6.43 Cycle storage is not shown on site. However it is considered that appropriate cycle parking could be provided within the proposed garage and screened by the timber gate.

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

## **8. Conclusion**

- 8.1. The Council supports the principle of providing family dwellings in the Borough. However given the clear policy direction provided by the NPPF and DMLP Policy 33, officers consider that the proposed development is contrary to policy and of detriment to the existing urban form and the development pattern in the surrounding area. Planning policy at all levels has strengthened against back garden development since the dwelling on the opposite side of Ambleside was approved.
- 8.2. The proposal would provide adequate living accommodation, however this is not sufficient to outweigh the negative impact on the streetscene that would arise.
- 8.3. Overall, the proposed development by reason of the back garden location is contrary to DMLP Policy 33 and as such, unacceptable in principle.

## **9. RECOMMENDATION: REFUSE PERMISSION, for the following reasons:**

The proposed development, involving the back garden of a traditional terrace (as originally designed) is considered unacceptable in principle due to the harmful effect to the urban perimeter block typology in which the site is located. The proposal is considered an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider locality, contrary to the NPPF, Spatial Policy 5 Areas of Stability and Managed Change, Policy 15: High Quality Design for Lewisham in the Core Strategy (2011) and DM Policy 30 Urban design and local character, and, particularly, DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).

## **Informative**

**Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council’s website. On this particular application, no pre-application advice was sought before the application was submitted. As the proposal was clearly contrary to the provisions of the Development Plan, it was considered that further discussions would be unnecessary and costly for all parties.



R/O 13 Calmont Grove



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