

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 6 JULY 2017 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 & 2 - CIVIC SUITE**

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**  
**Gareth Siddorn**  
**Susan Wise**  
**Sophie McGeevor**  
**Maja Hilton**

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, 27 June 2017**

**For further information please contact:**  
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## **RECORDING AND USE OF SOCIAL MEDIA**

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Committee	PLANNING COMMITTEE B	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 06 JULY 2017

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 06 JULY 2017

## MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 25<sup>th</sup> May 2017.

PRESENT: Ogunbadewa (Vice-Chair), Ingleby, Moore, Muldoon, Wise, Hilton, McGreevor

OFFICERS: Helen Milner - Planning Service, Paula Young - Legal Services, Andrew Harris - Committee Co-ordinator.

APPOLOGIES: Reid (Chair), Mallory.

### 1. DECLARATION OF INTERESTS

None.

### 2. MINUTES

The minutes of the meeting of Planning Committee (B) held 06 April 2017 need amendments and will be agreed and signed at the next meeting subject to changes.

### 3. GARAGES BEHIND 41-55, CORONA ROAD, LONDON, SE12

The Planning Officer Helen Milner outlined the details of the case. She relayed to members that the garages had already been removed as part of a previous application and that 11 objections and a petition had been received in relation to the current application. She also stated that following discussion with Officers and the Council's Legal team, it was proposed that the condition relating to the obscure glazed windows within the side elevation had been altered to ensure it was accurate and enforceable.

Questions from Members followed including whether the houses would be for private sale, the parking arrangements for the proposed properties and the impact of local wildlife.

The committee then received verbal representation from Simon Fraser (Agent) speaking on behalf of L&Q Group (Applicant), who presented the scheme and responded to Members questions. Questions included clarification over the proposed materials and the obscured windows within the north elevation.

The committee then received verbal representation from an objector, Mr Richard Brooks, speaking on behalf of N0s. 48 and 50 Kingshurst Road. He outlined concerns regarding the scale of the development, loss of privacy, increased sense of enclosure, inappropriate design and ambiguity over the final design.

Members then invited the Planning Officer Helen Milner to respond to the points raised by the objector. The Planning Officer Helen Milner stated that the scheme complied with the internal space standards, and was considered to achieve a high design standard and acceptable impact in neighbouring amenity. Councillor Hilton then asked whether a sun study was required, to which the Planning Officer Helen Milner stated that it was not, as the development was a sufficient distance away from neighbouring properties and that an onsite assessment had been carried out by officers. Clarification was also sought by Councillors Wise and Moore as to the height of the proposed boundary fence and the height of the previously removed garages.

Following further deliberation by Members, Councillor Wise moved a motion to accept the officer's recommendation, subject to conditions outlined in the report and the amended condition regarding the obscured windows. It was seconded by Councillor Hilton.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Ingleby, Moore, Muldoon, Wise, Hilton, McGreevor

RESOLVED: That planning permission be granted in respect of application No. DC/16/095629 subject to the conditions outlined in the report and the amendment of condition (8) to read as follows:-

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the Side elevations at first floor of the dwellings hereby approved shall be fitted as obscure glazed and fixed shut and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

4. 15 POND ROAD, LONDON, SE3 0SL

The Planning Officer Helen Milner outlined the details of the case. She noted that a listed building was located 30m to the rear of the site and that the Blackheath Society's objection has been withdrawn following amendments to the scheme. She also stated that the development was not considered to be unacceptable garden development.

Questions from members followed regarding clarification over the trees being planted and removed from the site, cycle parking provisions and proximity to neighbouring buildings.

The committee then received verbal representation from Suzanne Brewer (Agent), speaking on behalf of Mr & Mrs Houben (Applicant), who presented the scheme and responded to Members questions. Ms Brewer outlines that the scheme had been amended following the reception of objections and discussion with the Council's Tree Officer, and that a BRE daylight study had been undertaken. Questions from members included clarification

regarding the guttering/rain flow, solar panels and green roof, as well as impact on levels of daylight.

The committee then received verbal representation from an objector, Ms Moira Oliver, 13A Pond Road. She outlined concerns regarding the scale and proximity of the development, loss of light into the neighbouring property, environmental impact, loss of privacy from increased overlooking, the design and density of the development being out of keeping with the surrounding Blackheath Conservation Area.

Following this, Members sought clarification from the Planning Officer Helen Milner over points raised by the objector, specifically regarding potential overlooking and development density. The Planning Officer Helen Milner confirmed that impact on neighbouring amenity had been assessed and was considered to be acceptable for a residential area, with obscure glazing to the side elevation being incorporated in order to reduce the impact. She also stated that the density was also considered appropriate as the area had a varying typology.

Councillor Ingleby enquired as to whether the possibility of moving the proposed dwellings closer together had been explored, to which the Planning Officer Helen Milner stated that the current design was intended to read as two separate dwellings and was currently considered acceptable. Councillor McGeevor followed by stating that the perceived overlooking issue raised by the objector would still be present regardless of whether the dwellings were moved closer together. Councillor Ingleby then sought further clarification as to what permitted development rights were to be removed as part of the condition outlined in paragraph 6.55.

Following further deliberation by Members, Councillor McGeevor moved a motion to accept the Officer's recommendation, subject to conditions outlined in the report. It was seconded by Councillor Muldoon.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Ingleby, Moore, Muldoon, Wise, Hilton, McGreevor

RESOLVED: That planning permission be granted in respect of application No. DC/16/097256 subject to the conditions outlined in the report and additional informative.

#### 5. LEWISHAM MEDICAL CENTRE, 308 LEE HIGH ROAD, LONDON, SE13 5PJ

The Planning Officer Helen Milner outlined the details of the case. She stated that 3 objections and a petition had been received with regard to the scheme. She informed members that noise and visual impact had been assessed.

Questions from members followed, including clarification of the hours of operation and what measures would be put in place if the unit was left on by mistake.

The committee received verbal representation from Mr Sunil Gupta (Applicant) who presented the scheme and responded to Members questions. Mr Gupta confirmed the hours of operation and stated that he would be happy for a security timer to be installed to ensure that the unit was not left running by accident. Councillor Wise then asked whether it would be possible to display an energy contact number in case the timer was faulty, to which the applicant confirmed they would be willing to do. The Planning Officer Helen Milner then confirmed that both the proposed hours of use and emergency contacts could be secured by condition.

The committee then received verbal representation from a neighbouring objector, Ms Charlotte John. Ms John outlined concerns including the impact of the additional noise on neighbouring residents, some of whom worked nights, and that the proposal would break the lease of the building. She stated that no evidence had been provided which demonstrated there were excessive temperatures within the centre and that as the location had been amended, at some point it must have been considered unacceptable.

Councillor McGeevor responded by stating that she had sympathy for the objector, but that she also had sympathy for the applicant and the patients of the centre.

Councillor Wise also stated that she had sympathy for the proposal, but asked the Planning Officer Helen Milner to expand on the noise impact. The Planning Officer Helen Milner then confirmed the proposal complied with Council policy and that while it would result in an increase to the ambient DB level, this would not be noticeable/perceivable. She also relayed to members that the proposal had been considered acceptable by the Council's Environmental Protection Officer.

Further discussion and clarification over the proposed increase in DB levels took place, following which Councillor Ingleby suggested that conditions be attached regarding the visual finish of the proposed units, hours of operation, installation of a security timer and the display of emergency contact details at the site in case the timber failed.

Councillor Ingleby then moved a motion to accept the Officer's recommendation, subject to conditions outlined in the report and the additional conditions outlined above. It was seconded by Councillor Hilton.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Ingleby, Moore, Muldoon, Wise, Hilton, McGreevor

RESOLVED: That planning permission be granted in respect of application No. DC/16/099194 subject to the conditions outlined in the report and the addition of the following new conditions (3), (4) & (5), to read as follows:-

3. (a) No development shall commence on site until a schedule and specifications of materials and an elevation and section drawing at scale 1:50 showing the appearance and interior of the proposed acoustic enclosure, which surround the hereby approved condenser units, have been submitted to and approved in writing by the local planning authority, to show compliance with the recommendations of the acoustic report.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management

4. The condensers hereby approved shall not be in operation before 8 am or after 6 pm on weekdays, or before 8 am or after 1 pm on Saturdays, nor at any time on Sundays or Public Holidays.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5.
- a) No development shall commence on site until a management plan in relation to the use of the condensers has been submitted to and approved in writing by the local planning authority
  - b) The details to be submitted should include details of an automatic timer for the condensers and emergency contact.
  - c) The condensers shall not be operational until the above details as approved under part a) and b) have been implemented in full and they shall be retained in perpetuity

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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Committee	PLANNING COMMITTEE B	
Report Title	1 Dacre Place, SE13 5DJ	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	06 JULY 2017

<u>Reg. Nos.</u>	(A) DC/16/95938
<u>Application dated</u>	10.03.2016
<u>Applicant</u>	Mr Boobyer of the Brunton Boobyer Partnership Ltd on behalf of Mrs Catchpole & Mr Powell
<u>Proposal</u>	Demolition of the existing building at 1 Dacre Place, SE13, together with change of use from a car hire premises (use class Sui Generis) and the construction of a two-storey four-bedroom dwelling (use class C3) with associated landscaping, bin storage and cycle storage.
<u>Applicant's Plan Nos.</u>	956/07, MSL11196-E1 C, MSL11196-E2 C, MSL11196-E3 C, MSL11196-E4 C, MSL11196-FPG A, MSL11196-FP1 A MSL11196-T A, DP/TPP/998-02, VMZINC Facades brochure (October 2015), Sarnafil TS 77-12 roofing product data sheet (09.2011), Terca Wall solutions brick schedule, oko skin Farbtafel (Reider, oko skin colour chart), Phase 1 habitat survey (23/7/15), Ecological bat activity survey and report by Fellgrove Ecology (12.08.16) received 17/3/16; 956/23 Rev B; 956/24 Rev A received 13/12/16; 956/21 Rev B received 30/5/17; 956/25 received 1/6/17
<u>Background Papers</u>	(1) Case File LE/474/121/TP (2) The London Plan (2017), Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)
<u>Designation</u>	Area of stability and managed change - Existing Use

## 1.0 Property/Site Description

- 1.1 The application site comprises a pitched roof, two storey commercial building at the end of the gardens of properties fronting Dacre Park with a frontage and main entrance onto Dacre Place.

- 1.2 The building comprises an integral garage with vehicular access directly onto Dacre Place. It has windows at first floor level on all four elevations. There is external access to the first floor via steps leading into a courtyard area.
- 1.3 The last known use for the site was as a car hire premises, Use Class Sui-Generis, meaning that the use does not fall within any particular use class within the Use Class Order 2015.
- 1.4 The site has a Public Transport Accessibility Level (PTAL) of 4, is within an area of Local Open Space Deficiency is within the Blackheath Conservation Area.
- 1.5 The proposal site itself is not a Listed Building, however, 115 and 117 Dacre Park, which share a common boundary to the east, are both Grade II Listed buildings. The Listing entry refers to the details on the elevations of the two buildings, but no there is no reference to their grounds or boundary treatments.

## **2.0 Planning History**

- 2.1 An application was submitted and subsequently withdrawn in 2015 on the advice of officers given that the then design could not be supported.
- 2.2 A duty planner, pre-application enquiry was sought in February 2016 in respect of the proposed redevelopment of the site. Officer's response was that the principle of development was acceptable, but that the drawings submitted required further refinement. Objections were raised to the retained height of the vehicular boundary treatment, and the expanses of brick wall.
- 2.3 In 1983, enforcement notices were issued in respect of the storage of vehicles on the site.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 The current proposal is for the demolition of the existing building, together with change of use from a car hire premises (use class Sui Generis) and the construction of a two-storey four-bedroom dwelling (use class C3), associated landscaping, bin storage and cycle storage.
- 3.2 During the course of the application, the design of the proposals were amended from a curved fenestration design to a linear orientated one.
- 3.3 The building is to be predominantly brick built, with cedar and zinc cladding, punctuated by metal framed windows. It would have a flat roof and amenity space to the side and rear. Off-street parking is proposed to the side for one car.
- 3.4 The new dwelling would comprise living, dining and kitchen and a study and w/c at ground floor level. The open plan space would lead onto a south facing courtyard. Four bedrooms and a family bathroom would be located at first floor level.
- 3.5 The existing cross over in front of gates to the west of the site would be retained, as would the parking area within the site to provide off-street parking for the new dwelling.



## Supporting Documents

BdR Civil and structural engineering report (12/06/15)  
VMZINC Facades brochure (October 2015)  
Sustainability Statement (30th July 2015),  
Sarnafil TS 77-12 roofing product data sheet (09.2011),  
Ground and Environmental Services Limited and Appendix 2 Historical maps (11443, 05/2015)  
Phase 1 habitat survey (23/7/15)  
Terca Wall solutions brick schedule  
Arboricultural report  
Sylvan Arb (25/6/15)  
Environment Agency map  
Sustainability/Energy Efficiency statement  
oko skin Farbtafel (Reider, oko skin colour chart)

## **4.0 Consultation**

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

### Written Responses received from Local Residents and Organisations

- 4.3 Objections were raised by two nearby occupiers. The representations received are summarised below:

#### 117 and 121 Dacre Park

- The principle of residential development is acceptable
- Loss of privacy to 117 Dacre Park
- The proposed building would be incompatible with the Conservation Area
- The Design and Access Statement and plans show evergreen trees where they do not exist
- The closest Listed Building is 117 Dacre park which has not been fully considered in the proposals.
- The new building would be closer to its shared boundary with 117 Dacre Park
- The proposal would result in a loss of light to our property
- Making the house so large renders it unaffordable, contrary to Council policies.
- The existing use is not a mini-cab nor car sales; it's used by a fishing company

#### Blackheath Society

- 4.4 The Blackheath Society made the following representations about the proposal:
- The principle of developing the site is acceptable

- The existing building should be retained
- If a structural report confirms that the existing structure is not suitable for conversion, a replacement building should have a matching footprint and scale to the existing
- The design is incoherent and not of a high enough quality
- The proposal does not reflect the characteristics of the wider setting
- Green screening is an unacceptable way to mitigate overlooking

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

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

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

#### Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.
- 5.6 Technical housing standards – nationally described space standards

#### London Plan (2017)

Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 4.1 Developing London's economy  
Policy 4.4 Managing industrial land and premises  
Policy 5.3 Sustainable design and construction  
Policy 5.13 Sustainable drainage  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

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

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

Housing (2016)  
Character and Context (2014)

#### 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 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 5 Other employment locations  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

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

### Development Management Local Plan

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 4	Conversions of office space and other B Use Class space into flats
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 28	Contaminated land
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
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

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

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

### Blackheath Conservation Area Character Appraisal

5.12 This document advises on the character and era of the differing building typologies in the Blackheath Conservation Area. Dacre Place is mentioned in the context of it being a dead end, formed from speculative developments in this section of the Conservation Area.

## **6.0 Planning Considerations**

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

- a) Principle of Development, including impact on heritage assets
- b) Layout, scale and Design
- c)d) Housing
- e) Highways and Traffic Issues
- f) Impact on Adjoining Properties
- g) Sustainability and Energy
- h) Ecology and Landscaping

### Principle of Development

#### *Loss of existing buildings:*

6.2 This commercial building is the anomaly in a predominantly residential area.

6.3 The existing building is functional in appearance, which lends itself to commercial use. The white rendered facades are crudely interrupted by thick, black pipework and irregular apertures which highlight the building's commercial and functional status, having limited regard to aesthetics. The areas to the rear and side are covered in hardstanding.

6.4 At present, officers consider that the building in its current form, even if it were to be renovated, would not contribute to the appearance of the Conservation Area and is an incongruous form of development in its immediate environs. While this part of the conservation area does not comprise the housing typologies typical of the area, the design of the buildings within 1 Dacre Place are more considered and more in keeping with the residential environment.

6.5 The application was submitted with a structural report carried out by BdR Civil and Structural Engineering consultants which concludes that the building would be financially prohibitive to refurbish and bring up to the required Building regulations standards for residential development.

6.6 Therefore no objection is raised to the principle of a comprehensive redevelopment of the site, subject to the proposed use and the details of the scheme achieving the necessary standards of design and meeting the relevant planning policy requirements.

6.7 The demolition of the buildings on site would make way for new architecture, which would result in an improvement to the street scene generally which is in accordance with policy ambitions of Core Strategy Spatial Policy 5.

#### *Loss of B1 floorspace*

6.8 The overarching policy position is to clearly use land efficiently, and where it can be demonstrated to be surplus, to release commercial land in order to achieve other policy objectives. In this case, Core Strategy Policy 5 is directly applicable which requires evidence that the commercial use is no longer viable and therefore the site should be released for an alternative use.

6.9 The application was submitted with marketing evidence from Harpers & Co, estate agents who confirms that the site was marketed by them between August 2014

and June 2016 (for more than a year). Within that time, the property was viewed 14 times, with no uptake. Officers are satisfied that the number of viewings is a good reflection of the active marketing and appropriate pricing strategy applied, but that after viewing, the site was deemed unsuitable for an alternative employment use.

- 6.10 In accordance with the requirements of Core Strategy Policy 5, officers are satisfied with the marketing efforts undertaken and that the loss of commercial floor space is acceptable in this instance.

*The provision of C3 (residential) floorspace*

- 6.11 The site has a PTAL of 4 which means that it benefits from good access to public transport links. This area is currently supported by a network of local services and facilities such as schools, medical facilities and parks/areas of open space. Such locations are entirely appropriate for the provision of new homes. Taking into account the clear need at the present time for housing, and having regard to the significant weight which should be attached to the objectives of the Core Strategy and Development Management Local Plan, Officers consider the principle of providing a new dwelling on the application is in line with planning policies.
- 6.12 To conclude, the principle of the loss of the employment use, the demolition of the existing buildings and the change of use to residential is supported.

Layout, scale and design

- 6.13 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. Core Strategy Policy 15 (High quality design for Lewisham) repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime. Development Management Policy 30, (Urban design and local character) states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. Policy 33 Development on infill sites, backland sites, back gardens and amenity areas states that developments within street frontages will only be permitted where they are sensitive to their context and result in no loss of amenity for existing surrounding dwellings. In particular DM 33 (a) states that 'developments within street frontages will only be permitted where they 'make a high quality positive contribution to an area, provide a positive response to the 'special distinctiveness of any relevant conservation area', would not unduly compromise the amenities of nearby occupiers, retain sufficient garden space for adjacent dwellings, provide good standards of accommodation and respect the character, proportions and spacing of existing houses.
- 6.14 The proposed development largely follows the footprint of the existing building, with the proposed two storey mass being located to the west of the site. The parking area, which is currently open courtyard, would remain at the east end of the site, abutting the houses of the gardens fronting Dacre Park, while the amenity space would be located to the rear (south of the site) as per the existing arrangement. The existing building covers 75m<sup>2</sup> of the site, while the proposed would measure 84m<sup>2</sup>.

- 6.15 The existing building is two storeys in height, as per the proposed. The proposed height would be 0.2m higher than the existing as seen in drawing 956/24 Rev A and as partially shown below:



Figure 1

- 6.16 Given that the proposal largely follows the footprint and massing of the existing building, and would result in the land being arranged in a similar way, officers consider the proposed layout and scale would be acceptable in the context of Dacre Place.
- 6.17 In terms of the house's detailed design, the originally submitted scheme had a design strategy formed from a square brick box, with a chamfered corner, leading to an eastern flank which tapered off into a curved overhang. Officers considered the originally proposed design to be overly fussy, and out of context with the adjacent traditionally built Victorian buildings fronting Dacre Park and the 1970s buildings accessed from Dacre Place.
- 6.18 The revised scheme has been simplified by the omission of the curved element to the east, even though the overhang has been retained. The design is now more simple and elegant; the main structure would be punctuated by large, apertures at ground and first floor levels, with a cubed eastern wing, separated from the main mass by the chamfered set back from the front elevation. A pop-up glazed box would protrude above the parapet of the front façade to increase light into the staircase which would create visual interest.
- 6.19 The blank façade to the west has been articulated with a recessed brick detail, while the first floor projecting section to the east would form a visually subordinate wing.
- 6.20 Collectively, the individual elements of the proposal would result in a contemporary building, which officers consider would result in a suitable juxtaposition between the Grade II Listed Buildings being 115 and 117 Dacre Park, and the remainder of the Victorian Terraces fronting Dacre Park and the more modern properties within Dacre Place.
- 6.21 Materials schedules and brochures were submitted with the application documents, which demonstrate that the materials proposed are the quality finish that is needed for such a building within the Conservation Area. To secure the theme of quality, the materials schedules will be secured by condition.

- 6.22 In accordance with the pre-application advice, the boundary treatment fronting Dacre place has been reduced in height, visually opening up the site, while also providing a visual indication of the new residential use.
- 6.23 For the reasons set out above, officers consider that the proposed layout, scale and design are acceptable.

#### Housing and standards of accommodation

- 6.24 Policy 3.5 in the London Plan requires new housing developments to be of the highest quality in terms of making new dwellings 'a place of retreat' by ensuring safe access, adequate room sizes and practical layouts. Further detail about what is necessary in order to create the high standards of accommodation are found in the Technical housing standards – nationally described space standard, the London Plan Housing SPG and Lewisham's Residential Standards SPD.
- 6.25 The proposal is for a 4 bed, 6 person house and has a total floor area of 150.5m<sup>2</sup>.
- 6.26 The new dwelling exceeds the minimum overall floor area of 106m<sup>2</sup> for a 2 storey, 4 bedroomed, 6 person dwelling as required by the National space standards, which is acceptable. All rooms within the dwelling also exceed the required space standards. Essential furniture layouts have been annotated on the drawings, which show an acceptable layout and circulation. Standards compliant storage has also been provided.
- 6.27 London Plan Housing SPG baseline Standard 4.10.1 requires a minimum of 5m<sup>2</sup> of private amenity space per dwelling, with an extra 1m<sup>2</sup> per additional occupier. The amenity space afforded to the proposed unit comfortably exceeds this requirement, measuring 105m<sup>2</sup>. Outlook from the proposed house would face the street to the north and gardens to the rear, comprising a good outlook. Officers are therefore satisfied that the proposed dwelling would benefit from satisfactory levels of outlook and privacy.
- 6.28 Given the previous commercial use of site and the proposed residential use, the application was submitted with a Phase 1 contamination risk assessment by Ground and Environmental Services Limited which advises that the site was used as an aluminium foundry between c.1949 and 1962, and that potential industrial use was present on the site since 1896. For this reason, the report concludes that further ground testing should take place, prior to the commence of any works on site.
- 6.29 In accordance with DM Policy 28 Contaminated Land, officers consider it prudent to add a condition requesting site contamination investigations as recommended by the risk assessment.
- 6.30 To conclude, officers consider that the proposed standards of accommodation for future occupiers would be acceptable.

#### Highways and Traffic Issues

- 6.31 The proposed development would have one off-street car parking space within a site which has a PTAL rating of 4, which indicates good access to public transport. The provision of 1 space for the 4 bedroomed dwelling is in accordance with Policy 6.13 of the London Plan and therefore is acceptable.



- 6.32 London Plan Policy 6.9 as reinforced by the Housing SPG requires that all residential developments should provide dedicated storage space for cycles 2 per unit for all units larger than 1 bed. Cycle parking would be located in the front garden and can accommodate at least 5 cycle spaces officers are satisfied that there is ample room in the front courtyard/parking area and rear garden for the storage facilities which would be readily accessible, safe, secure and dry and therefore in accordance with policies.
- 6.33 Refuse storage would be stored at the front of the proposed dwelling which is also acceptable.
- 6.34 Officers do not consider that the uplift in one, 4 bedroom dwelling, would result in any appreciable increase in visitor parking or deliveries to the immediate area and therefore would not have any impact upon the highway generally.

#### Impact on Adjoining Properties

- 6.35 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 32 Housing design, layout and space standards and 33 Development on Infill sites, backland sites, back gardens and amenity areas seek to ensure that new residential development should not result in significant loss of privacy and amenity to adjoining houses and their back gardens. The Council's residential Standards SPD advises that as a general rule 'unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations.' It goes further to state that habitable rooms within new dwellings should be a minimum of 9m from the rear boundary or the flank wall of any adjoining plot. The policy allows for deviation from the minimum distances where the design of the buildings can mitigate overlooking issues.
- 6.36 Objections have been raised to the proposals on the grounds of a loss of privacy and outlook.

#### *Loss of privacy*

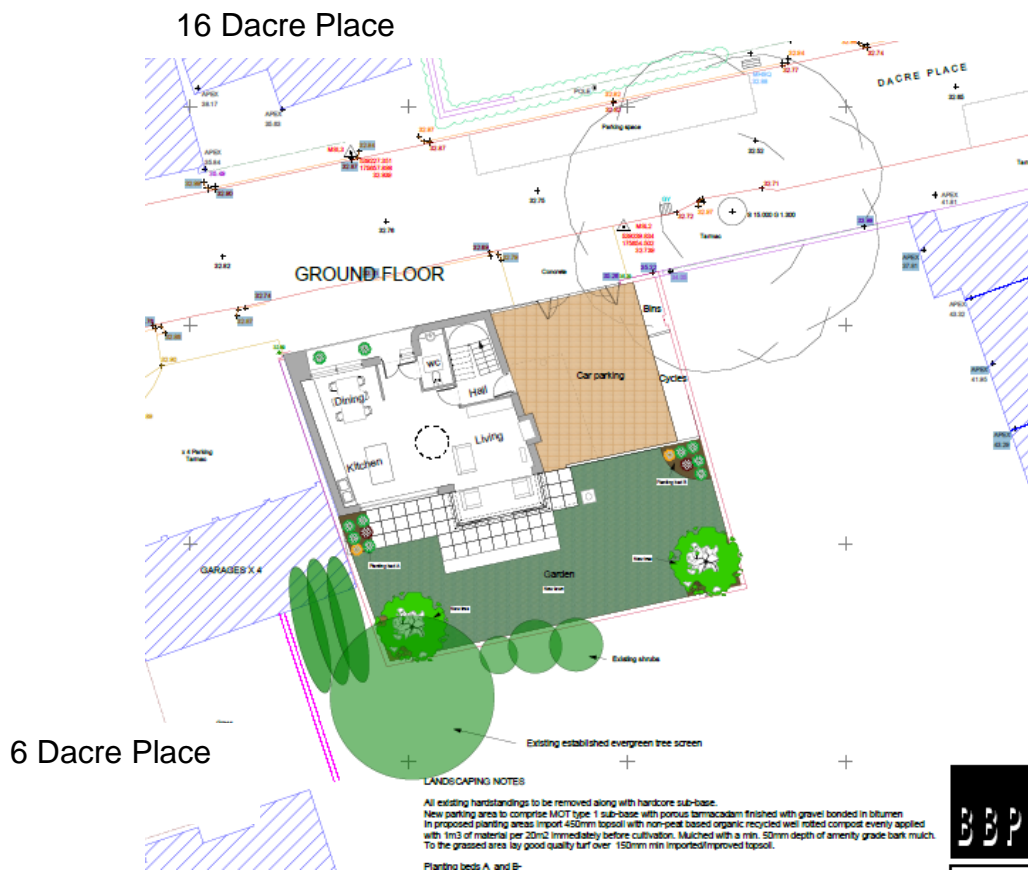


Figure 2

- 6.37 The rear elevation of the proposed development would be 14m away at a 70 degree angle from 2-6 Dacre Place which is shown at the south west (bottom left corner of Figure 2). 16 Dacre Place would be 11.3m immediately north (top of Figure 2) from the proposal site.
- 6.38 Officers are satisfied that the distance and relationship between the existing property at 2-6 Dacre Place and the proposed dwelling would sufficiently protect existing privacy levels given that the proposed house would be at an oblique angle to this property. The 11.3m distance between the proposed and 16 Dacre Place to the north is typical of development occupying 'mews' type streetscapes.
- 6.39 Officers are satisfied that any loss of privacy from neighbours would be of an acceptable level given the typical frontage to frontage arrangement, which is similar to a Mews or Victorian street formation.
- 6.40 Windows are proposed in the eastern flank which would face the rear garden of 121 Dacre Park which would be 17m away. The windows are secondary and the two sites are separated by dense foliage, which again would minimise/reduce any instances of loss of privacy to an acceptable level.
- 6.41 Officers do not consider that there would be any impact in terms of a loss of daylight, sunlight or views of the sky given that the proposed building would largely match the footprint and scale of the existing.
- 6.42 Officers consider that the layout and scale, which would be similar to the existing arrangement, and the design features such as the layout and use of rooms and the positioning of windows serving them would satisfactorily minimise any sense of enclosure and loss of sunlight and outlook and therefore is acceptable.

- 6.43 To ensure that the amenities of neighbouring properties is maintained, a condition withdrawing permitted development rights would ensure that no alterations or extensions to the proposed dwelling can take place without prior assessment and subsequent permission from the Council.

#### Sustainability and Energy

- 6.44 Point 3 of Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires all new residential development to achieve a minimum of Level 4, Code for Sustainable Homes (CfSH), while point 2 requires all major developments to adhere to the London Plan energy policy, but to also (c) connect to an existing or approved decentralised energy network, safeguard potential network routes, and make provision to allow future connection to a network or contribute to its development. However, following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level concerning energy performance and water efficiency.
- 6.45 The application was submitted with a sustainability statement which advises that the scheme is capable of achieving CfSH Level 4. The attainment of Level 4 confirms that the proposed new dwelling would be capable of achieving the necessary energy savings and water management which are to be confirmed at building regulations stage whilst the statement also confirms all of the 16 Lifetime Homes criteria would also be achieved. In accordance with the ambition of the updated Technical guidance relieving the planning authority from assessing such technical requirements, from a planning perspective, the information provided is sufficient.

#### Ecology and Landscaping

- 6.46 London Plan policy 5.10 Urban Greening states that new developments should integrate forms of urban greening into proposals, such as soft landscaping. London Plan Policy 5.11 requires all major development to include green roofs where feasible. Core Strategy Policy 7 requires developments to be in accordance with the London Plan requirements with regard to green roofs. Development Management Local Plan Policy 24 states that the Council will require all new development to take full account of biodiversity during the design of proposals. Policy 25 requires a landscaping strategy to be submitted with schemes where appropriate.

#### *Ecology*

- 6.47 The application was submitted with a Phase 1 Habitat Survey, by Envirocology which concluded that there are bat roosts within 2km of the site, and that there was evidence of the existing habitat supporting ,nesting birds and bat foraging. The report recommends that no demolition works, tree or shrub clearance should take place on site until a bat survey has been carried out and that any site clearance should take place outside of the bird breeding season. It also recommends the protection of trees during works, and the replanting of native species.
- 6.48 A bat survey compiled by Fellgrove Ecology was submitted with the application documents which confirms that there is a low chance of bats roosting at the site, but that it is likely to be within their commuter path.

- 6.49 No trees are to be felled as a result of the proposed development, but in accordance with the findings of the Habitat and bat surveys, a condition should be placed on the decision notice requesting bat boxes and the removal of the existing, albeit limited habitat, outside of the bird breeding season.

#### *Sustainable Urban Drainage Systems*

- 6.50 The landscaping strategy proposes soft landscaping in the rear gardens, typical of the existing and surrounding arrangements which is acceptable.

#### Trees

- 6.51 DM Policy 25 Landscaping and trees requires proposals where Tree Preservation Orders are in place and where appropriate, such as Conservation areas to retain trees where possible and to be submitted with an arboriculture report.
- 6.52 Given that the site is within the Blackheath Conservation area, the application was initially submitted with a tree survey, to which objections were raised to contradictions between the survey and the proposed site plan. The site plan has been revised during the course of the application to change the design of the scheme, but also to remove reference to trees along the southern boundary which were not reflected in the tree survey. The plan now refers to existing shrubs along the boundary.
- 6.53 Officers are satisfied that the existing trees surrounding the site would provide adequate screening between sensitive rooms. Given that these trees are protected by virtue of their conservation area location, officers are satisfied that the trees would remain in place to maintain privacy levels between existing and proposed dwellings.
- 6.54 To ensure that the trees are protected during construction works, a condition necessitating a tree protection plan to be submitted prior to the commencement of above ground works should be applied.
- 6.55 The remainder of the landscaping strategy includes soft landscaping which would significantly improve the current hardstanding surrounding the site.
- 6.56 With the above in mind, officers are satisfied planning permission should be granted, subject to a condition regarding tree protection.

### **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- 7.2 (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
- 7.3 (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.4 The weight to be attached to a local finance consideration remains a matter for the decision maker.

7.5 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8.0 Equalities Considerations [delete if not relevant]**

8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics under the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

8.4 Officers do not consider the current proposal to have any equal opportunities implications.

## **9.0 Conclusion**

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

9.2 Officers consider that demolition of the existing building and the construction of a 4 bedrooed single-family dwelling house would be in accordance with local and regional policies and the scheme is therefore considered acceptable.

## **10.0 RECOMMENDATION**

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

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:

956/07, MSL11196-E1 C, MSL11196-E2 C, MSL11196-E3 C, MSL11196-E4 C, MSL11196-FPG A, MSL11196-FP1 A MSL11196-T A, DP/TPP/998-02, VMZINC Facades brochure (October 2015), Sarnafil TS 77-12 roofing product data sheet

(09.2011), Terca Wall solutions brick schedule, oko skin Farbtafel (Reider, oko skin colour chart), Phase 1 habitat survey (23/7/15), Ecological bat activity survey and report by Fellgrove Ecology (12.08.16) received 17/3/16; 956/23 Rev B; 956/24 Rev A received 13/12/16; 956/21 Rev B received 30/5/17; 956/25 received 1/6/17

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. (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

(iii) The required remediation scheme implemented in full.

(b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

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

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply

with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

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

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

The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2017).

5. No above ground works shall commence on site until a detailed schedule and specification including samples of all external materials and finishes/windows and external doors to be used on the buildings 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 buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens and of the Development Management Local Plan (2014).

6. (a) No above ground works shall commence on site until details of the appearance of the storage of refuse and recycling facilities for the residential unit hereby approved, has been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011) and Development Management Local Plan DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens (November 2014).

7. (a) A minimum of 2 secure and dry cycle parking spaces shall be provided within the development hereby approved.

(b) No above ground works shall commence on site until the full details of the appearance of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

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

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (2011) and DM Policy 30 Urban design and local character, and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (2014).

8. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).



9. Details of the number and location of the bird, bat and beetle boxes/habitat to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

**Reason:** To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2017), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

10. The recommendations as set out in the Phase 1 habitat survey (23/7/15), Ecological bat activity survey and report by Fellgrove Ecology (12.08.16) here shall be adhered to prior to commencement of the development hereby approved, such as the site clearance, and during construction, no night time works or burning of fires shall take place, and the post development recommendations including the implantation of bat, bird and beetle boxes shall be implemented in full prior to occupation.

**Reason:** To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2017), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

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

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no flues, plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the buildings hereby approved.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

13. No extensions or alterations to the buildings hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country

Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (2014).

14 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 roofs on the buildings hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

15 (a) Notwithstanding the drawings and documents hereby approved, a scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and which shall include a minimum of 2 semi-mature trees, and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

16. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a

dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

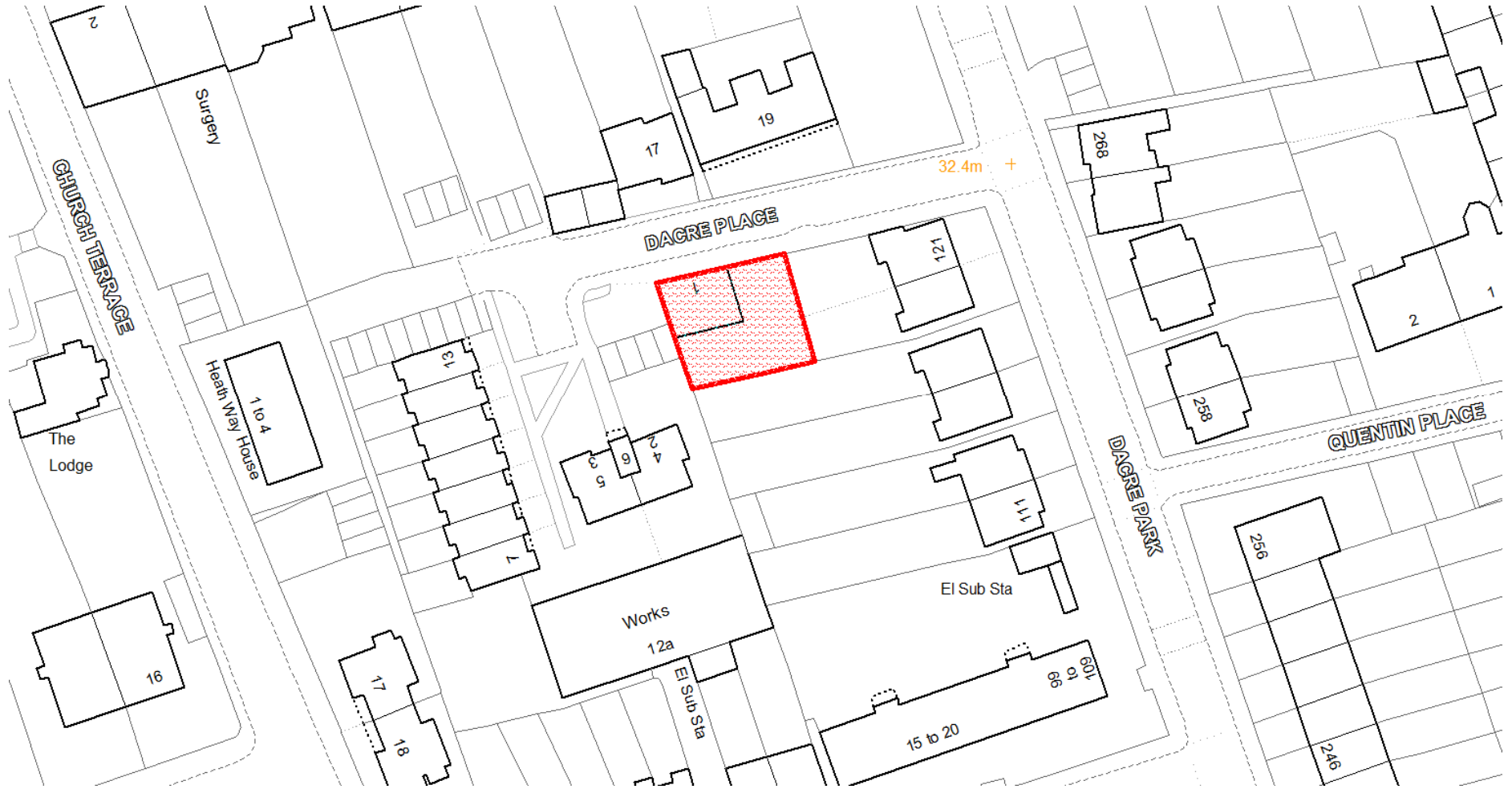
Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### Informatives

- A. Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- D. Condition 4 is a pre-commencement condition as any contaminants found to be present at the site may have detrimental implications to human health during the construction phase of the development.

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Committee	PLANNING COMMITTEE B	
Report Title	Flat 2, 42 Cranfield Road, London, SE4 1UG	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	06 July 2017

<u>Reg. Nos.</u>	(A) DC/17/100686
<u>Application dated</u>	15/03/2017
<u>Applicant</u>	Ms Garnett
<u>Proposal</u>	The installation of replacement double glazed uPVC windows in the rear elevation of Flat 2, 42 Cranfield Road, SE4.
<u>Applicant's Plan Nos.</u>	Drawing of Replacement Windows; Existing Rear Elevation Photograph; Site Location Plan; Heritage Statement and Design & Access Statement.
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/451/308/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy, Site Allocations Local Plan] - Existing Use,

## **2.0 Property/Site Description**

- 2.1 The application site is a three storey Victorian mid-terrace property converted into three self-contained flats. This application is concerned with the first floor flat. The property is located on the southern side of Cranfield Road, a residential road within the Brockley Conservation Area.
- 2.2 The property has an attractive front elevation that retains the original timber sliding sash windows with twin glazing bars. In contrast, the rear elevation has undergone a number of alterations including the construction of a single storey extension and the construction of a dormer to the rear roof slope. Replacement casement windows have been installed at ground and first floor levels.
- 2.3 The rear garden backs onto properties in Harefield Road and consequently the rear of the property is not visible from a public highway. The property is not listed but is subject to the Brockley Conservation Area Article 4 Direction.

## **3.0 Planning History**

- 3.1 **DC/08/691345** – The installation of two roof lights in the front roof slope and the replacement of the rear dormer window with a double glazed timber framed sliding sash window at 42C Cranfield Road, SE4.

## **4.0 Current Planning Applications**

### The Proposals

- 4.1 The application is to replace two non-original timber top-hung casement windows at first floor level with white uPVC side-hung casement windows with glazing bars.

### Supporting Documents

- 4.2 Drawing of Replacement Windows; Existing Rear Elevation Photograph; Site Location Plan; Heritage Statement & Design and Access Statement.

## **5.0 Consultation**

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

- 5.2 A site notice was displayed and letters were sent to residents in the surrounding area. The relevant ward councillors and the Brockley Society were also consulted.

- 5.3 The consultation resulted in a letter of objection from the Brockley Society. The objection concerned the wide frames of the windows and the 'tilt and turn' opening style. The Brockley Society argued that the windows would not be in keeping with the design of the original windows and suggested slim framed uPVC sash windows should be installed in their place.

## **6.0 Policy Context**

### Introduction

- 6.1 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)

- 6.2 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

- 6.3 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)'.
- 6.4 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

- 6.5 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)

- 6.6 The policies relevant to this application are:

Policy 7.4 Local character  
Policy 7.8 Heritage assets and archaeology

#### Core Strategy

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

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

#### Development Management Local Plan

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

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

- |      |              |  |
|------|--------------|--|
| 6.10 | 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)

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

**7.0 Planning Considerations**

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

- a) Design
- b) Impact on Adjoining Properties

Design

7.2 The proposed replacement windows are located on the rear elevation of the property at first floor level. The rear elevation is entirely concealed from view from public areas of the conservation area by properties on Harefield Road. Officers are satisfied that the installation of the casement windows would not be detrimental to the character and appearance of the Brockley Conservation Area in accordance with DM Policy 36, given that the windows being replaced are casement and as such are not an original feature of the property.

Impact on Adjoining Properties

7.3 The proposed windows would maintain the existing openings and would be a similar glazing type. Officers are of the view that the proposed windows would not present any additional impact on neighbouring amenity. The proposal is therefore in accordance with DM Policy 31.

## **8.0 Equalities Considerations**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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/>
- 8.5 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
- 8.6 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/>

8.7 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.

## **9.0 Conclusion**

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

9.2 Officers consider the proposal to be in line with the stated policies and is therefore considered acceptable.

## **RECOMMENDATION**

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

### **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:

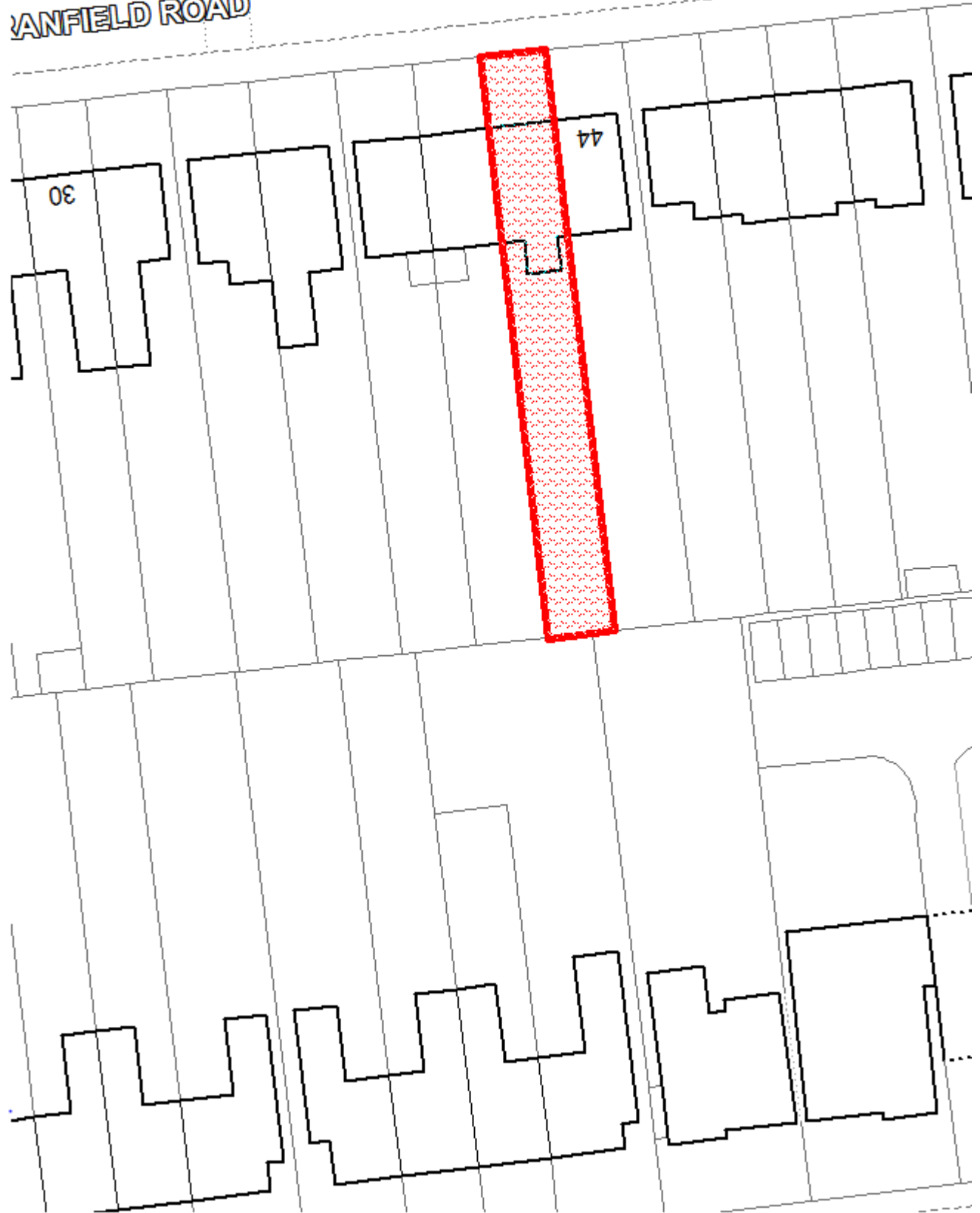
Drawing of Replacement Windows; Existing Rear Elevation Photograph; Site Location Plan.

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

### **Informatives**

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

ANFIELD ROAD



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Committee	PLANNING COMMITTEE	
Report Title	FLAT 5, 101 MANOR AVENUE, LONDON SE4 1TD	
Ward	BROCKLEY	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	06 JULY 2017

<u>Reg. Nos.</u>	DC/16/98755
<u>Application dated</u>	19.10.2016
<u>Applicant</u>	Mr Beric
<u>Proposal</u>	The construction of a replacement dormer and the installation of conservation style roof lights to the side roof slope at Flat 5, 101 Manor Avenue, SE4.
<u>Applicant's Plan Nos.</u>	PA-A-1001, PA-A-1002; PA-A-1003; PA-A-1004; PA-A-1005; PA-A-1006; Design and access statement; Heritage statement
<u>Background Papers</u>	(1) Case File LE/801/112/TP (2) Development Management Local Plan (November 2014) (3) London Plan (March 2015)
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The site is a four storey semi-detached Victorian house that has been converted into five self-contained flats. It is located on the southeast side of Manor Avenue at its junction with Geoffrey Road. Flat 5 is the top floor flat and is accessed by a communal entrance door at the front of the property.
- 1.2 The property lies within the Brockley Conservation Area and is covered by an Article 4 Direction.

## **2.0 Relevant Planning History**

- 2.1 **DC/12/79275** The installation of two roof lights in the rear roof slope and one roof light in the front roof slope of Flat 5, 101 Manor Avenue SE4 **Granted. Not implemented.**
- 2.2 **PRE/16/002552:** The enlargement of an existing rear dormer and the installation of conservation-style rooflights in the front roof slope.

## **3.0 Current Planning Application**

- 3.1 The construction of a replacement dormer on the rear roof slope of Flat 5, 101 Manor Avenue, SE4 and the installation of conservation style roof lights to the side roof slope

- 3.2 The proposal seeks to enlarge an existing dormer on the rear roof slope to measure 4.85m (w) x 2.8m(d) x 2.1m(h). The proposed dormer would incorporate two rooflights on its flat roof, each measuring 1m (h) x 1(w).
- 3.3 The proposed dormer would incorporate two timber sash windows each measuring 1.6m (w) x 1.6m (h) and set 1m apart.
- 3.4 The two new conservation styled rooflight would be installed flush into the side roof slope. The proposal initially included two rooflights to the front roofslope, but these have been deleted from the scheme.

#### **4.0 Consultation**

- 4.1 Statutory consultees were notified of the proposed development.
- 4.2 21 Local neighbours – Submitted no comment
- 4.3 Brockley Ward Councillors – Submitted no comment
- 4.4 Brockley Society - The proposed enlarged rear dormer is acceptable. It is considered that the chamfered reveals and facings should be more in keeping with the style of its neighbouring dormer at 103 Manor Avenue in view of its visible position from Geoffrey Road (ie as required by the extant Article 4(2) Direction of 25 January 2006).
- 4.5 The Brockley Society initially objected to the front rooflights. When these were deleted from the scheme, The Society made a new objection, this time to the side rooflights.
- 4.6 Following on from the conservation officer's comment, the case officer considered a setting down from the ridgeline would result in the development appearing incongruous within the rear roof slope and negatively affect the development's appearance when viewed alongside neighbouring property.

#### **5.0 Policy Context**

##### **5.1 Introduction**

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

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

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

##### **5.2 National Planning Policy Framework**

The NPPF was published on 27th 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)’.

5.3 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.

5.4 Other National Guidance

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

5.5 The London Plan (March 2016)

On 10 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

5.6 Core Strategy

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the borough's statutory development plan.

The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 15 High quality design for Lewisham

5.7 Development Management Local Plan

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

The following policies are considered relevant to this application:

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

5.8 Residential Standards Supplementary Planning Document (Updated 2012)

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

5.9 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.

- 5.10 Paragraph 6.7 (Roof extensions) states that when considering applications for roof extensions the Council will look at these main issues:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
  - Planning permission is always required for roof additions in Conservation Areas.
  - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
  - The relevant planning considerations for the proposal are the impact on the character and appearance of the roofscape in terms of scale, design, and size of the proposed rooflights and dormer and the impact this would have on character of the conservation area together with the impact on neighbour amenities.

- 5.11 Brockley Conservation Area Character Appraisal Planning Document (August 2006) Rooflights add visual clutter to plain roofslopes, which were not historically pierced with openings. They introduce unsympathetic modern materials such as coated aluminium and double-glazing into traditional settings. The design of rooflights is often unsympathetic as they stand proud of the roofslope and have wide, bulky frames. When open their appearance is even more intrusive. Of houses in the conservation area, 9% have one or more rooflights on their front roofslopes. Hilly Fields Crescent and Crescent Way have the highest percentages (32% and 33%) and in Geoffrey Road, Cranfield Road and Montague Avenue, between 19–23% of houses have rooflights

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations for the proposal are the impact on the character appearance of the host property and the conservation area in terms of scale, design, and size of the proposed rooflights and dormer. Furthermore, consideration would be given to the impact this would have on neighbouring amenities.
- 6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

### *Impact on character and appearance of the conservation area*

- 6.3 Rear Dormer: The application property currently has a dormer with a width of 1.5m installed on its rear roofslope. The existing dormer is visible from Geoffrey Road; however, the view of the current dormer is largely obscured by tall trees situated on its boundary wall. The dormer is relatively small in relation to other dormers on the rear roofslope of other properties on the terrace that are visible from Geoffrey Road.
- 6.4 The proposed rear dormer would have an acceptable size and scale in relation to the host property's roof structure and as such would not harm the host property's character of the host property or the neighbouring roofscape. The proposed dormer would be larger than existing as such would become more visually prominent on the rear roofslope. Officer consider the proposed dormer's additional volume would not compromise the host property's roof form. The proposed dormer's contemporary design would be complementary to the host property in line with DM Policy 30 (urban design and local character).
- 6.5 The proposed dormer would be visible from the public realm (Geoffrey Road) and appear alongside an existing dormer at No.103 Manor Avenue. The dormer's design, alignment

and material would be similar to in massing and proportions to that constructed at No.103. Both developments would be viewed as a pair when seen from the public realm in Geoffrey Road. In this context, the dormer would contribute to establishing a positive symmetry when viewed across the conservation area's roofscape as such would comply with DM Policy 36.

6.6 The proposed rear dormer would be constructed with graphite grey zinc cladding and incorporate concealed guttering, together with timber sash windows. It would appear as a contemporary addition to the host building due to its use of high quality materials that would be sympathetic to the character and appearance of the host property. To ensure high quality, details of the materials would be secured by condition.

6.7 Rooflights: The conservation styled rooflights proposed for the side roofslope would be black, with a flush profile and made of aluminium, a material considered acceptable within the context of the conservation area. Given the position of the rooflights on the side roofslope, the impact on the character and appearance of the conservation area would be negligible.

#### *Residential Amenity*

6.8 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and

6.9 The proposed rear dormer and rooflights would not enable any greater overlooking to neighbouring properties than currently exists and there would be no prospect of any loss of light to neighbours. In light of this, the proposed development is considered to be acceptable with regards to neighbouring amenity.

#### **Equalities Considerations**

6.10 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.

6.11 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.

6.12 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.

6.13 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/>

- 6.14 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
- 6.15 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/>
- 6.16 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.
- 7.0 Conclusion**
- 7.1 The application's proposal have been considered 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).
- 7.2 The proposed development is considered to be acceptable with regards to its design and and would not cause harm to the character and appearance of the conservation area or the to neighbouring amenity.
- 8.0 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:

PA-A-1001; PA-A-1002; PA-A-1003; PA-A-1004; PA-A-1005; PA-A-1006; Design and access statement; Heritage statement

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

- 3 No development shall commence on site until a detailed schedule and specification of all external materials and finishes and roof coverings to be used on the dormer 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 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 of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 31 Alterations/extensions to existing buildings, and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

### **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. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

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Flat 5, 101 Manor Avenue SE4 Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	82A UPPER BROCKLEY ROAD, LONDON, SE4 1ST	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	6th July 2017

<u>Reg. Nos.</u>	DC/17/100481
<u>Application dated</u>	02.03.2017
<u>Applicant</u>	Ms E Bockhop
<u>Proposal</u>	The construction of a single storey extension and the installation of decking to the rear of 82A Upper Brockley Road, SE4, together with the installation of a replacement timber sash window to the front elevation.
<u>Applicant's Plan Nos.</u>	494-100 Rev P02; 494-101 Rev P02; 494-102 Rev P02; 494-103 Rev P02; 494-110 Rev P02; 494-111 Rev P02; 494-120 Rev P02; 494-121 Rev P02; 494-122 Rev P02; Design & Access Statement; Heritage Statement Received 3rd March 2017  494-202 Rev P03; 494-203 Rev P03; 494-204 Rev P03; 494-210 Rev P03; 494-211 Rev P03; 494-220 Rev P03; 494-221 Rev P03; 494-222 Rev P03 Received 2nd May 2017
<u>Background Papers</u>	(1) Case File DE/104/82/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015)
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application site is located on the west side of Upper Brockley Road, close to the junctions with Vulcan Road and Ashby Road. It is occupied by a three storey plus lower ground floor Victorian property built of London stock brick with a tiled hipped roof and timber sash windows within stucco surrounds. The property is split into three flats, and 82A, which occupies the lower ground floor, is the subject of this application. The properties along this street are typically of the Victorian era and are mostly comprised of terraces of three storey plus basement dwellings, some of which have been split into flats.

1.2 The property is within Brockley Manor Conservation Area and subject to an Article 4 direction, but is not a listed building or in the vicinity of one. It has a PTAL of 4.

## **2.0 Relevant Planning History**

2.1 PRE/16/002786: Advice was given that there was no objection in principle to a single storey rear extension, but its design and the materials used were important, as was the consideration of the amenities of neighbours. Concern was raised to the height and depth on the boundaries with neighbouring properties. Officers advised on the use of a mono- or dual-pitched roof with a low eaves height to minimise any impact.

## **3.0 Current Planning Application**

3.1 The current application proposes the construction of a single storey rear extension with a roof that is both pitched towards the rear garden and also down towards the boundaries with nos. 80 and 84. An existing tree would be removed as a result of the proposal.

3.2 It would extend to a depth of 4.5m and measure almost 4.6m wide by a maximum of 3.6m high sloping down to 3.2m at its rear elevation with eaves heights of 2.5m from the ground levels of nos. 80 and 84. The extension would be finished in white render with a natural slate tiled roof, two white painted timber doors, white painted timber eaves and powder coated aluminium framed rooflights. The soil vent pipes and gutters would be in black. The paving proposed directly outside the extension would be level with the internal floor level and be of natural stone with voids in-between the slabs to allow for the infiltration of water.

3.3 The application also proposes the installation of a double glazed timber sash window to the front elevation to replace the existing single glazed window.

## **4.0 Consultation**

4.1 Pre-application advice was sought (see relevant planning history for details).

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 addresses, Brockley Ward Councillors, the Brockley Society and the Council's Conservation Officer.

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

4.4 One reply was received from the Brockley Society who objected on the following grounds:

- The freeholder has not been identified and it is unclear whether the other leaseholders agree to the proposals.
- The layout and circulation through the spaces would be hazardous and dangerous to negotiate.
- A combination of the constricted width and the length of the unit as extended would have inadequate daylight and sunlight penetration levels.
- The two person bedroom would not receive sufficient natural light.

- The new rooms would barely comply with the Nationally Described Space Standards and would not comply with Part M of the Building Regulations with regard to People with Disability.
- The proposed roof with its angled ridge and unequal roof slopes would be an incongruous form, alien to the Conservation Area, especially its visibility from Vulcan Road and the Kingswood Cottage footpath. The use of low angled slates is also unwise.
- The unit would be better served by the construction of a garden pavilion linked to the main building by a glazed loggia.

## **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 2015 as further altered in 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 2015)

- 5.6 On 10 March 2015 the London Plan (as further altered in March 2016) was adopted. The policies relevant to this application are:

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

#### Core Strategy

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

Spatial Policy 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.

Brockley Conservation Area Supplementary Planning Document (December 2005)

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

5.12 The application site is located within Character Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads.

## **6.0 Planning Considerations**

6.1 The relevant planning considerations are the impact of the proposal's design on the character and appearance of the existing building and of Brockley Conservation Area in addition to the impact on the amenities of neighbouring occupiers.

### *Design and conservation*

6.2 The scale and form of the proposed extension is not considered to be excessively deep or wide and would be subordinate to the main property. Its height is limited to a single storey and would not interfere with the windows at upper ground floor level. The hipped roof form is one which is seen throughout the Conservation Area, and indeed elsewhere in Brockley. The pitch of the roof is a site specific response that aims to reduce the extension's impact on neighbours, (which shall be considered later on in this report).

6.3 The objection of the Brockley Society to this aspect of the scheme is noted. However, the intention of conservation areas is not stifle architectural expression or high quality design that responds to its context. In any case, the structure would be entirely contained to the rear and would only be partially visible from the public realm, principally from a narrow alleyway to the rear of the property and its wider visual impact would be very limited. Furthermore, the use of materials appropriate for the Conservation Area (white painted render, slate and timber) is considered to be acceptable.

6.4 A condition is recommended to ensure that the natural stone paving incorporates voids so that it is permeable to prevent any run-off to the bottom of this sloping site.

- 6.5 The rooflights would help to bring light into the double bedroom and dining area, and would not be visible in views from the street, aided by the proposal to fit them flush. As such, it is not considered that the form, scale or materials would have a detrimental impact on the character and appearance of the application property or the Conservation Area.
- 6.6 The proposal would result in the rear garden being made smaller, although it would still leave a reasonably sized garden of approximately 11m deep in line with paragraph 3.10 of the Residential Standards SPD that states that residential gardens should be 9m deep.
- 6.7 The proposal to replace the front window with one of the same dimensions, style and with timber frames is considered acceptable. The only change is the upgrading of the window from single to double glazing, which would improve the thermal performance of the unit.
- 6.8 Therefore, Officers consider that the proposals are acceptable due to their scale, form, design and materials. There would not be any significant impact on the character and appearance of the host property or the Brockley Conservation Area in accordance with Core Strategy Policies 15 and 16, DM Policies 1, 30, 31 and 36 and the Brockley Conservation Area SPD.

*Impact on the amenity of neighbouring occupiers*

- 6.9 The main impact of the proposal would be on the properties to either side, nos. 80 and 84. The relevant considerations would be loss of sunlight, associated overshadowing, loss of outlook and the potential for the extension to be overbearing.
- 6.10 No. 80 features a two storey rear addition that extends to the same degree as that at the application property. However, that at no. 80 is more similar to the original additions to the rear of Victorian properties in that it does not extend the full width of the garden. It features a small obscure glazed rear-facing window and therefore outlook from this property would not be significantly affected, nor would there be a loss of sunlight as the main rear windows are located further back. There would, however, be some overshadowing to their rear garden, but given the size of the gardens its overall impact would be negligible. As the ground floor level at No.80 is 40cm higher, the extension would be 2.5m high on the boundary and, combined with the sloping roof, would not cause it to be overbearing.
- 6.11 No. 84 features a part one, part two storey extension, which again extends the same degree as that at the application property. The two storey element is located on the boundary with no. 86. No loss of sunlight or increase in overshadowing would ensue, this property being to the south of no. 82. Any loss of outlook would be limited to that which is currently had from the french doors in the single storey element close to the boundary. Officers consider that the combination of the higher ground floor level (by 40cm) at no. 84 and the adaptation to the roof of the extension would prevent this being a significant impact that would warrant refusal of this application.

- 6.12 The window proposed in the front elevation would replace one of the same size so would not lead to any adverse impact on privacy. Furthermore, the rooflights in the extension would not allow views to be had into neighbours' windows.
- 6.13 Therefore, the application is deemed acceptable in terms of residential amenity.

*Issues raised by consultation*

- 6.14 Freeholder permissions, Building Regulations and internal layout are not planning considerations. The extended flat would continue to provide a reasonable standard of accommodation, with rooflights providing natural light to habitable spaces, it's dual aspect and large garden.

**Equalities Considerations**

- 6.15 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.
- 6.16 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.
- 6.17 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.
- 6.18 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/>
- 6.19 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

- 6.20 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/>
- 6.21 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 2015) and the National Planning Policy Framework (2012).
- 8.0 In summary, it is considered that the proposal is appropriate in terms of its scale, form, design and materials and therefore would not have a significant impact on the appearance and character of the property or the Conservation Area, and would not harm 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:

494-100 Rev P02; 494-101 Rev P02; 494-102 Rev P02; 494-103 Rev P02; 494-110 Rev P02; 494-111 Rev P02; 494-120 Rev P02; 494-121 Rev P02; 494-122 Rev P02 Received 3rd March 2017

494-202 Rev P03; 494-203 Rev P03; 494-204 Rev P03; 494-210 Rev P03; 494-211 Rev P03; 494-220 Rev P03; 494-221 Rev P03; 494-222 Rev P03 Received 2nd May 2017

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) (a) The natural stone paving shall be laid such that water can infiltrate the material through voids between the slabs.



(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (March 2015, as further amended in March 2016) and Objective 6: Flood risk reduction and water management and Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011).

## **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. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, little contact was made with the applicant prior to determination.

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**82A Upper Brockley Road**



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Committee	PLANNING COMMITTEE A	
Report Title	10A WICKHAM ROAD, LONDON, SE4 1PB	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	22nd June 2017

Reg. Nos. DC/17/100532

Application dated 07.03.2017

Applicant Mr L Brown

Proposal The construction of a single storey rear extension with a green roof at lower ground floor level to 10A Wickham Road, SE4, together with the provision of a patio, steps up to the rear garden, soft landscaping and formation of a new access to the rear garden for the upper ground floor flat.

Applicant's Plan Nos. S001; S002; S003, P001; P003; OS SITE LOCATION; H.M. Land Registry Map; Design, Access & Heritage Statement Received 7th March 2017

P002 Rev A Received 23rd March 2017

P000 Rev A Received 18th May 2017

Background Papers

- (1) Case File DE/85/10/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2015)

Designation Brockley Conservation Area

Screening N/A

## **1.0 Property/Site Description**

- 1.1 The application property is located on the west side of Wickham Road, a residential road adjoining Ashby Road to the south with Lewisham Way to the north. The road is mostly comprised of three storey plus lower ground floor detached, semi-detached and short rows of terraced residential properties, although there is a block of flats replacing nos. 11-17 as well as 21-31, student accommodation and the Grade II listed St Peter's Church (built 1866-70) on the corner with Cranfield Road.
- 1.2 The application site is occupied by a three storey plus lower ground floor semi-detached London stock brick built Victorian property. It has been split into four flats, of which this application refers to that over the lower ground floor, Flat A. It

features a large, white painted portico to the front, a low-pitched roof tiled in slate, timber sash windows and two black painted metal staircases and associated platforms, which are unsympathetic later additions. They lead down from the upper flats into the ample rear garden, which is shared between Flats A and B and to which Flat C have access, but only for fire escape purposes.

- 1.3 The property is within Brockley Conservation Area, subject to an Article 4 direction, but is not a listed building nor in the vicinity of one. The site has a PTAL rating of 4/5.

## **2.0 Relevant Planning History**

- 2.1 None.

## **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 as well as the provision of a patio, steps up to the rear garden, soft landscaping and formation of a new access to the rear garden for the upper ground floor flat (Flat B).
- 3.2 The proposed extension would extend from the property at lower ground floor level by 3m on the boundary with no. 12 and 1.6m underneath the side access. It would extend the full width of the lower ground floor (8.45m), replacing the existing patio and steps to the rear garden, which would be re-provided at the same depth, albeit the steps would be narrower.
- 3.3 The rear extension is proposed to measure 2.95m high with a flat, green roof punctuated by a rooflight that would be obscure glazed. It would feature bi-fold doors to the rear and re-provide access to Flat B over the upper ground floor. The drawings show that the width would be reduced by 10cm, but it would remain the full width of the property with black painted metal railings as existing, although the steps would now be located to the other side. New steps are also proposed from the rear garden to the side pathway, which would be increased in height by 30cm.
- 3.4 The materials proposed are timber cladding for the external walls and timber for the door frames, fascia and soffit. The extension would facilitate a larger kitchen, living / dining room and Bedroom 2 would increase in size.
- 3.5 The application also proposes a concrete retaining wall for the patio and unspecified soft landscaping to the rear of the wall.

## **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 19 adjoining addresses, Brockley Ward Councillors, the Brockley Society and the Council's Conservation Officer.

## Written Responses received from Local Residents and Organisations

4.4 Five objections were received, two from the same property, raising the following concerns:

- Potential subsidence due to interference with the foundations and impact on the structural integrity of the building given the existing cracks and sagging.
- The applicant only owns the leasehold, not the freehold and therefore do not have the right to build.
- Flat B do not agree to their balcony being removed temporarily or altered, or to their loss of access to the garden during the works.
- There would be dust, noise and enormous disruption, which would force the occupants of Flat 10B to move out.
- Views from Flat 10B and light pollution, fire risk and security from the excessive rooflight would be significant and unduly altered.
- The large skylight would cause light spillage and loss of privacy.
- The width of the side passage would be reduced, which is unacceptable as it is a fire escape.
- The application fails to satisfactorily define the materials to be used, and in terms of junctions and finishes.
- The extent of structural alterations and method of construction cannot be properly assessed for nos. 10 and 12 regarding support walls, openings, roof and floor formation, foundations and loadings needed, plus for waterproofing.
- Some of the drawings are inaccurate.
- The application fails to provide foul sewage details, which is unacceptable as the proposed extension builds over a shared sewer, which is not shown.
- Neither Building Control nor Thames Water appear to have been consulted.
- The flat-roofed extension's height of 3m against no. 12's garden wall will seriously impair security and is likely to result in the wall being rebuilt.
- Structure Insurance would be adversely affected.
- The cost of two Party Wall Surveys and Awards at no. 12, three at no. 10 and two or more at no. 8 would be great.
- Remedial work to any ensuing cracks would be disproportionate / prohibitive.
- The extension provides a sub-standard tunnel-shaped bedroom, which will not have the required daylight.
- The layout does not comply with Part M of the Building Regulations, the ground floor entrance and internal access stair need to be shown with fireproofing and the adequacy of penetration of daylight and sunlight needs to properly demonstrated via calculation using the BRE's guidance.

4.5 The Brockley Society objected on the following grounds:

- The applicant is a leaseholder and does not own the area where the proposed building work will take place. The other leaseholders do not appear to have agreed to the proposal and it will cause them considerable disruption structurally and loss of amenity.
- There is a lack of detail and accuracy in the proposal making it impossible to assess the application properly. Materials are inadequately defined and the drawings are small scale and contradict each other.
- There is a failure to provide foul sewage details and the proposed extension appears to build over a shared sewer.

## 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 2015 as further altered in 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 2015)

- 5.6 On 10 March 2015 the London Plan (as further altered in March 2016) was adopted. The policies relevant to this application are:

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

### Core Strategy

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

Spatial Policy 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.

- 5.11 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that may be acceptable within Brockley Mews - mainly within Harefield Mews.
- 5.12 The application site is located within Character Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads.

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are the impact of the proposal's design on the character and appearance of the existing building and of Brockley Conservation Area in addition to the impact on the amenities of neighbouring occupiers.

### *Design and conservation*

- 6.2 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.
- 6.3 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.
- 6.4 The dimensions of the extension are considered to be acceptable because its scale is considered to be subordinate to the main building, given that it is effectively four storeys high when viewed from the rear. For reference purposes, the extension only extends 10cm further than the existing rear lightwell.
- 6.5 Officers support the provision of a green roof, although it is recommended that a condition be added to prevent its use as an amenity area.
- 6.6 It is recognised that the design of the rear extension is contemporary, which is supported by Council policies, provided that they complement the host building, which they are considered to do. Officers consider that the timber cladding and the green roof blend in well with the verdant surrounds of the rear gardens of these buildings.

- 6.7 The rear doors in addition to the large rooflight would help to bring light into the new space, particularly the living room and dining area. The proposal would result in the rear garden being made smaller, although it would still leave a large sized garden of at least 24m in depth. The re-provision of the patio and steps up to the rear garden would be acceptable.
- 6.8 The proposed scale, form, design and materials for the proposals are considered by Officers to be of a high quality and appropriate for the building and the Brockley Conservation Area. As such, the proposal complies with Core Strategy Policies 15 and 16, DM Policies 1, 30, 31 and 36 and the Brockley Conservation Area SPD.

*Impact on the amenity of neighbouring occupiers*

- 6.9 The proposal would have most impact on the flat above, 10B, and no. 12.
- 6.10 The proposed rear extension, at least at upper ground floor level, would be located at least 2.8m from no. 8 and, especially given its relatively modest projection, would therefore not have any significant impact on their amenity.
- 6.11 The extension would be on the boundary with no. 12, but, as seen on Proposed Section D-D, would not extend to the height of the boundary wall. Whilst it would be visible from upper floors of no. 12, as well as the upper flats at no. 10, the proposed green roof would soften the outlook. The rooflight would be obscure glazed using the acid etching technique to prevent views being had of the outside from within the extension as well as into it. The extension is not considered to result in any significant security implications given that there is currently a staircase and a balcony on the boundary with no. 12.
- 6.12 The re-provision of access to the other side of the property, away from the boundary from no. 12 is considered to result in less overlooking.
- 6.13 The location of the extension at lower floor level would prevent it from having any significant impacts in terms of loss of daylight or sunlight, nor would it increase overshadowing or any sense of enclosure.
- 6.14 21 and 23 Manor Avenue are to the rear of 10 Wickham Road. However, given the separation distance and the fact that Wickham Mews is between them, the proposals are not considered to have any impact on their amenity.
- 6.15 Therefore, the application is deemed to be acceptable in terms of the residential amenity of neighbouring occupiers and in accordance with Core Strategy Policy 15 and DM Policy 31.

*Issues raised by consultation*

- 6.16. Issues of subsidence or the otherwise structural integrity of a building, leaseholder permissions, light pollution / spillage, fire risks / fireproofing, method of construction, party wall matters, sewerage and building insurance are not planning considerations. Dust, building works and noise are not relevant considerations for a scheme of this scale. Therefore, they have not been taken into account in the consideration of this application.

- 6.17. It was considered by officers that the application plans as amended contained sufficient detail to be able to make a decision.

### **Equalities Considerations**

- 6.18. 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.
- 6.18. 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.
- 6.14 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.
- 6.15 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/>
- 6.16 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
- 6.17 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:

- 6.18 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 2015) and the National Planning Policy Framework (2012).

- 7.1. In summary it is considered that the proposal is acceptable in terms of its impact on the existing property, Conservation Area and adjoining residential properties.

- 8.0 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:

S001; S002; S003, P001; P003; OS SITE LOCATION; H.M. Land Registry Map Received 7th March 2017

P002 Rev A Received 23rd March 2017

P000 Rev A Received 18th May 2017

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

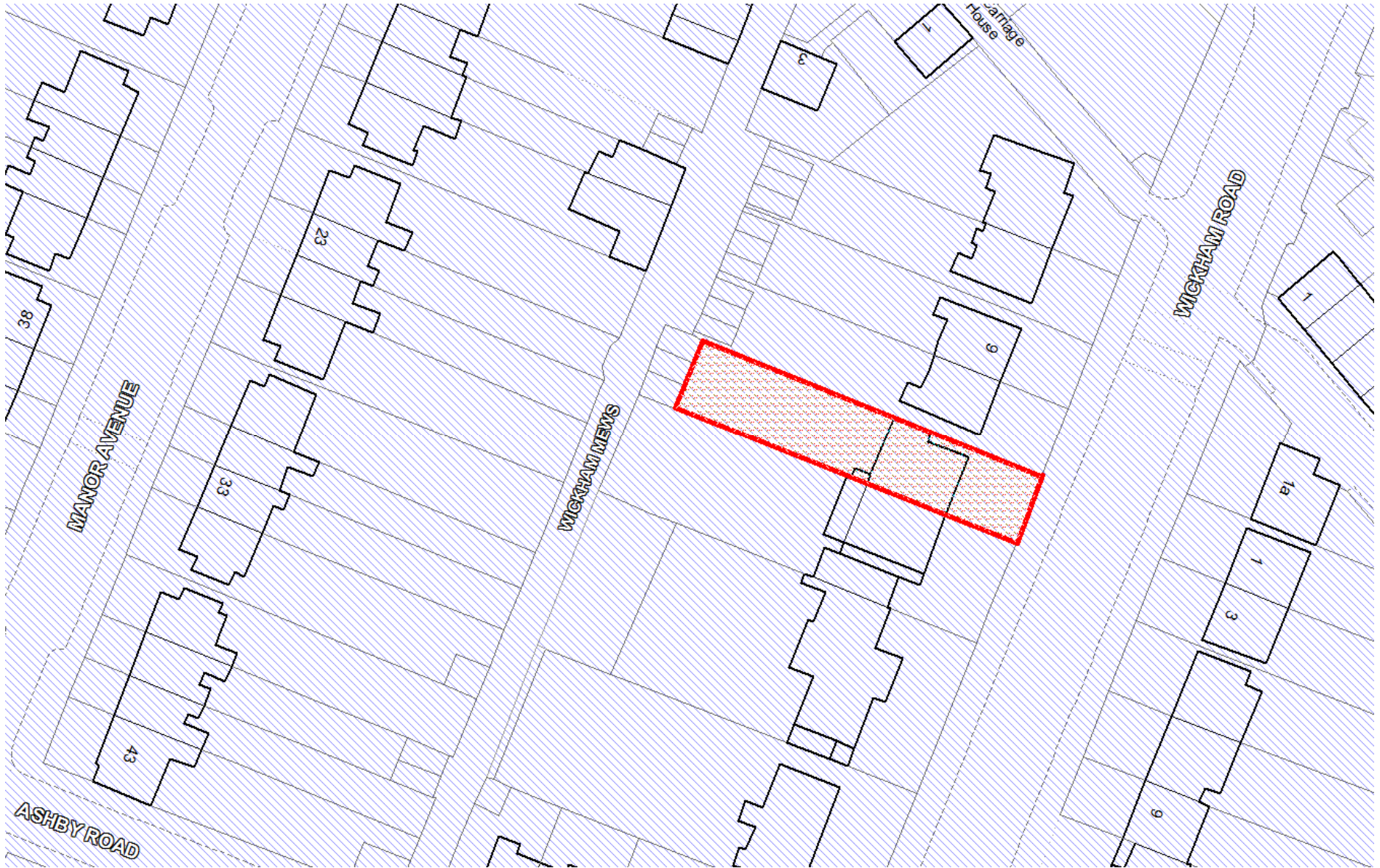
- 3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

## **INFORMATIVES**

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

**10A Wickham Road**



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Committee	PLANNING COMMITTEE	
Report Title	2 Radlet Avenue, London, SE26 4BZ	
Ward	Forest Hill	
Contributors	Joe Roberts	
Class	PART 1	Date: 6 <sup>th</sup> July 2017

<u>Reg. Nos.</u>	DC/17/099905
<u>Application dated</u>	24.01.2017
<u>Applicant</u>	Mr Taylor
<u>Proposal</u>	The formation of a basement area to the side of 2 Radlet Avenue SE26.
<u>Applicant's Plan Nos.</u>	Site Location Plan, 16323/01A, 16323/02A, 16323/03, 16323/05, 16438/01 A, 16438/02, 16438/03, 16438/04 A.
<u>Background Papers</u>	Case File LE/454/2/TP (1)
<u>Designation</u>	PTAL 3 Forest Hill Article 4 Direction Forest Hill Conservation Area Not a Listed Building

## **1.0 Property/Site Description**

- 1.1 The property is a two-storey, semi-detached house located on the north-west side of Radlet Avenue directly opposite the junction with Round Hill. Radlet Avenue is a short cul-de-sac with access via Thorpewood Avenue, and Round Hill is also a cul-de-sac, with vehicle access via Radlet Avenue
- 1.2 The existing house has a moderate-sized front garden and a larger side garden, plus a small triangular shaped rear garden area. The property has a hip to gable roof extension, a rear roof extension and small single storey-extension to the rear.
- 1.3 The front elevation of the main dwelling is finished with brickwork at the ground floor and render on the first floor. The side elevation is also finished in render. The front door is timber.
- 1.4 The road is characterised by similar style two-storey semi-detached residential properties. The houses at the rear in Thorpewood Avenue lie within the Forest Hill Conservation Area, such that the boundary of the Conservation Area runs along the side boundary of the application site.

## 2.0 Planning History

- 2.1 In February 2008, planning permission was granted for the construction of a basement to the front and side at 2 Radlet Avenue to create additional living accommodation (DC/07/66429).
- 2.2 The above permission has lapsed, as investigations carried out showed that works had not commenced on site. This fact was confirmed following the local meeting held in May 2012 into the DC/11/79054 basement application mentioned below.
- 2.3 In December 2011, planning permission was refused for the construction of a two-storey, four-bedroom semi-detached dwelling house on land at the side of 2 Radlet Avenue (DC/11/77937).
- 2.4 The reasons for refusal were:-

*“The proposed four-bedroom house would constitute an over-intensive form of development that does not reflect the established characteristics of the immediate area. The development would be visually obtrusive and harmful to the visual amenity, character and appearance of the area, resulting in over-development of the plot and having a negative and dominating impact on the adjoining Forest Hill Conservation Area, contrary to Objective 10: Protect & Enhance Lewisham's Character, Policy 15: High Quality Design for Lewisham & Policy 16: Conservation Areas, Heritage Assets and the Historic Environment of the Local Development Framework - Core Strategy (June 2011) and saved policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development & HSG 8 Backland and Infill Development of the Council's adopted Unitary Development Plan (July 2004).*

*The proposed dwelling would be unacceptably cramped, leading to loss of amenity for future occupiers and neighbouring properties. Future occupiers would not benefit from adequate levels of privacy or good external amenity space. In addition, the proposal would create loss of amenity to neighbouring residents at 46-50 Thorpewood Avenue by reason of overbearing impact, loss of outlook, overlooking, loss of privacy, increased activity, noise and disturbance, contrary to Objective 10: Protect & Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the Local Development Framework - Core Strategy (June 2011) and saved policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development & HSG 8 Backland and Infill Development of the Council's adopted Unitary Development Plan (July 2004) and SPG: Residential Standards.*

*The Applicant has failed to demonstrate how the proposal would respond to the 'lean, clean, green' principles contained within the London Plan. Insufficient information has been submitted in respect of efficient use of water, energy or resources and it has not been indicated that the proposal could meet Code for Sustainable Homes Standards Level 4. Consequently*

*the application fails to address significant policy changes in respect of sustainability and climate change and the proposal is therefore contrary to Policy 5.1 Climate Change Mitigation, Policy 5.2 Minimising Carbon Dioxide Emissions, Policy 5.3 Sustainable Design & Construction, Policy 5.7 Renewable Energy in the London Plan (July 2011) and Policy 7: Climate change and adapting to the effects and Policy 8: Sustainable design and construction and energy efficiency in the Local Development Framework - Core Strategy (June 2011) (June 2011)."*

- 2.5 This refusal of permission was not appealed.
- 2.6 A single-storey extension has been constructed at the rear of the house. No Certificate of Lawful Development has been submitted in respect of this work, but it does appear to constitute permitted development.
- 2.7 In August 2012, planning permission was granted for the formation of a basement to the side of 2 Radlet Avenue, to provide additional living accommodation (DC/11/79054). This permission has not been implemented within 3 years of the decision and has therefore lapsed.
- 2.8 In October 2016, planning permission was refused for the construction of a double garage to the side of 2 Radlet Avenue SE26. The reason for refusal was as follows:
- 2.9 *The proposed side extension, by reason of its prominence, bulk and width would appear as a disruptive and jarring form of development that would fail to respect or complement the character of the host building, the surrounding area and the significance of the Forest Hill Conservation Area; contrary to Policy 7.4 Local Character, Policy 7.6 Architecture and Policy 7.8 Heritage Assets and Archaeology in the London Plan (2016), Policy 15 High Quality Design for Lewisham and Policy 16 Conservation Areas, Heritage Assets and the Historic Environment in the Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting; conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (2014) and the Residential Standards SPD of the Local Development Framework (updated 2012).*
- 2.10 In January 2017, planning permission was refused for the formation of a basement to the side of 2 Radlet Avenue SE26. The reason for refusal was as follows:
- 2.11 *The proposed stairwell and railings to the front garden would manifest as a prominent and incongruous form of development, to the detriment of the character and appearance of the host property, streetscene, and the significance of the adjacent Forest Hill Conservation Area; contrary to Policy 7.4 Local Character, Policy 7.6 Architecture and Policy 7.8 Heritage Assets and Archaeology in the London Plan (2016), Policy 15 High Quality Design for Lewisham and Policy 16 Conservation Areas, Heritage Assets and the*

*Historic Environment in the Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting; conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (2014) and the Residential Standards SPD of the Local Development Framework (updated 2012).*

### **3.0 Current Planning Application**

- 3.1 This planning permission is sought for the construction of a basement area to the side of 2 Radlet Avenue SE26
- 3.2 The proposed basement extension would extend some 5 – 11m from the north-eastern flank of the existing dwellinghouse, following the shared boundary with numbers 48 – 50 Thorpewood Avenue. The basement extension would project 4m beyond the front elevation of the host dwellinghouse and would have a depth of 3m internally.
- 3.3 The application has been revised from the previous scheme to remove the external staircase and railings. As such, the basement would not be accessible externally. To allow light in there would be a glazed lightwell.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward councillors. The Council's Conservations officer was also consulted.
- 4.3 Three objection letters were received from neighbouring residents.

#### Written responses received from local residents

- 4.4 Objections were received from 3 local residents citing the following issues which are relevant to the assessment of the planning application:.
- Same objections as the previous applications
  - Applicant has never respected the character of the host property
  - Not in keeping with the surrounding area
  - Loss of privacy

- Applicant has already made substantial changes. This is a precursor to him creating a separate dwelling
- Close proximity to boundary fence, would impact on privacy.

#### Highway and Transportation

4.5 Council's Highways Officers have offered no objection to the proposed development.

### **5.0 Policy Context**

#### Introduction

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

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

A local finance consideration means—

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The Development Plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

#### National Planning Policy Framework (NPPF)

5.4 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)’.

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

#### London Plan (2016)

The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

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

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

The Housing SPG (GLA, March 2016)

#### Core Strategy (2011)

- 5.6 The Core Strategy, together with the London Plan and the Development Management Local Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Policy 15 High quality design for Lewisham

Policy 16 Conservation areas, heritage assets and the historic environment.

#### Development Management Local Plan (2014)

- 5.7 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the

Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 26 Noise and vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings.

DM Policy 32 Houses design, layout and space

DM Policy 36 New development, change 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 ( as updated 2012)

This development 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, amenity space and materials

### **6.0 Planning Considerations:**

- 6.1 The main issues to consider in regard to this application includes the scale and appearance of the proposed basement, its relationship with the host building, the impact on the adjacent Conservation Area; and the level of impact it would have upon the amenities of neighbouring occupiers.

#### Design and Impact on the Conservation Area

- 6.2 Core Strategy Policy 15 seeks to ensure that a high standard of design is upheld; proposals must complement the existing development, streetscape and character.
- 6.3 DM Policy 31 relates to extensions to existing buildings and requires development to be of high, site specific, and sensitive design quality, and respect and/or compliment the form, setting, period, architectural characteristics, detailing of the original buildings including external features, such as chimneys and porches. It further states that high quality matching or complimentary materials should be used in relation to the context.
- 6.4 Development Management Policy 36 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where:

“new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and material; 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; or development adjacent to a Conservation Area would have a negative impact on the significance of that area”

- 6.5 The Residential Standards SPD states 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.
- 6.6 The proposed development will be largely subterranean. The only external manifestation of the scheme would be the triple glazed front garden lightwell
- 6.7 The proposed basement itself, whilst large in scale, raises no concerns with regard to design and impact on the conservation area given its located below ground and would not be visible from the public realm.
- 6.8 The proposed lightwell would be located flush to ground level and its scale is considered to be reasonably proportioned and would be set in 3m from the front boundary and 5.5m from the side boundary with number 44 Thorpewood Avenue. The lightwell would be set behind the boundary fence, limiting the visibility from the public realm. Officers consider the lightwell would not have a negative impact on the character and appearance of the host property or the significance of the adjacent Forest Hill Conservation Area.
- 6.9 Given the above, the proposed development is considered to be acceptable with regard to design and impact on the adjacent Conservation Area.

#### Neighbouring Amenity

- 6.10 It is stated in DM Policy 31 that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity, (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.11 Given the location of the proposed development at a subterranean level, the proposed development, including the proposed lightwell, will not have any impact on occupants of any neighbouring properties with respect to privacy, daylight/sunlight, outlook or overshadowing.
- 6.12 Officers note that concerns have been raised by neighbours with regard to damage on boundary fencing; however, this does not form a material planning consideration in accordance with the NPPG. In any event
- 6.13 During construction of the development, there could be multiple vehicular trips to the site. Officers consider that to regularise these trips, a condition securing the details of a construction logistic plan and restricting the hours of delivery would be sufficient.



6.14 As such, the proposal is considered acceptable in regards to amenity

## **7.0 Equalities Implications**

7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

7.2 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, or foster good relations.

## **8.0 Conclusion**

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

8.2 The proposed development is considered to be acceptable and of no significant harm to residential amenity or the character of the area.

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

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

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

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

Site Location Plan, 16323/01A, 16323/02A, 16323/03, 16323/05, 16438/01 A, 16438/02, 16438/03, 16438/04 A.

**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 Deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

4. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

(a) Rationalise travel and traffic routes to and from the site.

(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

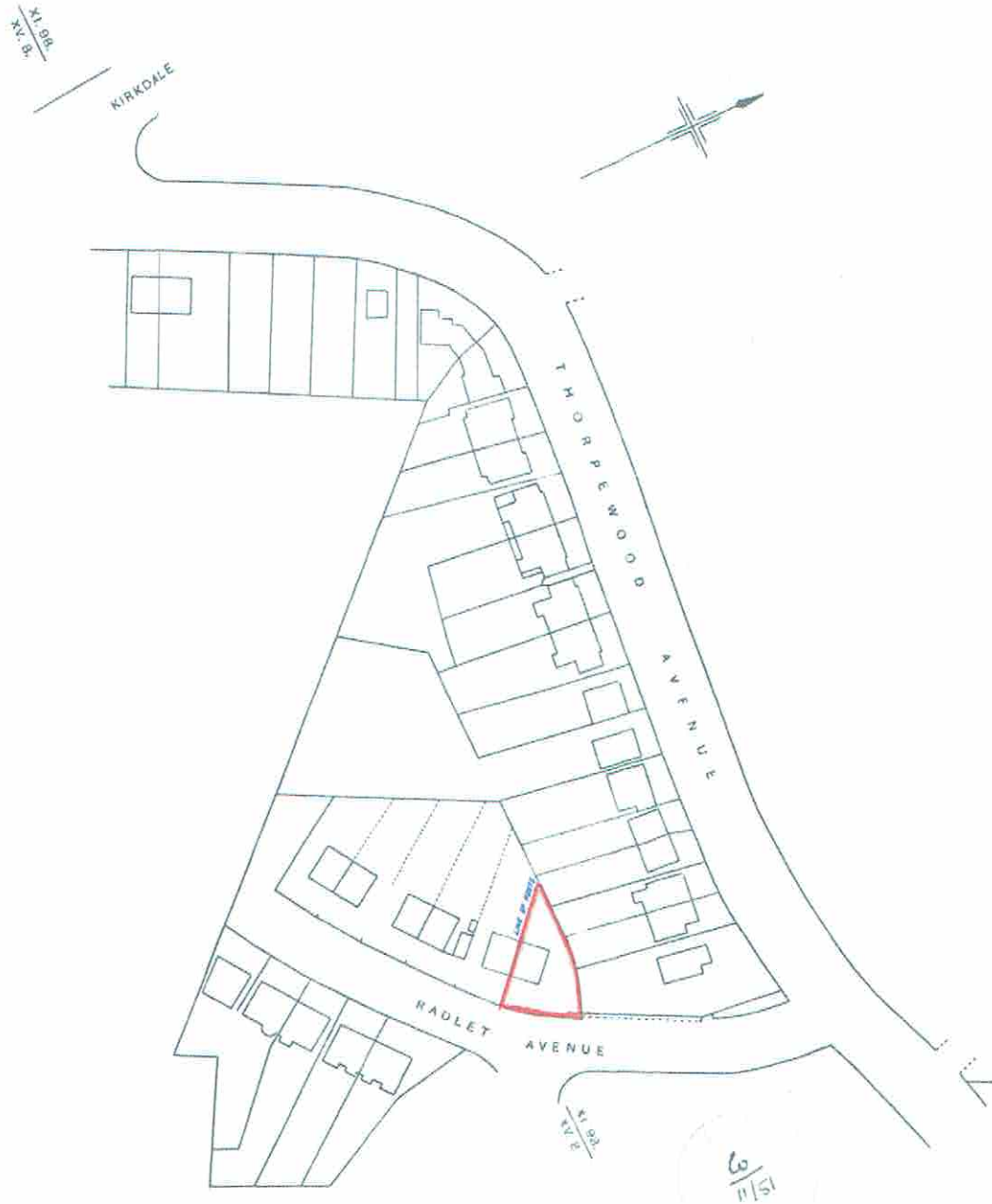
### **Informative**

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

# H. M. LAND REGISTRY GENERAL MAP

LONDON SHEET XI. 98. SECTION L (Extract from)

Scale 1/56



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