

Committee	PLANNING COMMITTEE A	
Report Title	37 Arbuthnot Road SE14 5LS	
Ward	Telegraph Hill	
Contributors	David Jeffery	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/14/86805
<u>Application dated</u>	03.03.2014
<u>Applicant</u>	Mr Kershaw
<u>Proposal</u>	The construction a single storey infill extension at the rear of 37 Arbuthnot Road SE14.
<u>Applicant's Plan Nos.</u>	37.01 & 37.02, Site Plan, Design & Access Statement and Heritage Assessment and Photographs
<u>Background Papers</u>	(1) Case File DE/43/37/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Existing Use
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 37 Arbuthnot Road is a two storey mid-terrace single dwelling house on the north side of the road. The property forms part of an architecturally cohesive area of two storey terraces of almost identical design.
- 1.2 The property features an original two storey rear projection. There is currently a single storey rear extension projecting 2m from the rear elevation of the two storey projection.
- 1.3 The property is located within Telegraph Hill Conservation Area. It is not a listed building.

2.0 Planning History

- 2.1 There is no relevant history associated with the subject property, however the adjacent property, number 35 Arbuthnot Road has been granted and implemented permission for a very similar extension built up to the party wall of number 37 under application ref DC/12/79710.

3.0 Current Planning Applications

The Proposal

- 3.1 The applicant proposes to construct a single storey infill extension between the side elevation of the two storey projection and the property boundary.
- 3.2 The proposed extension infills the area between the original two storey rear projection and the side boundary with number 35. The extension would result in the loss of an original bay window located to the side of this rear projection.
- 3.3 This results in an extension which is 1.7m in width and 6.6m in depth finishing level with the end of the original two storey rear projection. The height of the extension on the boundary would be 2.5m and it would have a lean to roof rising to just over 3m which contains four rooflights.

4.0 Consultation

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Letters were sent to adjoining neighbours, the Telegraph Hill Society and Ward Councillors were notified.
- 4.3 No objections have been received from neighbouring properties.

Written Responses received from the Telegraph Hill Society

- 4.4 The Telegraph Hill Society have objected to the application on the following grounds:
- The proposal will result in the loss of a bay window which is a significant original feature, the loss of which will damage the structural integrity of the property.
 - The extension will present a large blank wall to the neighbouring property
 - The large number of rooflights may result in light pollution for the neighbouring property.

Written Responses received from Amenities Societies Panel

- 4.5 The Panel objected to the loss of the bay window on the side of the back addition which is a distinctive feature of the Conservation Area. The large roof lights, which are a consequence of the over-large extension, will also give rise to glare and light spillage which will be harmful to the amenities of neighbouring occupiers.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, 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 NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

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

Ministerial Statement: Planning for Growth (23 March 2011)

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

London Plan (July 2011)

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

Core Strategy

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

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

Unitary Development Plan (2004)

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

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
HSG 4 Residential Amenity
HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

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

- 5.10 Telegraph Hill Conservation Area Character Appraisal (2008)

Emerging Plans

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

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.12 The following emerging plans are relevant to this application.

Development Management Local Plan

5.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

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

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

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

DM Policy 31 Alterations/extensions to existing buildings

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

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

6.0 Planning Considerations

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

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

Design and visual impact on the Conservation Area

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

- 6.3 The Council's adopted UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas stipulates that extensions to buildings will not be permitted where the proposal is incompatible with the special characteristics of the area, including the area's buildings, scale, form and materials.
- 6.4 The infill extension will project 6.6m from the rear elevation of the main building. The rear elevation of the new extension would align with the rear elevation of the original two storey projection. The proposed extension features a mono pitched roof containing four rooflights falling from a ridge height of 3m adjoining the side elevation of the two storey projection to an eaves height of 2.5m on the party wall with number 35.
- 6.5 The proposal is designed to share a party wall with and replicate the design and dimensions of an existing extension at number 35, which was granted permission in 2012 under application DC/12/79710. It is acknowledged that the construction of the proposed extension would result in the loss of an existing bay window which is an original feature of this property, however, given that this is not visible from any public vantage point and that the loss of such a bay window has already been granted permission for the neighbouring property, as part of a similar proposal, this is not considered to result in significant harm to the character and appearance of the Conservation Area and refusal would not be justified for this reason.
- 6.6 The proposed single storey extension is considered in be in scale with the existing building. The proposed materials of brick, glass and timber framed French windows will complement the existing materials, subject to a condition that the bricks should match the existing.
- 6.7 Impact on neighbouring properties
- 6.8 The Council's UDP policies HSG 4 Residential Amenity and HSG 12 Residential Extensions state that development should safeguard the residential amenities of the local area, that extensions should be neighbourly, and should not result in an appreciable loss of privacy and amenity for adjoining houses and their back gardens.
- 6.9 The eaves height of the new extension close to the boundary will be 2.5m, which is not significantly higher than a 2m boundary fence permitted by the GPDO. This rises to a ridge height of 3, which again is considered to be an acceptable height. However, most significant in terms of assessing the potential impact on neighbouring properties, is the fact that the adjacent property number 35, has already built an extension of almost identical dimensions up to the boundary. As a result, there are not considered to be any significant implications for the amenities of this neighbour. Also, as the proposed extension would be entirely contained to the west side of the two storey rear projection there are not considered to be any other implications in terms of the amenities of neighbouring properties. Being a single storey extension of modest scale there are not considered to be any significant impacts on the privacy of neighbouring properties.
- 6.10 The subject property would retain a readily accessible, secure, private and usable external space for recreation and domestic purposes in line with policy HSG 12 Residential Extensions.

- 6.11 Overall it is considered that the proposal will not result in an unacceptable impact on neighbouring properties in terms of overshadowing, overlooking, loss of light or loss of outlook. The proposal is therefore considered to be in accordance with the Council's adopted residential amenity policies.

7.0 Equalities Considerations

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

8.0 Conclusion

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

9.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

37.01 & 37.02, Site Plan, Design & Access Statement and Heritage Assessment and Photographs.
- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing

Reasons

- (1) As required by Section 91 of the Town and Country Planning Act 1990
- (2) To ensure that the development is carried out in accordance with the approved documents.
- (3) To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

INFORMATIVES

- (1) Positive and Proactive Statement

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, 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.