

Committee	PLANNING COMMITTEE C	
Report Title	51-53 Canonbie Road SE23 3AQ	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	17 July 2014

Reg. Nos.

DC/13/84386

Application dated

26.07.13, amended 14.04.14, 17.06.14 & 29.06.14.

Applicant

Mr Mehta of Project Nine Design Ltd

Proposal

The demolition of the existing dwelling house at 51-53 Canonbie Road SE23, and the construction of two part 2/ 3-storey with basement, 4 bedroom houses, including a single-storey 'summerhouse' at the end of the rear garden of 'House 1', associated landscaping and the provision of 1 car parking space to the front of each house with access onto Canonbie Road.

Applicant's Plan Nos.

Existing Block Plan, Existing Front Elevation, Existing Rear Elevation, Existing Side Elevations, Proposed Site Plan, Proposed Levels Plan, Proposed Block Plan, House 1 Plans (Scheme B), House 2 Plans, Proposed Elevations, House 1 Proposed Elevations (Scheme B), House 2 Proposed Elevations, Proposed Sections, 1:20 Section, Typical Recessed Balcony, Site Location Plan, Topographical Survey, Sectional Sketches, Sunlight/ Daylight (29.06.14) 1:20 Section, Proposed Section CC, Sustainability, CIL, Design & Access Statement and Lifetime Homes.

Background Papers

- (1) Case File LE/50/51/TP
- (2) Lewisham Development Framework: Core Strategy (2011)
- (3) Unitary Development Plan (July 2004)
- (4) The London Plan (February 2011)

Zoning

Adopted UDP - Existing Use
PTAL 2
Not in a Conservation Area
Not a Listed Building

1.0 Property/Site Description

- 1.1 The application site comprises a part single/ 2-storey plus roofspace unoccupied residential property located on the east side of Canonbie Road, close to its junction with Netherby Road. The property benefits from a large garden at the rear, which lies adjacent to a privately owned vehicular passageway that leads through to Sydmons Court to the east of the application site.
- 1.2 The surrounding area is predominantly residential in character, comprising a varying style of detached and semi-detached dwellings.
- 1.3 Canonbie Road is sited upon a steep hill, running downwards in a north-westerly and easterly direction.
- 1.4 The site does not lie within a conservation area, nor are there any listed buildings within the immediate vicinity.

2.0 Planning History

- 2.1 In 2011, an application was submitted for the demolition of the existing building at 51-53 Canonbie Road, and the construction of a part two/ part three-storey plus roofspace building incorporating balconies to provide 2, one bedroom, 6 two bedroom and 1, three bedroom self-contained flats, together with the provision of 4 car-parking spaces to the front, 8 bicycle spaces, refuse storage and associated landscaping.
- 2.2 When an appeal was lodged for non-determination of the application, the Council stated that planning permission would have been refused under delegated powers for the following reasons:-

The proposed building, by reason of density, scale, bulk and height is considered to represent an overbearing and excessive form of development, appearing out of context with the neighbouring dwelling-houses and the streetscene generally, whilst impacting adversely upon the visual amenities of neighbouring occupiers by way of reduced outlook, overlooking and an overwhelming sense of enclosure, contrary to Objective 10: Protect & Enhance Lewisham's Character, Spatial Policy 5: Areas of Stability and Managed Change & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004), and Table 3.2: Sustainable Residential Quality Density Matrix in The London Plan (2011).

- 2.3 The application was subsequently refused at Appeal.
- 2.4 In 2012, a second application was formally submitted, proposing the demolition of the existing property, and the construction of a part 2/ 3-storey plus roofspace building, measuring 15.8m wide and sited less than 1 metre away from the side boundaries. At its front, it would measure a maximum height of 8.6m, whilst at the rear, it would be 11.2m, attributed to the sloping nature of the site.
- 2.5 The building would have accommodated 8 self-contained flats, comprising 1, three bedroom, 2 one bedroom and 5, two bedroom units, with four car-parking bays to the front.

2.6 On 24 May 2012, permission was refused for the following reasons:

The proposed building, by reason of density, scale, bulk and height is considered to represent an overbearing and excessive form of development, appearing out of context with the neighbouring dwelling-houses and the streetscene generally, whilst impacting adversely upon the visual amenities of neighbouring occupiers by way of reduced outlook, overlooking and an overwhelming sense of enclosure, contrary to Objective 10: Protect & Enhance Lewisham's Character, Spatial Policy 5: Areas of Stability and Managed Change & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004), and Table 3.2: Sustainable Residential Quality Density Matrix in The London Plan (2011).

2.7 The application was subsequently refused at Appeal, where the Planning Inspector advised;

'...having seen the site from both near and distant viewpoints and having considered the amended proposals in detail, I share the Council's concerns about the physical and visual impact that this particular proposal would have on the character and appearance of this part of the Borough. Despite all of the changes to the earlier scheme (particularly the amendments made in relation to the previous Inspector's comments) and the amendments made to the application drawings, I still consider that the proposal would have a poor and visually harmful relationship with the immediate neighbouring buildings and that this would impact negatively on the character and appearance of this part of Canonbie Road and the immediate surroundings.'

2.8 In 2013, a third application proposed the demolition of the existing property, and the construction of a part 2/ 3-storey plus roofspace building, accommodating 6 self-contained flats, with four car-parking bays to the front.

2.9 Permission was again refused, for the following reasons:

1) *The proposed building, by reason of design, scale, bulk and height is considered to represent an overbearing and excessive form of development that would appear out of context with the neighbouring dwelling-houses and the streetscene generally, whilst impacting adversely upon the visual amenities of neighbouring occupiers by way of reduced outlook and an overwhelming sense of enclosure, contrary to Objective 10: Protect & Enhance Lewisham's Character, Spatial Policy 5: Areas of Stability and Managed Change & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004) and Policy 32: Housing Design, Layout and Space Standards of the emerging Development Management Local Plan (2013).*

2) *The provision of a north facing single-aspect family dwelling is considered to represent a poor standard of residential accommodation, contrary to The London Plan: Housing SPG (2012) and Policy 3.5: Quality and Design of Housing Developments, and saved policy HSG 5: Layout and Design of*

New Residential Development of the adopted UDP (July 2004) and Policy 32: Housing Design, Layout and Space Standards of the emerging Development Management Local Plan (2013).

2.10 This refusal was not appealed.

3.0 Planning Application

3.1 The current application proposes the construction of two, part 2/ 3-storey with basement residential buildings to land at 51-53 Canonbie Road, currently occupied by a vacant dwelling. Both houses would be of a contemporary design, accommodating four bedrooms each.

3.2 The applicant has advised all units would be built to Lifetime Homes standards, and would meet Code Level 4 for Sustainable Homes.

3.3 The application also includes associated landscaping to the front and rear of the buildings, with both afforded private garden space. A single-storey summerhouse would be constructed to the rear garden of House 1, fronting Sydmons Court.

3.4 One off-street car-parking space would be afforded to the front of each dwelling.

3.5 The application has been ongoing for some time due to a number of revisions that have been undertaken. In June 2014, further plans were submitted to the Council, proposing a reduction in the depth of the first floor element at the rear of House 1, which officers consider to be an improvement upon the previous proposals. Neighbours were formally advised of the alterations undertaken.

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 Letters of consultation were sent to 150 local residents on 13 September 2013, together with a notice displayed on site. Ward Councillors were also consulted.

4.4 Subsequently, 21 letters were received from the occupiers of 31, 49, 55, 59, 60, 62, 68, 70A & 74 Canonbie Road, 26, 31, 34, 35, 37, 38 & 42 Netherby Road, 7, 11 & 14 Sydmons Court, and the Tewkesbury Lodge Estate Residents' Association objecting to the proposed development on the following grounds:

- out of character and scale;
- reduced outlook;
- the existing building should be retained – a local landmark;
- visually imposing;
- impact upon visual amenities;
- poor quality design;

- subsidence concerns;
- proposal is twice the footprint of the existing;
- privacy/ overlooking concerns;
- Canonbie Road already has sufficient housing stock;
- it does not respect the front building line;
- gross over-development;
- poorly produced plans;
- the new application is very much the same as the original application;
- flat roof proposals are out of character with neighbouring pitched roof style;
- the proposal is of poor quality of design for Canonbie Road;
- inaccurate plans;
- possible use of the outbuilding as a separate dwelling;
- additional on-street parking;
- no attempt to harmonise the development with its immediate surroundings.

4.5 Due to the number of objections received, a local meeting was held on 13 November 2013 at the Civic Suite in Catford. Minutes taken during the meeting may be viewed in the appendices.

4.6 The main issues that were discussed included accuracy of the submission plans, loss of residential amenities, noise/ disturbance during construction, privacy concerns, parking and over-development.

4.7 Subsequently, the applicant agreed to address the concerns raised by neighbours, and advised amended plans would be formally submitted.

4.8 In light of the submission of amended plans, a further period of consultation was undertaken on 14 April 2014. 26 responses were received, objecting on grounds similar to the original submission.

(letters available to Members)

Highways and Transportation

4.9 No objections raised.

Environmental Health

4.10 No objections raised.

Design Officers

4.11 Officers are satisfied with the scale and appearance of the proposed dwellings, stating they welcome the proposal for two separate buildings and the intention to provide an exceptional contemporary design. The success of the proposal is greatly dependent on both the quality of the detailing and the materials.

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 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 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.

Other National Guidance

5.6 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000);

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003);

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004);

Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010).

London Plan (July 2011)

5.7 The London Plan policies relevant to this application are

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 3.1 Ensuring equal life chances for all

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.14 Existing housing

Policy 3.15 Co-ordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.15 Water use and supplies

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Housing (2012)
Sustainable Design and Construction (2006)
Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Plan Best Practice Guidance

5.9 The London Plan Best Practice Guidance's relevant to this application are:

Development Plan Policies for Biodiversity (2005)
Control of dust and emissions from construction and demolition (2006)
Wheelchair Accessible Housing (2007)
Health Issues in Planning (2007)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

5.10 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 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
Spatial Policy 2 Regeneration and Growth Areas
Spatial Policy 3 District Hubs
Spatial Policy 4 Local Hubs
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
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 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
URB 3 Urban Design
URB 12 Landscape and Development
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document

- 5.12 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.

Emerging Plans

- 5.13 According to paragraph 216 of the NPPF decision makers 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).
- 5.14 The following emerging plans are relevant to this application.

Development Management Plan

- 5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013, the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.
- 5.16 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 23 | Air quality |
| DM Policy 25 | Landscaping and trees |
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| | <ul style="list-style-type: none">• <i>General principles</i>• <i>Detailed design issues</i> |
| DM Policy 32 | Housing design, layout and space standards |
| | <ul style="list-style-type: none">• <i>Siting and layout of development</i>• <i>Internal standards</i> |
| DM Policy 33 | Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas |

- *General principles*
- *A: Infill sites*
- *B: Backland sites*
- *C: Back gardens*
- *D: Amenity areas*

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Standard of Accommodation
- d) Impact on Neighbouring Properties
- e) Highways and Traffic Issues
- f) Sustainability and Energy
- g) Landscaping
- h) Refuse/ Recycling
- i) Community Infrastructure Levy

Principle of Development

6.2 The application proposes the demolition of the existing derelict dwelling-house, and the construction of two single-dwellings with associated landscaping.

6.3 The existing property is a pleasant looking chalet style house, which is currently unoccupied. As a result, the property has fallen into a poor condition internally, however the structural soundness has not been questioned by the applicant. Whilst the property does lend itself well to this setting, officers raise no objections to the demolition of the existing dwelling, subject to the provision of a suitable replacement.

6.4 The Development Plan seeks to retain buildings that are termed as 'heritage assets', i.e. listed or locally listed buildings, therefore officers have applied this to the assessment of the existing dwelling. Buildings that are not heritage assets cannot be protected from demolition in their own right.

6.5 Some neighbours would prefer the retention of the existing dwelling, due in part to its unique appearance within the immediate area. The potential for locally listing the building and the issuing of an Article 4 Direction have been discussed amongst officers, however it was concluded that whilst it does have some design merit, it is not of sufficient quality to justify being acknowledged as a heritage asset, therefore Core Strategy Policy 15 (f), which seeks to ensure any development conserves and enhances the borough's heritage assets, is not applicable in this case.

6.6 The proposed redevelopment has the potential to reinvigorate this site and the immediate area generally, whilst providing good quality housing. The principle of demolishing the existing building is therefore considered acceptable.

6.7 Subsidence has been raised as a concern by residents as Canonbie Road lies upon London Clay. This however is a structural matter that the applicants would be required to address with Building Control officers, or an equivalent private company, prior to the commencement of works.

- 6.8 The nature of the site and immediate area determines that a residential development comprising two dwelling-houses upon this site is appropriate, subject to design, scale and visual impact upon existing occupiers.

Design

- 6.9 Paragraph 15 of the National Planning Policy Framework (p15) states: “local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.10 The London Plan Policy 3.3 seeks to increase the housing supply via sensitive renewal of existing residential areas. This housing should be of the highest quality internally, externally and in relation to their context. New housing should enhance the quality of local places.
- 6.11 Planning permission was refused at Appeal in 2012 for the demolition of the existing buildings, and the construction of a part 2/ 3-storey residential property providing 8 self-contained units. In that case, a traditional design approach was undertaken, which included a pitched roof with front and rear dormers, in an attempt to reflect the appearance of the neighbouring dwellinghouses. However, the development was considered to be excessive in scale and height, whilst impacting upon the amenities of neighbouring occupiers.
- 6.12 Subsequently, the applicants engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers were presented with a number of initial plans, but a scheme was not agreed upon prior to the formal resubmission in 2013. The proposal again raised a number of design related concerns amongst officers, resulting in further plans being submitted in April and June 2014, which were consulted upon and now forms the current proposal.
- 6.13 The proposed buildings would not seek to replicate the design and appearance of the existing or neighbouring buildings, preferring a modern approach that would attempt to respect the height, width and depth proportions of the neighbouring dwellings, albeit the footprint would extend beyond the front and rear building lines of the existing properties.
- 6.14 The proposal is considered to represent good, modern design, whilst being respectful of the character of the surrounding area. When viewed at the rear, House 1 would measure 8 metres in height, whilst House 2 would measure 8.2 metres, compared to the existing 7.6 metre height. Both would incorporate flat roofs rather than replicating the existing pitched style, thereby keeping the overall height to a minimum. In comparison with the height of the scheme refused on 8 November 2013, the proposed development would measure 3.6 metres less.
- 6.15 The external face of the building would be mostly of ‘self-cleaning’ white rendered brick, which would be used to all elevations, with use of timber cladding and large areas of glazing. All door and window frames would be black powder coated.
- 6.16 It is suggested a condition be included to request samples of the facing materials for further assessment, however in principle, the proposed materials are

considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with existing properties.

- 6.17 Officers consider the proposed flat roof approach to be acceptable in appearance, resulting in a significant reduction in overall bulk when compared to the refused developments. Officers therefore raise no objections on design grounds.
- 6.18 In regard to density, the Council's former density policy (HSG 16) was not among those saved by the Secretary of State, therefore the London Plan now contains the detailed density policies for Development Plan purposes.
- 6.19 The Council's assessment of the nature of the immediate area is that the site falls within a suburban setting, therefore any development upon this site must respect the existing character.
- 6.20 The London Plan refers to 'suburban' as being areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.
- 6.21 Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character. The Public Transport Accessibility Level (PTAL) for the area is 2. The London Plan Matrix table 3.2 advises that densities in suburban areas should be between 150-250 habitable rooms per hectare.
- 6.22 The density of the proposed scheme is 150 habitable rooms per hectare, which falls comfortably within the range given in the London Plan. Officers consider that the density would not result in demonstrable harm to the character of the local area or the amenities of neighbouring residential occupiers.
- 6.23 At the rear of House 1, a single-storey building is proposed, referred to on the proposed Site Plan as a 'garden room, home office, summerhouse/ studio and playroom'. The initial height would be 3 metres facing into the site, however due to the slope of the site, it would measure 4 metres at the rear. Whilst the principle of a building for the purposes stated is acceptable, the 4 metre height is a concern, therefore it is suggested further details of the building be submitted by condition that reflect the sloping nature of the site, particularly as it would front the accessway to the Sydmons Court dwellings.
- 6.24 Some neighbours are concerned the structure may be used as a self-contained residential unit. Such use would require planning permission, and a condition will seek to ensure the building is used only for the purposes stated.
- 6.25 In summary, the development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location. The applicants will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows, entrances and brick detailing.

Standard of Residential Accommodation

- 6.26 The layout and circulation of the proposed units is considered to be acceptable, and would provide a good standard of accommodation for future occupiers. Flat

sizes would accord with minimum guidance stated in The London Plan Housing Standards SPD.

- 6.27 The dwellings would be dual aspect, with all habitable rooms assured of sufficient natural light intake and outlook.
- 6.28 Both dwellings would have access to good-sized private rear gardens, in accordance with Policy HSG 7 of the adopted UDP (2004), which requires new dwellings to be afforded a minimum 9 metre deep private garden.
- 6.29 The Council requires all new residential development to be built to Lifetime Home Standards, in accordance with London Plan policies. The applicant has confirmed the development would be largely compliant with these standards.
- 6.30 Officers raise no concerns toward the proposed standard of accommodation within the development.

Impact Upon Neighbouring Occupiers

- 6.31 Policy HSG 5 Layout and Design of New Residential Development states the Council will seek to improve and safeguard the character and amenities of residential area by ensuring new dwellings are sited appropriately and seeking higher standards of design and landscaping in all new development.
- 6.32 The proposed development has resulted in a number of objections from neighbouring occupiers regarding residential amenity. The main officer concerns have been toward the visual impact upon nos 49 and 55 Canonbie Road, particularly as previous proposals have been refused on such grounds.
- 6.33 Considering no.49 is sited on a lower ground level than House 2, there is greater scope for a visual impact from any development upon the application site, particularly if higher than the existing redundant building. The proposal indicates the flank wall of House 2 would lie 0.5 metres from the side boundary, measuring a slightly greater height than no.49. The highest part of House 2 would lie 3.7 metres from that boundary, 0.6 metres higher than the ridgeline of no.49, however crucially, it would be 0.9 metres lower than the existing property that occupies the application site.
- 6.34 The applicant has provided a Sunlight/ Daylight study, and they have concluded that due to the proposed siting away from the side boundary, House 2 would result in no greater overshadowing impact than the existing dwelling.
- 6.35 No.49 has a south facing flank window serving the ground floor kitchen dining area, which would be most affected by the development. Outlook from the room, however is currently limited due to the height and siting of the existing boundary fence. Considering this, together with the flank wall of House 2 being sited away from the boundary, the new dwelling would not result in significant or unreasonable visual harm.
- 6.36 In regard to overlooking, the proposed rear facing upper floor windows are larger than conventional openings, however they would be positioned away from the side boundary, and considering they would serve bedrooms, it is assumed they would be provided with blinds to provide privacy for future occupiers.

- 6.37 Four flank windows are proposed at the first floor of House 2 - two serving Bedroom 4 and two en-suite. A condition would ensure all would be frosted and of top-hung opening only to safeguard the privacy of no.49. Bedroom 4 would rely upon its main outlook from an opening in the front elevation.
- 6.38 Overall, officers are satisfied the proposed development would not result in significant visual harm to the occupiers at no.49.
- 6.39 No.55, which lies on a higher ground level than where House 1 is proposed, has a single-storey rear conservatory, with external stairs leading down to the rear garden. The original proposal in this case showed the ground floor to be sited below the line of the side boundary fence, with a 5 metre projection beyond the rear wall of the conservatory at first floor, which despite being set away from the boundary, was considered by officers to be excessive and overbearing to the neighbouring resident.
- 6.40 The most recent plan shows a reduction that instead proposes a 2 metre projection, sited 3.58 metres from the boundary. Admittedly, the siting would affect the view currently enjoyed from the conservatory, however a loss of view cannot form a sound reason to refuse planning permission. As addressed in the Planning Inspector's statement;
- 'I accept that there is no right to retain the views from this property but again, any neighbour can have a reasonable and legitimate expectation that an adjoining development will not have an overbearing effect.'*
- 6.41 In line with the Inspector's comments, officers consider that due to the reduction in depth, together with the distance from the side boundary, the first floor element would not result in significant or unreasonable harm to the neighbouring occupier.
- 6.42 The conservatory and proposed first floor element would be at a similar level due to the slope of the gardens. Comparing this to a typical householder application for a ground floor residential extension that projects beyond the rear wall of the nearest neighbour, the Council would generally permit an extension of up to 3.5 metres deep. The extension may be clearly seen from the nearest property, however it would not be considered as overbearing or resulting in sense of enclosure due to the depth, whilst a loss of view would not be a consideration.
- 6.43 The same principle is applicable in this case - removing the existing impressive views of London from the equation, the proposed first floor element would be sited an appropriate distance away from no.55, and would not result in an unacceptable overbearing form of impact.
- 6.44 There are no flank windows at 55 that would be affected by the proposed development.
- 6.45 A condition will be included that prevents any access to the flat roof areas, or use for amenity purposes, thereby avoiding overlooking or disturbance to neighbours.
- 6.46 Whilst acknowledgement is given to the view issue, officers are satisfied the level of visual impact upon no.55 would not be so significant to merit a refusal, therefore the development would be in compliance with policies.

Highways and Parking

- 6.47 The development proposes one off-street parking space for each dwelling. Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.48 The PTAL rating for this area is 2, with bus routes operating on nearby Wood Vale and Forest Hill Road, whilst the nearest train station is in Honor Oak Park. On-street parking within the immediate area is unrestricted - although it is acknowledged there are parking pressures, particularly during the evening hours, there are parking opportunities available. It is therefore considered the provision of one space per dwelling is acceptable.
- 6.49 Officers subsequently raise no objections to the development on Highways grounds.

Sustainability

- 6.50 The London Plan requires that all new residential developments meet Code Level 4 for Sustainable Homes, together with a reduction in carbon emissions.
- 6.51 In this case, the applicant has advised that the development would meet Code Level 4, with measures including the use of double glazing, solar hot water, water efficient devices to reduce water consumption and energy efficient lighting.
- 6.52 Officers are satisfied with the sustainability methods proposed, and it is considered compliant with London Plan policies, however a condition will seek to ensure evidence is afforded that demonstrates Code 4 has been achieved.

Landscaping

- 6.53 The areas to the front and rear of the development would comprise a mix of soft and hard landscaping, including lawned gardens at the rear.
- 6.54 Generally, officers are satisfied with the principle of proposed landscaping works, however further details are required for a formal assessment, whilst ensuring any hard landscaping materials are permeable to avoid potential drainage concerns, considering the slope of the site.

Refuse

- 6.55 It is assumed refuse and recycling stores would be located to the front of the building - details of their actual siting, scale and appearance are yet to be confirmed, therefore such information will be requested by way of a condition.

Community Infrastructure Levy

- 6.56 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.57 This development is considered to be CIL liable. The chargeable development is £35 per m², which must be paid to the Council prior to the commencement of building works.

Equalities Considerations

- 6.58 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.
- 6.59 The protected characteristics under the Act are Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.60 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.
- 6.61 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 Consultations

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council’s usual procedure. Officers are satisfied that all statutory Council procedures have been followed and all neighbour concerns have been addressed.

8.0 Conclusion

- 8.1 Officers consider the design and massing of the proposed development to be acceptable, respecting the general character of the area. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future habitants. The standard of proposed accommodation and on-site parking provision is in compliance with guidelines.
- 8.2 There have been many recent applications for this site, which have been considered unacceptable due to scale and visual impact. The provision of two houses rather than a block of flats is preferred, which has allows for greater consideration for the amenities of neighbouring occupiers and the character of the streetscene generally.
- 8.3 The applicant will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows to ensure the development would impact positively upon the streetscene.
- 8.4 For these reasons, it is therefore recommended that planning permission be granted.

9.0 **RECOMMENDATION**

9.1 **GRANT PERMISSION** subject to the conditions set out below and such amendments as considered appropriate to ensure the acceptable implementation of the development:-

- 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:

Existing Block Plan, Existing Front Elevation, Existing Rear Elevation, Existing Side Elevations, Proposed Site Plan, Proposed Levels Plan, Proposed Block Plan, House 1 Plans (Scheme B), House 2 Plans, Proposed Elevations, House 1 Proposed Elevations (Scheme B), House 2 Proposed Elevations, Proposed Sections, 1:20 Section, Typical Recessed Balcony, Site Location Plan, Topographical Survey, Sectional Sketches, Sunlight/ Daylight (29.06.14) 1:20 Section, Proposed Section CC, Sustainability, CIL, Design & Access Statement and Lifetime Homes.

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 buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
 - (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
 - (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

Reason:

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

- 4)
 - (a) No development above ground works shall commence on site until siting, elevation and construction details of the refuse and recycling

facilities have 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 Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- 5) 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.

Reason:

To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) of the adopted Core Strategy (June 2011).

- 6) (a) 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 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, hedges 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 Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

- 7) (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason:

In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 8) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

Reason:

To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 9) The whole of the private amenity spaces hereby approved shall be retained permanently for the benefit of the occupiers of the residential dwellings hereby permitted.

Reason:

In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy HSG 7 Gardens in the Unitary Development Plan (July 2004).

- 10) The whole of the car parking accommodation shown on the plans hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason:

To ensure the permanent retention of the space for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity, to ensure highway safety, and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

- 11) 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).

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 Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 12) No development above ground level shall commence on site until a detailed schedule of all external materials and finishes to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the local planning authority may be satisfied as to the external appearance of the building 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).

- 13) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof areas at the rear of the buildings hereby approved shall be as set out in the application and no development or the formation of any doors providing access to the roofs shall be carried out, nor shall the roof areas be used as a balcony, roof garden or similar amenity space.

Reason:

In order to prevent any unacceptable loss of privacy to neighbouring properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 14) The Lifetime Home plans as approved shall be implemented in full prior to first occupation.

Reason:

In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- 15) (a) No development above ground level shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason:

In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

- 16) Should any solar panels be proposed, details shall be formally submitted to and approved in writing by the local planning authority prior to their installation.

Reason:

To ensure that the local planning authority may be satisfied as to the external appearance of the panels 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).

- 17) No development above ground level shall commence on site until 1:10 plans have been formally submitted to and approved in writing by the LPA detailing through the front and rear elevations to show the depth of reveals, detailing of the window frames and glazing bars

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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 18) Further elevation details relating to the height of the proposed summerhouse at the rear of House 1 shall be formally submitted to and approved in writing by the LPA prior to first construction.

Reason:

To ensure the LPA is satisfied the building would not appear as an excessive form of development within Sydmons Court buildings 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).

- 19) The flank wall windows of House 2 serving Bedroom 4 and en-suites shall be entirely frosted and of top hung opening only.

Reason:

In order to prevent any unacceptable loss of privacy to the neighbouring property and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

Informatives

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

- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. The Council will issue you with a CIL liability notice detailing the CIL payable shortly. For CIL purposes, planning permission permits development as at the date of this notice. However, before development commences you must submit a CIL Commencement Notice to the council. More information on the CIL is available at: - <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>