

Committee	PLANNING COMMITTEE A	
Report Title	68 HEATHLEE ROAD SE3 9HP	
Ward	Blackheath	
Contributors	David Jeffery	
Class	PART 1	Date: 31 JULY 2014

<u>Reg. Nos.</u>	DC/14/87253
<u>Application dated</u>	15.04.2014
<u>Applicant</u>	Neal Tuson Architects on behalf of Mr and Mrs Drane
<u>Proposal</u>	The construction of single storey extensions to the front, side and rear, together with an extension to the rear roof slope.
<u>Applicant's Plan Nos.</u>	284.S01 (A), S02 (A), S10 (A), P01 (B), P02 (B), P03 (B), SK10 (B) and Design & Access Statement.
<u>Background Papers</u>	(1) Case File LE/992/68/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Adopted UDP - Existing Use
<u>Screening</u>	Not applicable

## **1.0 Property/Site Description**

- 1.1 68 Heathlee is an end of terrace property located on a bend in the road where the road curves to form a cul-de-sac. The building is an extended two storey house that is set back from the short terrace of four properties of which it forms a part.
- 1.2 The site is a triangular shaped corner plot in a prominent position within the estate, which is characterised by open front gardens without front garden walls or fences. The property is differently aligned from its neighbours so as to accommodate the bend in the road at this corner location.
- 1.3 The terrace to the south of the site is of three storey town houses with integral garages in a stepped form and is set forward of no.68.
- 1.4 The property is neither within a Conservation Area or within the setting of as Listed Building.

## **2.0 Planning History**

2000 – (DC/00/48585) - Planning permission was granted for the construction of a conservatory at the rear and the construction of a single storey extension to the front of 68 Heathlee Road SE3, together with a garage to the side with provision of a new vehicular access onto Heathlee Road. This permission has been implemented.

2011 (DC/11/77011) – Permission granted for the construction of single storey extensions to the front, side and rear, together with an extension to the rear roof slope. This application was not implemented.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 This application is a resubmission of the previous scheme approved in 2011, with no alterations. The application consists of a scheme for the construction of single storey extensions to the front and rear of the property, together with the construction of a roof extension in the rear roof slope.
- 3.2 The extension to the front would be 2.5m in depth with a flat roof and would be aligned with the front elevation of number 64, the adjoining neighbour.
- 3.3 The extension to the rear would involve the removal of the existing conservatory and would extend 3.2m from the rear elevation, across the full width of the property to align with the existing porch extension, a total width of 7.5m. This extension would extend beyond the flank of the original house which fronts the road and would feature a gable element of similar design to the existing porch extension.
- 3.4 A roof extension 4.5m wide, 2m high and up to 3m deep is proposed in the rear roof slope. It should be noted that in isolation, planning permission would not be needed for the roof extension.
- 3.5 It is also noted that during the assessment of the original 2011 application an improved scheme was negotiated which reduced the scale of the extension. This application is for the same development as approved in 2011, with no alterations.

## **4.0 Consultation**

### Neighbours and Local Amenity Societies

- 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 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors.

### Written Responses received from Local Residents

- 4.3 Six letters of objection have been received. The objections are based on the following grounds;
  - The proposed dormer will result in a loss of light to the neighbouring bedroom window and conservatory.

- The dormer will result in a reduction in privacy
- The proposed single storey rear extension will result in a loss of light to the neighbouring conservatory.
- The proposed front garden extension will result in a blind spot for cars navigating the corner.
- The front garden extension may cause structural damage to neighbouring property
- Overdevelopment of the site and inappropriate scale which will adversely affect the character of the area and set a precedent.
- Loss of privacy
- Question raised regarding the ownership of land to the front and the loss of public amenity/green space
- Potential disturbance resulting from building works
- Adverse impact on water run off through loss of permeable garden space
- The proposals would set an undesirable precedent

As this application is identical to a previously approved application, the objections contained in the five letters of objection received for the previous application are also outlined below;

- Estate will be visibly altered
- Owner has encompassed amenity ground which is part of the overall estate
- 68 would be in line with the rest of the terrace, ruining the original layout and significant sightlines.
- There would be construction disturbance
- A covenant on the estate restricts alterations to any property
- The character of the estate will be destroyed and a precedent will be set
- It will increase parking problems
- Privacy will be compromised as a result of the roof extension
- The roof extension will result in the loss of light at number 70
- Sweeping bend and overall character altered/lost
- Disproportionate to existing/original house
- The applicants have extended their garden already which has incorporated open land.
- Would it be possible to have obscure glazing in the dormer?

(Letters are available to Members)

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority shall 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, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (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)

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)

5.5 The London Plan policies relevant to this application are:

Policy 7.4 Local Character

Policy 7.6 Architecture

#### Core Strategy

5.6 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

#### Unitary Development Plan (2004)

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

URB 3 Urban Design

URB 6 Alterations and Extensions

HSG 4 Residential Amenity

HSG 12 Residential Extensions

#### Residential Standards Supplementary Planning Document (August 2006)

5.8 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

5.9 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The following emerging plans are relevant to this application;

### Development Management Local Plan

- 5.10 The Development Management Local Plan (DMLP) – Post Examination Modifications April 2014 Public Consultation Copy, is a material planning consideration and is growing in weight. Adoption of the Local Plan expected to take place in Autumn 2014.
- 5.11 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 and therefore holds significant weight at this stage.
- 5.12 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.
- 5.13 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
- 5.14 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

## **6.0 Planning Considerations**

- 6.1 The main planning considerations are design, the effect of the extensions on the property and the street scene and the impact on the amenities of neighbouring residents. Also, of particular relevance to the assessment of this application is whether there have been any significant changes in local circumstances or relevant policy which would alter the conclusion arrived at during the assessment of this proposal during the 2011 application.

### Design

- 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 design of the proposed extensions were significantly altered as a result of officer negotiations during the 2011 application and the overall size of the proposed development footprint was reduced.
- 6.4 The proposed front extension would extend across the width of the front elevation of the original property and would project to align with the main front elevation of the neighbouring house, beyond which the porch of that property extends. The proposed extension to the front would have a flat roof and it is considered that it would maintain the character of the neighbouring front porches and would not appear out of place at the front of the house.

It would be constructed of yellow stock brick to match those of the original building and would also feature the existing front window treatment with infill panel below, so that it retains the same character as the neighbouring properties. It is felt that due to the size and layout of the application site, which due to the corner location, has a much larger front garden area than the adjacent terraces, that the open aspect to the front would still be maintained and that the extension would not be intrusive.

- 6.5 The fact that the house is the only property within the terrace that is set back and laid out in this way means that a precedent would not be set for similar front extensions within this estate.
- 6.6 The rear extension that is proposed will replace the existing conservatory and would extend to the side beyond the original flank wall of the property. The flank of the extension will protrude to the side to align with the existing entrance porch. It is proposed with a gable feature to the flank to match the porch in appearance.
- 6.7 The proportions of the proposed rear extension are very similar in terms of height and depth to the existing conservatory, however the fenestration details differ as it is proposed with a single window in the flank, rather than a door. The rear elevation would have both a double and a triple door to the rear garden. This would allow for maximum light into the property and will also allow for the garden room to have an outdoor aspect when the doors are open. The extension would have a steeply pitched roof to the rear and is considered to be acceptable. The flank of the rear extension was re-designed during the previous application so that its roof design reflects that of the existing main entrance to the property. This was viewed to be a significant improvement to the original scheme, and is considered to relate in an acceptable way to the original features of the property. Due to the corner location of this house, the rear extension will be visible from the public realm, over the fence that encloses the rear garden, however the detailing reflects that of the existing property.
- 6.8 There is also a rear roof extension proposed as part of the scheme. The plans show that the dormer is to be set in from the sides by 900mm – 1m and is shown to be set up from the eaves as well as below the main ridge of the house. As stated above, as a stand alone proposal it would be considered 'permitted development'. While it will be visible from the road, in view of the corner location, it is considered to be an acceptable addition as part of this application.

#### Highways and Parking

- 6.9 The existing parking arrangements for this property are not altered in any way and are not considered to be a problematic issue in relation to this application.

#### Impact on Adjoining Properties

- 6.10 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.
- 6.11 One of the main issues that has been raised by neighbouring properties during the consideration of this and the 2011 application is concern that the appearance of the front extension would not be in keeping with the design of the estate and will appear detrimental to the setting of this corner property.

It is considered that the alterations that were made to the front extension during negotiation of the previous application so that it is now proposed with a flat roof, would ensure that the appearance would be in keeping with the flat roofed front porches of the neighbouring houses and reflects this design feature of this part of the estate in a sympathetic manner. It is not considered that the single storey extensions would result in any significant additional overlooking or overshadowing of adjacent properties. Due to the fact that the single storey rear extension is to be the same depth as the existing conservatory it is considered that there will not be any detrimental impact on the immediate neighbours in terms of bulk or massing on the boundary.

- 6.12 A further concern raised relates to overlooking that may occur as a result of the rear roof extension. Due to the fact that there is already a degree of overlooking from the upper floor of the application property and its adjoining neighbour at no.70 it is considered that the addition of a further bedroom within the roof space will not significantly increase overlooking and would not result in a further loss of privacy. As stated above it should be noted that this element of the application could be constructed under permitted development rights (if not submitted as part of the current scheme) as it complies with the relevant criteria set out within the General Permitted Development Order (as amended). Accordingly it is not considered that it would be reasonable to withhold permission on grounds of loss of privacy.
- 6.13 Concerns have been raised in the letters of objection relating to the potential disturbance cause by building works. In response to this an informative has been added advising 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.

## **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 The proposed extensions to the front, rear and rear roof slope are considered to be acceptable in terms of their physical appearance on the original house and in this location in relation to the neighbouring properties and the street scene. The impact on neighbours is also considered to be acceptable and will not significantly affect the privacy or outlook of neighbouring residents.
- 8.2 There have been no changes in the policy context or other material considerations since the 2011 application was considered that would justify a different conclusion to that arrived at previously for this proposal.
- 8.3 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.4 The proposals are considered to be acceptable.

## **8.0 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:  
284.S01(A), S02(A), S10(B), S11(A), P01(B), P02(B), P03(B), SK10(B)
- (3) No development shall commence on site until details of all facing materials (including their colour and texture) 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, unless the local planning authority agrees in writing to any variation.
- (4) No new brickwork, including works of making good, shall be carried out other than in materials, bonding and pointing to match the existing facing work, unless the local planning authority agrees in writing to any variation.
- (5) The use of the extensions shall be as set out in the application and no development or the formation of any door providing access to the roof of the extensions shall be carried out, nor shall the roof area of the extensions be used as a balcony, roof garden or similar amenity area, without the prior written permission of the local planning authority.

## **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 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)

- (4) To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (5) In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development and HSG 12 Residential Extensions in the adopted 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.
- (2) 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