

Committee	PLANNING COMMITTEE (A)	
Report Title	63 BLYTHE HILL LANE SE6 4UN	
Ward	Crofton Park	
Contributors	Jody Solomons	
Class	PART 1	Date: 19 MAY 2011

REQUEST FOR ENFORCEMENT ACTION

Background Papers

- (1) Case File LE/941/63/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) PPS 1: Delivering Sustainable Development
- (4) PPG18: Enforcing Planning Control

1.0 Introduction

- 1.1 This report deals with a breach of planning control at 63 Blythe Hill Lane involving the unauthorised construction of a rear dormer window, and assesses whether it is expedient for the Council to instigate formal enforcement action in an attempt to secure the removal of the dormer window.

2.0 Property/Site Description

- 2.1 The application site is a mid-terrace, two storey, single family dwelling house located on the western side of Blythe Hill Lane, at the end of the road closest to Blythe Hill Fields.
- 2.2 The property is not in a Conservation Area and is not controlled by an Article 4 Direction.

3.0 Planning History

- 3.1 In December 2010 an application for a Certificate Of Lawful Development (Proposed) in respect of the construction of a roof extension in the rear roof slope at 63 Blythe Hill Lane SE6, was withdrawn due to insufficient information submitted with the application. This application was submitted as a result of an enforcement enquiry raised by the planning officer who dealt with the refusal of a dormer window in September 2009.
- 3.2 In September 2009 an application for Lawful Development Certificate in respect of the construction of a dormer roof extension to the rear roof slope of 63 Blythe Hill Lane SE6, was refused.
- 3.3 In June 2009 a planning application was granted for The construction of a single storey infill extension to the side/rear of 63 Blythe Hill Lane SE6.
- 3.4 In November 2009 a planning application was refused for The construction of a single storey rear extension at 63 Blythe Hill Lane SE6, together with an extension to the rear roofslope and installation of rooflight in the front roofslope, in connection with the conversion of the loft space.

4.0 Policy Context

Planning Policy Statement 1: Delivering Sustainable Development

- 4.1 Paragraph 18 under the heading of the Protection and Enhancement of the Environment states that 'the condition of our surroundings has a direct impact on the quality of life.... Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality...' The policy goes further to say that '...decisions should be based on: – up-to-date information on the environmental characteristics of the area; the potential impacts, positive as well as negative, on the environment of development proposals (whether direct, indirect, cumulative, long-term or short-term) and recognition of the limits of the environment to accept further development without irreversible damage.'
- 4.2 PPG 18 Enforcing Planning Control provides guidance to local authorities on the use of enforcement powers.

Adopted Unitary Development Plan (July 2004)

- 4.3 Policy IRM 5 states that in circumstances where it is considered necessary in the public interest, the Council will take enforcement action against those who undertake development or carry out works without planning permission. UDP policies that are relevant to the case are:

3.6.1 URB 3 Urban Design

3.6.2 URB 6 Alterations and Extensions

Lewisham Core Strategy

- 4.4 Lewisham is in the process of replacing the UDP with the documents that comprise the Local Development Framework (LDF). The most important document in the LDF is the Core Strategy. The Lewisham Core Strategy was submitted to the Secretary of State on 29 October 2010 and its Examination in Public was held on 1st and 2nd February 2011. The Inspector's draft report was received by the Council on 10 March, and a final report will be issued by the Inspector towards the end of March. The Inspector has found the Core Strategy to be sound provided certain minor changes identified in his report are made. In accordance with the regulations Officers will make the necessary changes with the intention of adopting the core strategy subject to its approval at the full Council meeting in June 2011.
- 4.5 For development control purposes the Core Strategy will become part of the development plan when adopted by resolution of the full Council. Government advice on the weight to be attached to emerging DPD policies is that this is determined on the stage of preparation or review, increasing as successive stages are reached. As the Core Strategy has, in principle, been found sound all that remains for legal adoption is a resolution of full Council. As such, considerable weight can now be attached to the Core Strategy in the decision making process.

5.0 Planning Considerations

- 5.1 The main planning considerations relate to the suitability and design of the rear dormer window and the impact it has on the character of the host building in the context of the Councils policies.
- 5.2 A loft conversion for your house is considered to be permitted development, not requiring an application for planning permission, subject to the following limits and conditions:
- (a) A volume allowance of 40 cubic metres additional roof space for terraced houses.
 - (b) A volume allowance of 50 cubic metres additional roof space for detached and semi-detached houses.
 - (c) No extension beyond the plane of the existing roof slope of the principal elevation that fronts the highway.
 - (d) No extension to be higher than the highest part of the roof.
 - (e) Materials to be similar in appearance to the existing house.
 - (f) No verandas, balconies or raised platforms.
 - (g) Side-facing windows to be obscure-glazed; any opening to be 1.7m above the floor.
 - (h) Roof extensions not to be permitted development in designated areas.
 - (i) Roof extensions, apart from hip to gable ones, to be set back, as far as practicable, at least 20cm from the eaves.
- 5.3 This dormer window has not been set back by 20cm from the eaves and also exceeds the height of the heights part of the roof, of the dwelling unit. As such, these deviations exceeds the limitations of Class B of the GPDO.
- 5.4 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 the existing development and its setting. In assessing the urban design merits of a development, the Council will consider the preservation and creation of urban form which contributes to local distinctiveness such as building features and roof scape and the contribution of the development to energy and natural resource energy and natural efficiency. Policy URB 6 states that at buildings or terraces where the roofline or party walls are exposed to long views from public spaces and where a roof extension in any form would have an obtrusive impact on that view will not be permitted. Also the introduction of this rear dormer window interrupts the existing roof line of the terrace of which the property forms part of, it is considerably higher and introduces an incongruous feature that is visually harmful to the terrace, therefore making it contrary to the requirements of policies URB 3 and URB 6 of the Unitary Development Plan.
- 5.5 Furthermore, the erection of this full width rear dormer window, completely alters the rear façade of the building, its construction is considered to be more of a second floor addition than a dormer window. Its height and six large windows increases the amount of overlooking to the rear gardens of the neighbouring properties at no's 61 & 65 Blythe Hill Lane.

As such it has a detrimental impact on the amenities enjoyed by the surroundings neighbours and the character of the host building and the row of terraces, that it is located in. Therefore, it is considered expedient to take enforcement action in this instance.

- 5.6 This development is in breach of Core Strategy Policy 15 as it does not provide a high quality design, nor does it enhance its natural environment.

6.0 Legal Implications

6.1 Government Policy advice to Local Planning Authorities on the use of their enforcement powers is set out in Planning Policy Guidance Note No 18. PPG 18 sets out the issues which local planning authorities should bear in mind when taking enforcement action as follows:-

- (1) They have been given primary responsibility for taking whatever enforcement action may be necessary in the public interest.
- (2) The Local Government Ombudsman can make a finding of "maladministration" if a Council fails to take enforcement action when it is plainly necessary to do so.
- (3) The decisive issue in every case is whether the breach of planning control would unacceptably affect public amenity or the existing use of land or buildings meriting protection in the public interest.
- (4) Enforcement action should always be commensurate with the breach of planning control involved.
- (5) Where attempts to persuade the site owner or occupier to voluntarily remedy the breach are unsuccessful, negotiation on that issue should not be allowed to hamper the taking of whatever formal enforcement action, which may be required.

7.0 Conclusion

7.1 The unauthorised roof extension is detrimental to the character and appearance of the application property by reason of its scale, massing and form, and fails to comply with the policies URB 3 Urban Design & URB 6n Alterations and Extensions of the Council's adopted Unitary development Plan (July 2004).

8.0 RECOMMENDATION

Authorise the Head of Law to take all necessary action to secure the removal of the unauthorised rear dormer extension, for the following reason:-

The unauthorised roof extension is detrimental to the character and appearance of the application property by reason of its scale, massing and form, and fails to comply with the policies URB 3 Urban Design & URB 6n Alterations and Extensions of the Council's adopted Unitary development Plan (July 2004).

Period of Compliance:

6 Months.