

Committee	PLANNING COMMITTEE A	
Report Title	3A ELIOT PARK SE13 7EG	
Ward	Blackheath	
Contributors	Helen Milner	
Class	PART 1	04 DECEMBER 2014

<u>Reg. Nos.</u>	DC/14/88590
<u>Application dated</u>	7.08.2014
<u>Applicant</u>	Titman Design on behalf of Mr P Simms
<u>Proposal</u>	The construction of a part one, part two storey extension to the rear, alterations and the conversion of the ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flats.
<u>Applicant's Plan Nos.</u>	041-01, 041-02, 041-03, Design and Access Statement, Location Plan & Photographs.
<u>Background Papers</u>	(1) Case File LE/135/3/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Blackheath Conservation Area
<u>Screening</u>	N/A

1.0 **Background**

- 1.1 The proposed development as outlined in this report for consideration has been put on the committee agenda on three previous occasions, under the current reference number and a previous reference number, DC/14/86350. However due to new information emerging prior to the committee meeting the applications were withdrawn for amendment.
- 1.2 The application was firstly to be heard under application reference DC/14/86350 on July 31st. However it came to the Council's attention that the incorrect certificate of ownership had been signed and submitted. The application was therefore void and a new application submitted with an identical proposal and documentation for consideration.
- 1.3 This new application, DC/14/88590 was set to be heard at committee on October 23rd. On this occasion the Council were presented with information to show that not all owners of the application site had been notified of the proposal, as required when signing ownership Certificate B. The application was therefore withdrawn from the Committee to allow for the correct procedure to be followed and all site owners to be given time to consider the proposal.

- 1.4 The application was then set to go to committee on November 18th, but was withdrawn from the committee agenda so that the report could more fully address and clarify the situation on the site regarding bats, this is discussed under paragraphs 7.41 – 7.45 under the heading 'other matters' of the report.

2.0 Property/Site Description

- 2.1 The application site is occupied by a four storey (including semi-basement) semi-detached property on the south west side of Eliot Park, which is divided into three flats. This application relates to the ground and lower ground floor levels, which are currently in use as a single maisonette dwelling with a Gross Internal Floor area of 140m².
- 2.2 The property has an original part two, part three storey projection to the side, which at ground floor level includes the common entrance to the property. Within the hallway, there is a doorway into the existing maisonette and a staircase to the upstairs flats at first and second floor levels, Nos. 3b and 3c. Adjacent to the side projection are external steps leading to a path along the side of the building at lower ground floor level, which leads to the rear garden area, which is at a lower level.
- 2.3 On the main front elevation of each of the semi-detached pair, there are two windows on each level, with a varying window design at each level. The front garden, which is densely planted, slopes down towards the semi-basement area, allowing light to the lower ground floor windows.
- 2.4 There is a change in levels between the front and rear of the property, with the upper ground floor level to the front at pavement level, however to the rear garden access is at lower ground floor level.
- 2.5 To the rear of the property the rear elevation has a stepped alignment, with an original two storey projection with a hipped roof that is set forward of the main elevation by 1m, adjoining which is a further projection, with a lean to roof against the main projection and this in turn steps forward of the main elevation by 0.5m. The side projection is set back from the main rear elevation by 0.5m
- 2.6 The rear garden is approximately 20m in length and to the rear the property boundary adjoins the rear gardens of numbers 14-16 Walerand Road. To the west side is the adjoining semi-detached property and beyond that a detached property. All three properties are divided into flats. To the east of the site is a block of four storey flats dating from the 1980s. To the rear the flats project forward of the rear building line of the semi-detached pair by 3m.
- 2.7 The site is within the designated Blackheath Conservation Area but is not adjacent to any locally or statutory listed buildings.

3.0 Planning History

- 3.1 DC/14/86359 – Application for the construction of a part one, part two storey rear extension, alterations and the conversion of the ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. The application was withdrawn by the applicant when it became apparent that the incorrect certificate of ownership had been submitted in error.

- 3.2 DC/99/45274 – The alteration of windows in the side and rear elevations and rear doors at 3A Eliot Park SE13. Granted December 1999.

4.0 Current Planning Application

The application proposal is identical to that previously submitted and withdrawn (Ref. DC/14/86359).

External Alterations

- 4.1 The proposal is for the alteration and conversion of the lower ground and ground floor maisonette property, together with the construction of a part one, part two storey rear extension to provide 1 two bedroom flat and 1 three bedroom flat.
- 4.2 Externally there are no alterations to the front elevation, except for repairs and redecoration. The front entrance is retained for the main entrance to the ground and upper floor flats. A new entrance is proposed in the side elevation at semi-basement level, to provide access to the lower ground floor property, with no further alterations to the side elevation at lower ground floor level. At upper ground floor level there are currently three windows in the side elevation; it is proposed to remove the stair landing window and brick it up, and to retain the other two windows.
- 4.3 To the rear it is proposed to build a part single, part two storey extension, which will project out from the elevation of the existing two storey projection (which adjoins number 2 Eliot Park) by 3.7m in depth. The projection from the existing side projection, which is currently stepped back from the rear building line, is 5.2m. This would result in a rear elevation at lower ground floor, which has the same alignment to a full width of 9m. In the rear elevation at lower ground floor it is proposed to have two sets of double opening, white, aluminium doors.
- 4.4 In the rear elevation at upper ground floor level the proposed extension would be narrower, projecting only on the east side of the rear elevation, adjacent to the boundary with the flatted block at 4 Eliot Park. The two storey element would be set away from the property boundary with the adjoining semi-detached property at number 2 Eliot Park by 4.3m. The single storey element will have a flat roof with a stone coping and a centrally located roof light measuring 1.6m in width and depth. The flat roof will have a maximum height, including the stone coping of 3.2m, with the roof light adding an additional 0.15m in height.
- 4.5 The two storey element will be 4.7m wide and have a timber sash window in the rear elevation at upper ground floor level to match the existing window at this level, which is retained. The extension will be set back from the east side boundary to the flats by 0.8m and would be 1.5m from the flank elevation of the flats, which are set away from the boundary at this point by 0.7m. The side of the extension would be aligned with the original side addition and would project beyond the rear building line of the flats by 1.25m.
- 4.6 The previous application was revised to delete a window originally proposed at upper ground floor level in the flank of the extension.

Proposed accommodation

- 4.7 The lower ground floor is proposed as a three bedroom unit, with each bedroom providing between 11.5-19m² floorspace. The largest bedroom also has an ensuite bathroom and there is also an additional bathroom within the flat.

There will be an open plan kitchen, dining and living area to the rear of the property, with proposed doors to the garden leading off both the master bedroom and living area.

- 4.8 At upper ground floor level a two bedroom unit is proposed, with the bedrooms providing between 17.2-18.6m² of floorspace. The largest room again has an ensuite and there is also a separate bathroom within the unit. The open plan kitchen, dining and living area is to the front of the property and provides 27.6m² of floorspace. There is no direct access from the upper ground floor unit to the rear garden.

Supporting Documents

- 4.9 The application is accompanied by a Design and Access Statement, which provides a brief overview of the scheme along with details of the proposed extension, and explains the design approach and proposed materials.

5.0 Consultation

- 5.1 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.

- 5.2 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

- 5.3 The Amenity Societies Panel raised no objection to the scheme.

- 5.4 Objections to the scheme were received from residents at 1c, 2, 2b, 4, Flat F 4 Eliot Park, 8 and 13 Eliot Park and 32 Granville Park making the following comments:

- Loss of good sized family dwelling, sufficient flats are being provided within the area.
- Insufficient consultation with the date on the site notice and letter differing.
- Loss of privacy due to side window in proposed two storey extension.
- Loss of outlook and increased shading adversely affecting residents at No.2 adjoining.
- A large part of the rear garden of No.3 is owned by Lewisham Council.
- Loss of trees and landscaping and greenery.
- The area of garden that would be lost is unacceptable, harmful effect on wildlife, particularly bats.
- Over development and concerns that another flat would cause parking problems in the area.
- Permission for such large extension would set an undesirable precedent.
- The building work for the extension would cause noise, dust and increased parking demand.
- Concern that the building will disturb the foundations and impact on surrounding properties with no plan on how to repair any damage caused.
- No details on long term maintenance plan for the property.

- There is an underground stream under the property and the impact of the development on drainage and possible flood risk has not been addressed.
- The scale of the extension is out of character and detrimental to outlook of adjoining properties.
- The extension will cause overshadowing and loss of light to adjoining properties and make an 'enclosed' feel to neighbouring properties.
- Design is out of keeping and out of proportion with the original Victorian properties.
- Development would occupy a significant area of garden being out of scale and overly dominant, ruining vistas at the rear.
- The extension will make the view of the rear of the semi-detached property unsymmetrical, especially with the single storey element, which is not a feature on the other properties.
- The proposal will impact on property values and issues of land ownership.
- Inconsistencies within application information.

5.5 The Blackheath Society objected to the previous application (Ref. DC/14/86350) on the following grounds;

- While recognising the good intentions expressed in the application , we support the objections to this development already clearly articulated by the neighbours, in particular:
- The application seems to be characterised by poor/inadequate/erroneous information and consultation of the residents
- The massing and height of the rear extension are out of keeping with the rest of the building
- The development would potentially result in the serious loss of amenity for the neighbours
- Concerns about the impact of building work on the foundations should have been addressed
- We object to any removal of mature trees to make way for the extension and note that it is claimed that the applicant has already started to remove trees. This should be investigated urgently.

5.6 Cllr Bonavia has written in objection to the proposals, raising the following concerns:

- The large scale of the proposed development will look out of place in comparison with neighbouring buildings and encroach on space that has the character of a natural green enclosure for surrounding residents;
- Impact from loss of light and overshadowing on flats at 4 Eliot Park.

5.7 Two letters of support were received in relation to the previous application (Ref. DC/14/86350) from other flats at No.3 making the following comments:

- The proposed alterations will be a positive change to the building and general area with the design in keeping with the style and area and is more sympathetic than other developments in the area.
- The proposal provides more needed extra accommodation, which will meet the high standard already exhibited in the street.

- The proposals will improve the front of the house and tidy up the property which currently blights the street and reinstate the use of the flat, which is currently vacant.
- The semi-detached properties are already not symmetrical to the rear and so there is no objection to rear extension.
- The design makes concession to neighbours in terms of light and space

(Letters are available to Members)

6.0 Policy Context

Introduction

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority 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)

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that if regard is to be had to the development plan for the purpose of any determination 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 National Planning Policy Framework (NPPF) does not change the legal status of the development plan.

National Planning Policy Framework

6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF.

In summary, this states 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)'.

- 6.4 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.

London Plan (July 2011)

- 6.5 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
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 5.11 Green roofs and development site environs
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)
Sustainable Design and Construction (2006)

Core Strategy

- 6.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the 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:

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 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

- 6.8 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 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 9 Conversion of Residential Property
HSG 12 Residential Extensions
TRN 24 Off-Street Parking for Residential Conversions

Residential Standards Supplementary Planning Document (August 2006)

- 6.9 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.

Emerging Plans

- 6.10 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).
- 6.11 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).

Development Management Plan

- 6.12 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.
- 6.13 The Council expects to formally adopt the DMLP in November 2014.
- 6.14 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 as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.
- 6.15 The following policies are considered to be relevant to this application and are unchanged:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 31.	Alterations and extensions to existing buildings including residential extensions

6.16 The following policy relevant to this application has additional modifications:

DM Policy 3 Conversion of a single dwelling to two or more dwellings

6.17 With the remaining DMLP policies relevant to this application having main modifications;

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

- *General principles*
- *Detailed design issues*

DM Policy 32 Housing design, layout and space standards

- *Siting and layout of development*
- *Internal standards*

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

- *A. General principles*
- *B. Conservation areas*

Supplementary Planning Documents

6.18 Residential Standards Supplementary Planning Document (*adopted August 2006 amended May 2012.*)

6.19 Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

7.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Conservation
- d) Standard of accommodation
- e) Highways and Traffic Issues
- f) Impact on Adjoining Properties
- g) Sustainability
- h) Planning Obligations

Principle of Development

7.2 Adopted and Saved UDP Policy HSG 9 states that the permanent conversion of larger dwelling houses into two or more self-contained units will be permitted provided that the scheme results in the provision of an increase in suitable accommodation. However, not all dwellings will be suitable for conversion. The conversion of dwellings will not be permitted where the net floor space is less than 130m² as originally constructed, and the dwelling is still suitable for family accommodation; the character of the buildings or neighbourhood or the amenities

of neighbouring properties would be adversely affected; the safe movement of emergency and refuse vehicles or other essential traffic, and pedestrians, is likely to be adversely affected by additional on-street parking; the dwelling is multi-occupied and provides a satisfactory standard of accommodation for those who need short term relatively low cost accommodation; it is not possible to retain sufficient area of the original garden to provide an adequate setting for the converted building and enough private open space for the use of the intended occupant.

- 7.3 Policy 3 of the Development Management Local Plan Submission Version states that the Council will refuse planning permission for the conversion of a single family house into flats except where environmental conditions mean that the house is not suitable for family accommodation due to being adjacent to noise generating or other environmentally unfriendly uses or where there is a lack of external amenity space suitable for family use. Any house considered suitable for conversion according to these points of the policy will need to have a net internal floorspace greater than 130m².
- 7.4 Furthermore, Policy 3 states all conversions must meet the general design requirements and housing standards in DM Policy 25 (Landscaping and trees), DM Policy 29 (Car parking), DM Policy 30 (Urban design and local character), DM Policy 31 (Alterations and extensions to existing buildings including residential extensions) and DM Policy 32 (Housing design, layout and space standards).
- 7.5 Following the submission of the Development Management Local Plan to the Inspector modifications to the wording of DM 3 were implemented. It was clarified to state that a 'house' rather than 'dwelling' would be protected from being converted into two or more flats. This change in wording provides the policy with a stronger weight and emphasis to protect against the loss of single houses. However, in relation to already converted properties the further subdivision of units must not be considered unacceptable in principle but considered against the further policy requirements as set out in DM 3 and also the Adopted UDP policy HSG 9. This report therefore assesses the scheme within the latest policy constraints.
- 7.6 Saved policy HSG 9 seeks, among other things, to protect the amenity of the surrounding area from the cumulative impacts of property conversions. The policy questions the impact of a development on the character of the property and also the neighbourhood. It also considers the impact on the accessibility of emergency vehicles, refuse vehicles and other traffic as well as parking implications. As the property is already converted into three flats and this proposal would result in only one additional unit, with no alterations to the front of the property, it is not considered that the development would have any significant impact on the character of the neighbourhood.
- 7.7 The development would result in one additional unit within an area with a PTAL of 6a. Accordingly, it is not considered there will be any significant negative parking implications arising from the proposal.
- 7.8 When assessing the suitability of the property for conversion both HSG 9 and DM 3 state that the conversion of a property with less than 130m² floor space and suitable for family accommodation would not be granted permission for subdivision. The original property, which is already converted to flats, has an original gross internal floorspace that significantly exceeds 130m². The existing maisonette alone has a gross internal floorspace of approximately 135m².

- 7.9 The evidence for Lewisham shows that the main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms. Policies HSG 9 and DM 3 seek to protect housing suitable for family occupation from being lost by conversion to flats. Whilst this is already a subdivided property, the maisonette does currently provide a three/four bedroom unit. The proposal therefore seeks to retain one three bedroom unit and to provide an additional two bedroom unit. Therefore it is considered that the three bedroom lower ground floor unit with direct garden access could provide suitable family accommodation and meet the needs of the future occupiers. This accords with planning policy and it is considered that the principle of the further conversion of this building is acceptable.

Design

- 7.10 Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 7.11 The Council's adopted UDP policies URB 3 Urban Design and URB 6 Alterations and Extensions requires extensions to be of a high quality design which should complement the scale and character of the existing development and setting, and which should respect the architectural characteristics of the original building. Emerging Development Management policy DM 31 also states that extensions and alterations will be required to be of a high, site specific, and sensitive design quality. New rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.
- 7.12 The proposed external alterations are confined to the side and rear of the property, neither of which will be visible to the front of the property on Eliot Park. The alterations to the side elevation to insert a new entrance door and remove a window are not considered to be detrimental to the character of the property. The area of wall where the window is to be removed will be bricked up with bricks to match the existing wall and the doorway is of a scale and design appropriate for the property.
- 7.13 To the rear it is proposed to construct a part single, part two storey extension, the single storey element of which would extend across the full width of the property. This is a sizable extension, however when considered in relation to the existing property it is judged to be of an appropriate scale. The extension is to be constructed out of brickwork to match the existing property and at upper ground floor level the large rear window will replicate the design of the remaining existing window in the upper ground floor rear elevation.
- 7.14 The single storey element will have a flat roof with a skylight, presenting a more contemporary design, however at upper ground floor level, which is at a higher level to the rear and visible from a wider area, the extension will have a more traditional design suitable for the property. The two storey element is proposed with a pitched roof with a slate finish to match that of the existing roof on the main house and side and rear projections.
- 7.15 The height of the extension relates well to the existing proportions of the property at lower ground and upper ground floor levels. The single storey part has a height of 3.2m and the two storey element is 6.3m high to the eaves and 7.2m to the

ridge of the pitched roof. In terms of the depth and width of the extension, the proposal follows the existing flank building line and does not extend any closer to the boundary than the existing side addition. To the rear the extension projects out by 3.7m from the rear projection to the west and 5.2m from the east side set back projection. Given the size of the existing property and depth of the garden, the scale of the proposed extension is considered appropriate, with the height and massing relating well to the proportions of the existing building and site.

- 7.16 Comments have been received regarding the impact on the view of 1-3 Eliot Park from the rear and how the extension will make the properties, particularly the semi-detached pair, appear unsymmetrical. Whilst the extension will alter the appearance from the rear, these properties are not Listed and alterations and extensions are not precluded, subject to their scale and design and provided they are considered to be of a high quality. The proposal is considered to be of a high quality and whilst altering the existing arrangement, is not considered to be unacceptable in terms of visual amenity as viewed from surrounding neighbouring properties.
- 7.17 The features of the rear extension and side alterations seek to complement the style of the existing property, which is further confirmed by the use of materials that also match those seen on the existing property. It is therefore considered that the proposal has been sensitively designed to relate to the existing property and is consistent with planning policy.

Conservation

- 7.18 Saved UDP policy URB 16 (New Development, Changes of Use and Alterations to Buildings in Conservation Areas) states that the Council will not grant planning permission where alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 7.19 As mentioned above the external alterations are not visible from the public realm in Eliot Park and therefore have a minor impact on the conservation area. Whilst the extension is substantial it is considered that the proportions, design features and materials all complement the character of the property.
- 7.20 Sub-divisions and conversions do have the potential to impact on the character of an area, due to impact on parking and intensity of use. However, given this proposal seeks to provide one additional dwelling in an existing and well established residential area it is not considered that this proposal will, by its use or intensification, alter the character of the area or put undue pressures on the area.
- 7.21 Externally the changes are limited to the side and rear of the property with no alterations to the front, only repairs and redecoration. Therefore, given the scale and design features of the external changes, including the rear extension, these are considered to be compatible with the character of the property and wider conservation area and are considered to be acceptable.

Standard of Residential Accommodation

- 7.22 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to be attractive. Likewise, Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context.

- 7.23 Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 7.24 Retained Policy HSG 5 Layout and Design of New Residential Development in the Adopted UDP states that the Council expects all new residential development to meet the functional requirements of its future inhabitants.
- 7.25 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those of the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.
- 7.26 The lower ground floor flat will, once extended provide 112m² of internal floorspace for a three bedroom flat and the upper ground floor flat will provide 85m² for a two bedroom flat. The London Plan standard unit size required for a 3 bedroom 6 person flat is 95m² and for a 2 bedroom 4 person flat 70m², therefore both units comfortably provide the standard required for the intended occupancy. In addition at lower ground floor level the proposed bedrooms are between 11.5-19m², with the standard of 12m² in the London Plan only one room is just below standard (for a double bedroom), which is considered acceptable; both bedrooms to the upper ground floor flat are above the minimum standard at over 17m². The kitchen/living/dining space for each unit also meets the London Plan standards with 36m² provided at lower ground floor and 27.6m² provided at upper ground floor level.

Amenity Space

- 7.27 The proposal will provide direct access to the rear garden for the lower ground unit, from the master bedroom and living area. Whilst the upper ground floor unit will have no direct access into the garden area, there is a side access providing access to the rear garden for the upper flats.

Lifetime homes

- 7.28 The applicant has not provided a Lifetime Homes statement, however this will be required via condition to ensure that the properties meet the Lifetime Homes standards where practicable.

Transport and Servicing Issues

- 7.29 The site has an PTAL rating of 6a, which is excellent and demonstrates that the site is well served by public transport. Given the high accessibility of the site coupled with the fact that the proposal seeks to provide one additional unit, it is considered that there will be no significant impact on parking demand in the vicinity. Therefore the proposal is generally be in accordance with CS Policy 14 and Policy 6.13 of the London Plan (2011).

- 7.30 Cycle parking is generally required to be 1:1 for residential development and provision for this will be required via condition.
- 7.31 Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The applicant has not provided details of refuse storage for each flat and these will therefore be required by condition.

Impact on Adjoining Properties

- 7.32 HSG 4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough by ensuring that new roof additions and extensions respect the character of the surrounding area.
- 7.33 DM Policy 32 states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. New rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.
- 7.34 The objections raised make reference to concerns about loss of light, outlook, overshadowing and overbearing impact of the proposal on surrounding properties. Objections also raised concerns in regard to loss of views, land ownership and property prices, which are not relevant planning considerations.
- 7.35 The extension to the rear of the property faces to the south west, with the single storey element on the western side and the two storey element on the east side, adjacent to the flats at 4 Eliot Park. On the east side the extension will project beyond the rear building line of the adjacent flats by 1.25m. It is therefore considered that the impact on the rear windows of the flats would be marginal and would not result in significant harm to the amenity of the occupiers of that block in terms of loss of outlook, overlooking or overshadowing.
- 7.36 There are a number of windows in the side elevation of the flatted block and it is acknowledged that there will be a level of impact to these windows. However these windows are located behind the existing rear building line of No. 3 Eliot Park and as such already have limited light. Furthermore as these windows serve non-habitable rooms (kitchens and bathrooms) it is considered that whilst there will be a degree of impact, this is not so significant as to warrant the refusal of planning permission.
- 7.37 To the west side the extension would be single storey and would be constructed up to the boundary with No. 2. The height adjacent to that property is 3.2m, which is not considered excessive in relation to the depth of the extension, the proportions of the property or considered overbearing in relation to the wider site. In view of the site orientation, the proposed extension would not result in a significant impact in terms of overshadowing, loss of light or outlook. The extension is considered acceptable in terms of its impact upon the adjoining property at No. 2 Eliot Park.

- 7.38 With regard to overlooking it is noted that the objections make reference to a side window in the two storey extension. This has now been removed from the application proposal on the advice of officers, thus removing the potential for unacceptable overlooking. It is not considered that the development will cause any other overlooking not already present on the site and is therefore acceptable in this regard. A condition is proposed to prevent the flat roof of the extension from being used as a balcony or roof terrace.
- 7.39 It is not considered that the alterations to the side of the property would have any significant impact on amenity of surrounding properties.
- 7.40 Whilst the proposal will result in a change to the current site arrangements, there is still a large area of garden retained for the host property. Furthermore the development is not considered to have a detrimental impact on adjoining gardens or properties. As such the development is considered to have an acceptable impact on neighbouring occupiers.

Other Matters

- 7.41 Following the comments received during the neighbour consultation that an underground stream runs under the garden to the rear of 3a Eliot Park, officers contacted the Environment Agency, who confirmed that they have no record of an underground stream or culvert in this location, but advised that if during excavation or construction works the presence of a water course is detected, they should be contacted for further flood risk analysis. An informative has been added to the recommendation in this regard.
- 7.42 Objectors have drawn attention to the fact that the Council is the freehold owner of a significant part of the rear garden. The Council owns the freehold of the rear part of this and also parts of adjacent gardens in Eliot Park and Walerand Road. It is understood that there is a covenant limiting the use of the land to use as garden. The affected land is to remain as garden land in the current application.
- 7.43 Objectors have raised concern regarding the effect of the loss of garden land on wildlife, including bats. The area of the garden affected is that closest to the house and the remainder of the garden would remain as garden land. The extent of garden area affected is not dissimilar to the situation that would occur with a substantial residential extension and it is not considered that the construction of the proposed extension would result in loss of wildlife habitat to the extent that permission should be withheld on grounds of loss of or damage to wildlife habitat.
- 7.44 The Council have given consideration to the characteristics of the development site in relation to the presence of bats and consider that the development does not require the submission of a bat survey. The application site is an urban residential garden, which is not known to the Council as a foraging/roosting site for bats or within a designated protected area for bats (Site of Nature Conservation Importance, Local Nature Reserve (LNR) or Green Corridor). Furthermore the proposed development will not modified or disturb the eaves or roof space of the existing property nor is within the proximity to woodland or a watercourse. It is also noted that the location of the extension is not along or adjacent to a linear path, such as a railway embankment or park which are the favoured routes for foraging bats. It is this information that has enabled the Council to confirm that a survey is not required.

7.45 Given the scale of the development and that it is located in the garden area closest to the existing property the impact on wildlife habitats is considered minimal. Although the development is likely to require the removal of one tree, for which a separate application is required should this be the case, the tree is not of a quality to support bats. The remainder of the existing garden will remain as garden land. It is concluded therefore that the location and scale of the development will not adversely impact or harm the bats and the natural environment of the site.

8.0 Local Finance Considerations

8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).

8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

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

9.0 Equalities Considerations

9.1 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.

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

9.3 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.

9.4 In this matter there is considered to be no impact on equality.

10.0 Conclusion

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

10.2 The sub-division of the lower maisonette is considered to be acceptable in principle. It is acknowledged by the Council that the extension to the rear is sizeable, however it is considered to be of an appropriate and proportionate scale in relation to the host property and wider site area.

10.3 The development is not considered to impact on the character of the conservation area being largely confined to the rear of the property away from the public realm. The potential impacts on residential amenity have been given full consideration and alterations made to address these in part. Whilst there will be an impact on the windows in the side elevation of the flats this is not considered to be so significant as to cause significant harm and to warrant the refusal of consent. The impacts on surrounding properties in terms of loss of light, overshadowing, overlooking and overbearing are not considered to be significant or harmful the scheme is therefore considered acceptable.

10.0 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:

041-01, 041-02, 041-03 (received 26 June 2014)

- (3) Notwithstanding the information submitted and hereby approved, no development shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors and roof coverings to be used on the extension have been submitted to and approved in writing by the local planning authority. No making good or alterations to the existing elevations of the house shall be carried out other than in materials to match the existing. The development shall be carried out in accordance with the approved details.
- (4) Notwithstanding the information submitted and hereby approved, no development shall commence until detailed plans at a scale of 1:20 showing the window elevations and sections 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.
- (5)
 - (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, 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
- (6)
 - (a) A minimum of two secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
 - (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
 - (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

- (7) Prior to the commencement of development a plan at scale 1:20 shall be submitted to the Council showing demonstrating compliance of the units hereby approved with Lifetime Home Standard.
- (8) 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 single storey flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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, plans and drawings submitted with the application and is acceptable to the local planning authority.
- (3) 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).
- (4) In order that the local planning authority may be satisfied as to the detailed treatment of the proposal 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).
- (5) 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).
- (6) In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).
- (7) 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).
- (8) In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally 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) **Flood Risk:** You are advised that if during construction works, any evidence of a water course is located within the site, contact must be made with Environment Agency to discuss the potential impacts on the water contamination and flood risk.