

Committee	PLANNING COMMITTEE A	
Report Title	48 LEE PARK, LONDON, SE3 9HZ	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	7th January 2016

<u>Reg. Nos.</u>	DC/14/94141
<u>Application dated</u>	20.10.2015
<u>Applicant</u>	Kesby Design
<u>Proposal</u>	An application to extend the width and depth of the raised terrace to facilitate the creation of a carport supported by a brick wall and metal posts to the side (south) elevation of 48 Lee Park, SE3, together with the installation of a safety balustrade on top of the car port and a trellis fence in the front garden.
<u>Applicant's Plan Nos.</u>	253; 253.1.3; 253.4.4; 253.4.5 Received 28th October OS Map; Block Plan Received 29th October 15/1201 Rev A Received 8th December 2015
<u>Background Papers</u>	(1) Case File LE/475/48/TP (2) Adopted Core Strategy (2011) (3) Development Management Plan (2014) (4) The London Plan (March 2015)
<u>Designation</u>	Adjacent to Blackheath Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The property is a three storey plus attic house with integral garage on the east side of Lee Park at the corner with Shearman Road.
- 1.2 The property forms part of the 1970s Page Heath Estate and has a large sloping garden to the side due to a change of ground level from Lee Park to Shearman Road.
- 1.3 The properties within the estate are characteristically open plan with long lawns.
- 1.4 At present the main access to the property is off Lee Park with a secondary entrance from steps leading off of Shearman Road to a patio area surrounded by a 2m high wall and railings. There is an existing 0.3m high dwarf wall to the front and side boundaries.

- 1.5 The site is located adjacent to the Blackheath Conservation Area, which is not subject to an Article 4 direction, and is opposite the Grade II listed mid-19th century property at no. 135.

2.0 Relevant Planning History

- 2.1 DC/04/56037/FT: The demolition of external steps at 48 Lee Park SE3 and the construction of a 1.5 to 2.2 metre high brick boundary wall with pillars and steel panels. **Refused due to the design, height and choice of materials for the proposed fence, which was considered to be visually intrusive, over dominant and have an adverse effect on the streetscene.**
- 2.2 DC/04/58518/FT: The demolition of external steps at 48 Lee Park SE3 and the construction of a 1.1 metre high brick wall with railings above and a concealed retaining wall. **Granted by Planning Committee.**

3.0 Current Planning Application

The Proposal

- 3.1 The application proposes to extend the raised stone terrace 2.15m deeper into the front garden and 1.65m wider into the side part of the garden fronting Shearman Road. The extra width towards the rear of the property would facilitate the creation of a carport, which would measure 3.05m wide by 3.75m deep by 1.8m high and is sufficient space for one motor vehicle. It would be supported by a brick wall and metal posts.
- 3.2 On top of the carport a 1.2m high frosted glass safety balustrade with stainless steel posts is proposed. It would partly extend around the eastern edge of the terrace by 90cm where it would meet the existing brick wall and partly extend along the southern edge of the terrace by 4.35m.
- 3.3 Also proposed is a wooden trellis fence in the front garden measuring 1.8m high.
- 3.4 The existing brick wall with railings above would be demolished, the boundary wall fronting Shearman Road would be increased in height to a maximum of 1m, the boundary wall fronting Lee Park would be increased in height to no more than 50cm and a stone-edged lawn would be created in the front garden. However, none of these would require planning permission.

4.0 Consultation

- 4.1 No pre-application advice was sought.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed, Blackheath Ward councillors and the Council's Conservation Officer were consulted and letters were sent to six neighbours.

Written Responses received from Local Residents

- 4.4 Eight objections were received from neighbouring occupiers not directly consulted, who raised concerns regarding the following:
- The frosted glass balustrade would be totally out of keeping with the area, would be visible from the entire length of Shearman Road and would be ugly.
 - The car port and associated walls would be unnecessary given that the occupants already have a garage and further off-street parking.
 - The scheme would conflict with the 'open plan' Shearman Road development.
 - The carport appears to intrude over the building line of the adjacent houses and would make it difficult for the occupants of no. 74 to access their cars.
 - Will there be planting to screen the brick walls?
 - Bringing the building line of the application property forward would reduce outlook and sunlight and the proposed window would look into nearby residents' windows.
 - Construction works close to road boundary would narrow it unacceptably.
 - The proposed development would be out of scale for the neighbourhood and would flout the design principles on which Shearman Road was originally built.
 - Being located at the top of Shearman Road, which is on a hill, would mean that this wholly inappropriate development would dominate the streetscape.
 - The same problems (design, scale and road safety concerns) as with the last application remain with this one.
 - A driveway fronting Shearman Road was created during the construction works, but was not part of the previous planning application. This has not been used by the occupants of the application property and could have been rented out.
 - The raising of the boundary walls would be at an absurdly high level, thus altering the aspect and appearance of the road. It would also reduce visibility when exiting the driveway and it would be less overlooked, making it less secure.
 - The occupiers of the application property do not use their garden.
 - If granted, this would set a precedent for other properties along Sherman Road to do the same.
 - The proposal appears to be a blockade for the garden and a prelude to an application for the construction of an extension.
 - The site notice was camouflaged by a bush and no consultation letter from the council was received.
- 4.5 The Council's Conservation Officer had no objection to the scheme as it would have no impact on the adjoining Conservation Area or the nearby listed buildings.

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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 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.

Other National Guidance

5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London 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 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
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

Residential Standards Supplementary Planning Document (updated May 2012)

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

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposals on the character and appearance of the host property, the streetscape, the adjacent Conservation Area and on the amenities of residents in the immediate vicinity.

Design and conservation

- 6.2 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 6.3 London Plan Policy 7.4 Local character states that buildings, streets and open spaces should provide a high quality design response that:
- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass;
 - b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area;
 - c) is human in scale; and

d) is informed by the surrounding historic environment.

- 6.4 London Plan Policy 7.6 Architecture states that buildings and structures should:
- a) be of the highest architectural quality;
 - b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm;
 - c) comprise details and materials that complement, not necessarily replicate, the local architectural character;
 - d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing;
 - e) provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces;
 - f) meet the principles of inclusive design; and
 - g) optimise the potential of sites.
- 6.5 London Plan Policy 7.8 Heritage assets and archaeology states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.6 Core Strategy Policy 15 High quality design for Lewisham states that 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.
- 6.7 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.8 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas, taking all available opportunities for enhancement.
 - Height, scale and mass should relate to the urban typology of the area.
 - How the scheme relates to the scale and alignment of the existing street including its building frontages.
 - The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context.
 - Details of the degree of ornamentation, use of materials, bricks walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials.

- A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.
- 6.9 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and 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, and detailing of the original buildings, including external features. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.10 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where development adjacent to a Conservation Area would have a negative impact on the significance of that area.
- 6.11 The proposed frosted glass safety balustrade with stainless steel posts, which would be adjacent to the flank elevation of the house, would be lower in height than the existing wall, even at its lowest point. Whilst the design comprises a new element in the frosted glass safety balustrade, there is no policy requirement that prevents the introduction of contemporary elements provided that they complement the host building. Given the applicant's wish for privacy for the ground floor doors in the flank elevation, Officers consider that it would be unreasonable to refuse this scheme on the basis that it would be inappropriate for the style of the property.
- 6.12 Although the proposed balustrade would start approximately 2m above the ground level of the pavement at its highest point, it is felt that it would not result in any additional overbearing impact on the street due to the large scale of the existing building and its limited extend along the southern edge of the terrace fronting Shearman Road. It is considered that the wall with railings would break up the appearance of the existing largely blank flank wall, thus assisting in reducing the present overbearing feel of the subject property.
- 6.13 The raised terrace would be constructed in stone to match that of the existing terrace. It is therefore considered that it would relate well to the appearance of the existing house. Its extension into the front and side gardens is unobjectionable in principle.
- 6.14 The proposed carport is regarded as an extension, but its dimensions are not considered excessive, being appropriate for the storage of a standard family car (in this case a VW Golf estate measuring approximately 1.5m high by 1.74m wide by 4.77m long). It would be located on brick hardstanding, as approved by the landscaping condition (DC/05/61339/FT), adjacent to the three garages. Officers consider that it would not have any significant effect on them, nor would it intrude over any property boundaries.
- 6.15 The wooden trellis fence proposed in the front garden would not be excessively high and would not directly front a public highway and is therefore acceptable.

- 6.16 The character of the area is one of open plan, long front gardens. Due to the proposed retention of the sloping side garden, albeit at a different profile, and the low height of the boundary walls (not requiring planning permission) it is felt that the scheme would not result in a loss of openness to the estate. It is notable that this property is unique in this estate and it is therefore considered that the limited enclosure of this amenity space to increase its recreational use would not have a detrimental impact on the character of the immediate area and would be unlikely to set a precedent for further enclosure of the estate.
- 6.17 Due to the position of the proposed development being mainly to the side (south) part of the dwellinghouse opposite the Blackheath Conservation Area running to the west of the site, and more than 30m from the Grade II listed mid-19th building at no.135 Lee Park, it is considered that the proposal would have a neutral impact on the character or appearance of those heritage assets.
- 6.18 Therefore, the proposals are considered to be appropriate in their scale, design and materials and thereby would preserve the character and appearance of the property, the streetscape and the adjacent Conservation Area in accordance with London Plan Policies 7.4, 7.6 and 7.8, Core Strategy Policies 15 and 16 and DM Policies 30, 31 and 36.

Impact on the amenity of neighbouring occupiers

- 6.19 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed.
- 6.20 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.21 It is felt that levels of privacy, outlook, sunlight, daylight or associated overshadowing currently experienced by neighbouring properties would not change given the height of the proposed carport and its distance of 7.6m being a sufficient distance away from the nearest residential property.
- 6.22 The front garden wooden trellis fence would not have any impact on the amenities of no. 50 given its proposed location of at least 3.4m from their boundary.
- 6.23 The proposed frosted glass safety balustrade would be set back from the edge of the pavement and the second retaining wall would be concealed beneath the side garden. It is therefore felt that the impact of the alterations would be reduced and would have no significant effect on the visual amenity of this residential area.
- 6.24 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

Other issues raised during consultation

- 6.25 Issues regarding the occupier not using their garden and potential future constructions are not valid planning considerations.

- 6.26 Building works would have to be in accordance with Lewisham's Good Practice Guide - Control of Pollution & Noise from Demolition & Construction Sites.
- 6.27 On the Officer's site visit it can be confirmed that the yellow Site Notice was displayed prominently on the nearest lamppost to the development.
- 6.28 Officers feel that the consultations carried out were adequate for an application of this scale and none of the neighbours directly consulted by the Council commented on or objected to the proposal.

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 In this matter there is no impact on equality.

8.0 Conclusion

- 8.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015) and the National Planning Policy Framework (2012).
- 8.2 It is considered that the proposed alterations and carport extension would preserve the character and appearance of the building, the streetscene and the adjacent Conservation Area. In addition there would be no significant impact on the residential amenity of the area and, as such, approval is recommended.

9.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of 3 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:

253; 253.1.3; 253.4.4; 253.4.5 Received 28th October

OS Map; Block Plan Received 29th October

15/1201 Rev A Received 8th December 2015

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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed carport 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.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

INFORMATIVES

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, positive discussions took place which resulted in further information being submitted.