

Committee	PLANNING COMMITTEE A	
Report Title	14A Lewisham Hill, SE13, 7EJ	
Ward	Blackheath	
Contributors	Andrew Hartcher	
Class	PART 1	18 February 2015

Reg. Nos. DC/15/093788

Application dated 10 September 2015

Applicant Mrs Katie Tarrent

Proposal Retrospective conversion of 14A Lewisham Hill SE13, into 1, one bedroom and 1, three bedroom self-contained flats together with a single storey rear extension at lower ground floor level.

Applicant's Plan Nos. Planning, Design and Access Statement, Site Location Plan, P9/001, 002, 003, 004, 005 and 006 (received 17<sup>th</sup> September 2015).

Background Papers (1) LE/137/14/TP  
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation Not a Listed Building  
Not in a Conservation Area

## **1.0 Property/Site Description**

- 1.1 The subject application relates to a two storey maisonette flat located within three storey plus lower ground level Victorian property at 14A Lewisham Hill SE13 7EJ.
- 1.2 The subject site is located on the eastern side of Lewisham Hill approximately 30m from the Junction of Lewisham Hill and Lewisham Road.
- 1.3 No. 14A occupies the lower ground floor and the upper ground floor levels of the Victorian property. Two single storey flats (Nos. 14B and No. 14C) are also located above on the first and second floors.
- 1.4 The building forms part of an semi-detached pair with No. 16 Lewisham Hill. At the front, the property has a small garden and light well to the lower floor and a paved area leading to stairs and the common (main) entrance to the property. The rear garden of the property is accessed via a paved path down the side of the building.
- 1.5 The property has a large rear garden around 20m deep which is split between the three flats (Nos. 14A to No. 14C).

- 1.6 The lower ground floor level of the maisonette at No. 14A has a small paved courtyard at the rear which acts as a light well and provides amenity space. There are two underground storage areas for the maisonette located within the rear courtyard walls which are accessed via doors. These storage areas are located under the rear courtyard at ground floor level (see below).
- 1.7 A balcony occupies the full width of No. 14A at the rear at upper ground floor level above. The balcony has stairs over the light well leading to a paved rear courtyard above (i.e. the rear garden) at upper ground floor level.
- 1.8 The property is not a Listed Building and is not located in a Conservation Area.

## **2.0 Planning History**

- 2.1 **EC/15/0043** – As a result of a public complaint regarding unauthorised conversion works, a site visit was carried out at the subject property by Council Enforcement Officer's on 4 September 2015. Officer's found that works had commenced to convert the existing maisonette two separate flats. The Applicant was instructed to cease works immediately and lodge a formal planning application to regularise the works.

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 The application seeks approval for the retrospective conversion of 14A Lewisham Hill SE13, into 1, one bedroom and 1, three bedroom self-contained flats together with a single storey rear extension at lower ground floor level.

### Proposed external changes

- 3.2 The existing rear paved courtyard at lower ground floor level would be extended by approximately 6m. The two existing underground stores would be removed.
- 3.3 This would make room for a single storey rear extension to be constructed at the rear of the property at lower ground floor level which would be approximately 3.4 deep by 4.8m wide by 3.4m high with a flat roof.
- 3.4 At upper ground floor level a new walkway would be constructed from the existing balcony over the flat roof of the lower ground floor extension with 1.1m high guardrails to enable access for this flat to the rear garden.
- 3.5 A new entrance door which would be installed on the side of the building adjacent to the rear garden access path is to provide access to the lower ground floor flat.
- 3.6 No change are proposed at the front of the property.

### Proposed accommodation

#### *Lower ground floor*

- 3.7 The lower ground floor flat is proposed as a three bedroom, five person unit, with each bedroom providing between 7.25m<sup>2</sup> to 16.35m<sup>2</sup> of floorspace.

- 3.8 The lower ground floor flat would be accessed via a new side entrance door (as above).
- 3.9 The master bedroom would have an ensuite bathroom and an additional bathroom would also be provided in the flat.
- 3.10 A combined living/kitchen and dining area (24.08m<sup>2</sup>) would be provided at the rear of the flat which would be accommodated by the new single storey rear extension (as outlined above).
- 3.11 Bi-fold doors would provide access from the side of the combined living/kitchen and dining area into the newly extended courtyard (as outlined above).
- 3.12 The lower ground floor flat would have a total internal floor area of 84.65m<sup>2</sup>.

#### *Upper ground floor*

- 3.13 The upper ground floor flat is proposed as a one bedroom, two person unit, with the master bedroom providing 18.45m<sup>2</sup> of floorspace.
- 3.14 The upper ground floor flat would be accessed via the existing main entrance door to the property at the front in the shared entrance hallway.
- 3.15 The master bedroom would have a separate bathroom in the middle of the flat and a combined living/kitchen and dining area (24.45m<sup>2</sup>) at the rear with two sets of bio-fold doors opening out to the rear balcony.
- 3.16 The upper ground floor flat would have a total internal floor area of 57.15m<sup>2</sup>.
- 3.17 The materials used to construct the proposal would match the existing dwelling.

#### Supporting Documents

- 3.18 The application is supported by a Design and Access Statement.

#### **4.0 Consultation**

- 4.1 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 and conservation area notice were displayed, letters were sent to residents in the surrounding area and the application was advertised in the local newspaper for a period of three weeks. Local ward Councillors were consulted.
- 4.3 Two objections and one comment were received to the proposal.
- 4.4 The occupant of the flat above the subject property at No. 14B Lewisham Hill objected to the proposal and raised the following key concerns:
- the upper ground floor flat is already occupied and has been converted into a two bedroom flat while the proposed plans show a one bedroom flat;

- inconsistencies between the Council's original development notification and the documentation submitted in support of the application;
- that the landowner had not put up a site sign;
- that the occupant and neighbours did not receive a notification letter as these were removed from letterboxes by the Applicant;
- that the proposed rear extension would cause overlooking of the occupants rear garden and take away the use of this garden;
- that the conversion works already undertaken at upper ground level (rearrangement of bedrooms, bathroom, sound proofing of ceilings etc) have not been constructed in accordance with Building Regulations and are resulting in amenity impacts (e.g. fumes/smells, noise, structural imbalances etc);
- that the new side entrance door proposed to the lower ground floor flat would impede side access to the rear garden;
- that the occupant was subject to significant construction related impacts during the unauthorised conversion works; and
- that Council's DM Policy 3 does apply to maisonettes within the meaning of a 'family house' and therefore the further conversion into additional flats should not be considered.

4.5 The occupant of the building adjacent to the subject property at No. 12B Lewisham Hill objected to the proposal and raised the following key concerns:

- that the occupant did not receive a notification letter;
- the conversion is not in keeping with other properties in the area;
- the flat roof extension would be visually intrusive, will have rooflights and impact on the occupants privacy; and
- the extension is not in keeping with existing properties, will serve as an eyesore for adjacent properties located above and is a traditional Victorian property located on the edge of a conservation area.

4.6 The occupant of the building adjacent to the subject property at No. 16A Lewisham Hill comment on the proposal, advising there were no major objections to the plans but two minor concerns relating to:

- the height of the fence between 14 and 16 remaining the same height as the existing fence
- the remodelling of the shared chimney and damage to no.16A as a result of this

## **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 '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, the Development Management Local Plan, the Site Allocations Local Plan and the L014sham 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 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 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 1.1 Delivering the strategic vision and objectives for London
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments

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 5.7 Renewable energy  
Policy 6.13 Parking  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

#### London Plan Supplementary Planning Guidance (SPG)

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

Housing (Draft Interim, May 2015)  
Sustainable Design and Construction (2006)

#### Core Strategy

5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, 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:

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 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan

5.9 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 Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant policies as they relate to this application:

5.10 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 3	Conversion of a single dwelling to two or more dwellings
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards

#### Residential Standards Supplementary Planning Document (amended 2012)

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

- a) Principle of development;
- b) Design;
- c) Standard of residential accommodation;
- d) Transport and servicing; and
- e) Impact on adjoining properties.

### Principle of development

6.2 Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

6.3 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 and 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.

6.4 DM Policy 3 Conversion of a family house to two more dwellings does not apply to the subject application as the wording of this policy means that it only applies to the conversion of single family houses into two or more dwellings and not the conversion of existing flats or maisonettes. This was an issue of concern raised in public submissions.

6.5 The existing building at No. 14A Lewisham Hill is a three storey plus lower ground level Victorian property that has been divided into three flats. The existing maisonette that is the subject of this application is large and has a gross internal floorspace of around 140m<sup>2</sup>.

6.6 The site has a PTAL rating of 6b which is the highest level and represents excellent public transport accessibility levels. Intensification of the existing residential use at this location would therefore be considered acceptable at this site provided that the development is designed to be high quality and sensitive to the character of streetscape, does not result in any significant highways or servicing issues and provides a suitable standard of residential accommodation for future occupiers.

6.7 In addition to this, the evidence for Lewisham shows an overwhelming housing need which is spread across the borough and for a mix of housing tenures as well as housing size. The main need for housing is for family housing, which is

defined in the London Plan as houses having three or more bedrooms. The proposal seeks to provide three bedroom unit and to provide an additional one bedroom unit. The proposal would therefore meet the housing needs for Lewisham by providing a mix of housing sizes, in particular one dwelling suitable of suitable size for family accommodation. As such, the proposal is considered to be consistent with the NPPF, the London Plan and Council's relevant planning policies in this regard.

6.8 Concern was raised in public submissions that the proposed conversion is not in keeping with other properties in the area. However, it is noted that the Council approved a similar proposal for the alteration and conversion of a two storey maisonette into to self-contained flats at No. 8B Lewisham Hill in May 2015 (DC/15/91178). No. 8B Lewisham Hill is located just three houses down from the subject site.

6.9 Given the above, the principle of the further conversion of the existing maisonette into two flats is considered, subject to compliance with Council's other relevant planning policies outlined below.

### Design

6.10 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 sustaining and enhancing the significance of heritage assets. Paragraph 32 continues that great weight should be given to the asset's conservation. Paragraph 34 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.

6.11 Core Strategy Policy 15 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.

6.12 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 English Heritage best practice.

6.13 DM Policy 31 Alterations and extensions to existing buildings including residential extensions 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.

- 6.14 Paragraph 6.3 of the Residential Standards SPD states that bricks and roofing materials used to construct an extension should match those in the original building.
- 6.15 Paragraph 6.4 of the Residential Standards SPD states that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.

#### *Proposed external changes*

- 6.16 The extension to the lower ground floor level courtyard is considered to be appropriate to enable the provision of sufficient private amenity space for the larger three bedroom flat. It is also noted that the adjacent property at No. 16 Lewisham Hill already has a similar sized courtyard extension as well as a half-width rear conservatory.
- 6.17 At approximately 3.4 deep by 4.8m wide by 3.4m high, the proposed single storey rear extension at lower ground floor level is considered to be of a modest size that is of an appropriate scale and proportion when compared to the existing property. The proposed rear extension would also have a flat roof to ensure that it remains subservient to the host property.
- 6.18 In addition to the above, the rear extension would not be visible from public view and at lower ground floor level, would not result in any amenity impacts in terms of overlooking or overshadowing to adjoining occupiers. The extension would also be constructed using materials to match the existing dwelling. This would be secured by condition and has been agreed to by the Applicant.
- 6.19 Council officers are satisfied that the extension would be smaller and less bulky than the original building, would respect the form of the original dwelling, would be subservient to the host dwelling; would be constructed using matching materials; and would retain sufficient private amenity space. The proposed rear extension would therefore be compliant with the requirements of DM Policy 31 and the Residential Standards SPD.
- 6.20 It is also considered that the design impact of the new side entrance door and walkway/balcony over the flat roof of the rear extension would be acceptable as these elements would be constructed to match the existing property (i.e. balcony railings, doors and materials) and would be largely obscured from public view.
- 6.21 Given the above, it is concluded that the proposed external changes would not result in any adverse design impact to the subject building or the character of the streetscape.

#### Standard of residential accommodation

- 6.22 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 and 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.

- 6.23 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (SPG) 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 Draft Interim Housing SPG (May 2015), 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. These criteria are also required to be met by DM Policy 33.
- 6.24 The London Plan minimum internal floorspace size required for a one bedroom, two person unit is 50m<sup>2</sup>. The gross internal floorspace of the proposed one bedroom unit would be 57.15m<sup>2</sup>. The London Plan minimum internal floorspace size required for a three bedroom, five person unit is 86m<sup>2</sup>. The gross internal floorspace of the proposed three bedroom unit would be 84.65m<sup>2</sup> and would not comply with the requirements of the London Plan in this regard. However, at 1.35m<sup>2</sup> the non-compliance is marginal and is not significant enough to warrant refusal of the proposal. The three bedroom flat would have double bedrooms that exceed the minimum floorspace requirements of the London Plan and a good sized combined living, kitchen and dining area (24.08 m<sup>2</sup>) which would open out onto a 18.5m<sup>2</sup> private courtyard. These areas would serve to ensure that a suitable standard of living is provided for the potential future occupiers.
- 6.25 All new rooms created by the extension are considered to have be of an acceptable size and shape, would have reasonable outlook, adequate privacy and would receive adequate sunlight and daylight. In this regard, it is noted that the rear of the property faces south-east which means that sunlight and daylight access to the new extension and principle livings areas (i.e. the living, kitchen and dining area) at lower ground floor level would be sufficient.
- 6.26 In terms of private amenity space, the lower ground floor (three bedroom) flat would have a 18.5m<sup>2</sup> private courtyard which exceeds the minimum private open space requirements of the London Plan. The upper ground floor flat (one bedroom) flat would have a balcony with extended access to a 2.5m strip of garden at the rear. Private open space provision at this flat would also exceed the minimum private open space requirements of the London Plan.
- 6.27 The floor to ceiling height of the lower ground floor extension would be 2.4m. The floor to ceiling height of the remainder of the lower ground floor flat would be 2.5m. While a 2.5m floor to ceiling height is encouraged for new dwellings in DM Policy 32, the more recently published National technical housing standards (March 2015) require a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal floor area. The proposed lower ground floor flat would therefore comply with the minimum floor to ceiling height requirements of the National Standards. The floor to ceiling height of the upper ground floor

flat would be 3.1m which would exceed the minimum floor to ceiling height requirements of the DM Policy 32 and the National Standards.

- 6.28 Given the above, the Council concludes that the proposal would provide a satisfactory standard of accommodation in accordance with the NPPF, the London Plan, Council's DMLP and the Residential Standards SPD.

#### Transport and servicing

- 6.29 Traffic generated by the occupation of two new flats at the subject site is expected to be minor and would be easily accommodated by the surrounding road network.

- 6.30 No off-street car parking is proposed for the dwelling however the site has a PTAL rating of 6b which is the highest level and represents excellent public transport accessibility levels. Therefore, the prospective residents of the flats would have good public transport access and the provision of a car parking free development is considered acceptable and appropriate in accordance with Core Strategy Policy 14, DM Policy 29 Car parking and Policy 6.13 Parking of the London Plan.

- 6.31 One cycle parking space would be required for the proposed one bedroom flat at upper ground floor level and two cycle parking spaces would be required for the proposed three bedroom flat at lower ground floor level as stipulated in the London Plan Draft Interim Housing SPG (May 2015). No cycle parking has been proposed as part of the application and as such, the Council has recommended a condition requiring the Applicant to provide details of cycle parking to Council for approval, prior to the commencement of any development on site.

- 6.32 The Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The existing bin stores are provided at the front and side of the property adjacent to the rear garden access path. The conversion of the existing maisonette and the net creation of one additional flat at the site would generate increased refuse and recycling demand.

- 6.33 However, no details of the proposed refuse and recycling arrangements for the new flats have been provided. Despite this, the Council is satisfied that there is sufficient room at the front of the property to provide the additional refuse and recycling facilities. As such, the Council has recommended a condition requiring the Applicant to provide final details of the refuse and recycling facilities to Council for approval, prior to the commencement of any development on site.

- 6.34 With the above conditions in place, the Council is satisfied that suitable provision would be made for refuse and recycling and cycle storage at the new flats.

#### Impact on adjoining properties

- 6.35 Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.

- 6.36 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.37 At lower ground floor level, the proposed single-storey rear extension would not result in any amenity impacts in terms of overlooking or overshadowing to adjoining occupiers. Further, due the height of the existing fence on the north-eastern boundary of the site, the new raised walkway to be constructed over the flat roof of the lower ground floor extension would not result in any significant overlooking of the rear of the adjacent property at No.16 Lewisham Hill. A condition has been recommended requiring the Applicant to ensure that a side boundary fence (the same height as the existing timber fence) is retained in perpetuity on the north-eastern boundary of the site.
- 6.38 Concern was raised by the occupier of the flat above the subject property at No. 14B that the proposal would cause overlooking of the occupants rear garden and take away the use of this garden.
- 6.39 However, (as above) the single storey rear extension would be provided at lower ground floor level and would not cause overlooking or the rear garden of the No. 14B. Further, it is considered that the new raised walkway to be constructed over the flat roof of the lower ground floor extension would not result in any additional overlooking of the rear garden of No. 14B compared with the existing rear balcony at ground floor level. The use of this walkway would also be intermittent. The proposal maintains a 2.5m rear garden strip between No. 14A and the rear garden of No. 14B and as such, the proposal would not impact of the ability of the occupant of No. 14B to use their rear garden. It is also noted that these gardens are separated by a timber picket fence.
- 6.40 Concern was raised by the occupier of No. 12B Lewisham Hill that the flat roof extension would be visually intrusive, will have rooflights and impact on the occupants privacy. Concern was also raised that the extension is not in keeping with existing properties and will serve as an eyesore for adjacent properties located above. It was also noted that the property is located on the edge of a conservation area.
- 6.41 However, as demonstrated in the section 'proposed external changes' of this report, at 3.4 deep by 4.8m wide by 3.4m high, the size of the rear extension would be modest and of an appropriate scale and proportion when compared to the existing property. The rear extension would also with a flat roof to ensure that it remains subservient to the host property, no rooflights, would be 'tucked away' at lower ground floor level and would not be visible from the public realm.
- 6.42 As such, the Council considers that the proposed extension would not be visually intrusive to any of the occupiers of No. 12 Lewisham Hill, would not impact on privacy or the character of any nearby conservation area. Again, it is also noted that the adjacent property at No. 16 Lewisham Hill already has a similar sized courtyard extension as well as a half-width rear conservatory, therefore the proposed rear extension would not be inconsistent with adjacent dwellings.

6.43 Given the above, it is considered that the proposal is unlikely to result in an unreasonable impact on the amenity of neighbouring occupiers, particularly from overlooking, loss of privacy or loss of sunlight and daylight access.

Other matters

6.44 Concern was raised in public submissions that the upper ground floor flat is already occupied and has been converted into a two bedroom flat while the proposed plans show a one bedroom flat. Concern was also raised that the occupant of flat No. 14B above the subject property was subject to significant construction related impacts during the unauthorised conversion works.

6.45 Upon visiting the site, it appeared to Officer's that the upper ground floor flat had been converted into a two bedroom flat and showed evidence of occupation.

6.46 The current application seeks approval for conversion of the upper ground floor of the subject property into a one bedroom flat and the Applicant has confirmed in writing that any existing unauthorised works will be modified in accordance with the approval that is being sought under this application. As such, a condition has been included in the recommended conditions requiring the Applicant to begin these works (e.g. convert the upper ground floor into a one bedroom flat as per the proposed plans) within 3 months of approval. The matter of illegal occupation has been referred to Council's Planning Enforcement Team and investigations are on-going.

6.47 Concern was raised in public submissions about inconsistencies between the Council's original development notification and the documentation submitted in support of the application. Concern was also raised that the landowner had not put up a site sign and that some neighbours did not receive notification letters.

6.48 Council's original development notification stated that the lower ground floor was to be converted into a two bedroom as opposed to a three bedroom flat. As such, the Council corrected this error, issued an amended development notification and revised notification letters to all neighbours inviting public submissions for a period of 21 days. Council Officer's also attended the site and put up a new site sign with the amended description and took photos of this.

6.49 Given the above, it is concluded that the minimum statutory requirements required by the Council's adopted Statement of Community Involvement have been exceeded. In particular, it is noted that notification letters have been sent out to potentially affected neighbours on two separate occasions. The Council cannot speculate on whether or not these were removed from letterboxes.

6.50 Concern was raised by the occupier of the flat above the subject property at No. 14B that the conversion works already undertaken at upper ground floor level had not been constructed in accordance with Building Regulations and are resulting in adverse amenity impacts (e.g. fumes/smells, noise, structural imbalances etc).

6.51 However, the Council notes that these issues are not a planning matters to be dealt with under the *Town and Country Planning Act 1990* and that if the works already undertaken have been constructed to meet Building Regulation

standards, there should be no resulting amenity or structural issues at the flat located above. Officer's have therefore referred the matter to Council's Building Regulation Team and it is understood that investigations into the matter are on-going.

- 6.52 Concern was raised by the occupier of flat No. 14B that the new side entrance door proposed to the lower ground floor flat would impede side access to the rear garden of the property. However, the new side entrance door has a recessed opening and opens inwards. As such, it is not considered that this door would impede rear garden access.

#### Community infrastructure levy

- 6.53 The proposed development is likely to be CIL liable and the relevant form has been completed.

### **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; and
  - (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 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Council officer's are satisfied that the principle of converting the existing maisonette into two separate flats is acceptable, the proposed external changes would not result in any adverse design impact to the subject building or the character of the streetscape, and that the new flats would provide a satisfactory standard of accommodation for future occupiers.
- 8.3 Finally, Council officer's are also satisfied that the proposal would not adversely impact on the amenity of adjoining occupiers.
- 8.4 As such, the proposal is recommended for approval, subject to conditions.

**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 three months 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:

Planning, Design and Access Statement, Site Location Plan, P9/001, 002, 003, 004, 005 and 006 (received 17<sup>th</sup> September 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. No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

**Reason:** 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 building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4. (a) Full details of proposals for the storage of refuse and recycling facilities for each residential unit shall be submitted to the local planning authority for approval not later than the expiration of one month beginning with the date on which the permission is granted.
- (b) 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 approved in writing by the local planning authority.
- (c) The facilities as approved under part (b) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

5. (a) A minimum of three (3) secure and dry cycle parking spaces shall be provided within the development on the plans hereby approved.
- (b) Full details of the cycle parking facilities shall be submitted to the local planning authority for approval not later than the expiration of one month beginning with the date on which the permission is granted.
- (d) No development shall commence on site until the full details of the cycle parking facilities have been approved in writing by the local planning authority.
- (e) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

6. 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 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.

**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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

7. The Applicant shall ensure that a boundary fence of the same height as the existing timber fence is retained in perpetuity on the side (north-eastern) boundary of the site that is shared with the property at No. 16 Lewisham Hill, SE13.

**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 and DM Policy 32 Housing design, layout and space standards 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.