

Committee	PLANNING COMMITTEE A	
Report Title	7 Heath Lane, London, SE3 0UT	
Ward	Blackheath	
Contributors	Andrew Harris	
Class	PART 1	18 February 2016

<u>Reg. Nos.</u>	DC/15/93600
<u>Application dated</u>	04.09.2015
<u>Applicant</u>	Mr Alan Budden on behalf of Mr Toby Smith
<u>Proposal</u>	The construction of a new summer house in the rear garden of 7 Heath Lane, SE3
<u>Applicant's Plan Nos.</u>	E1306-131 REV D; E1306-132 REV D; E1306-133 REV C; E1306-134 REV D; E1306-135 REV C; E1306-136 REV B; E1306-137 REV B; E1306-138 REV A; E1306-139 REV A; E1306-140 REV A ; Design and Access Statement dated July 2015 by Eco Design Consultants; received 7 <sup>th</sup> September 2015; E1306-245; E1306-130 REV E received 1 <sup>st</sup> October 2015; 55702-02 REV E; Site Specific Arboricultural Method Statement by Landscape Planning Limited (dated 15 September 2015); Bat Scoping Survey by Landscape Planning Ltd (dated 21 <sup>st</sup> January 2016) received 21 <sup>st</sup> January 2016
<u>Background Papers</u>	(1) Case File LE/685/7/TP (2) Core Strategy (2011) (3) Development Management Local Plan (2014) (4) The London Plan (2015)
<u>Designation</u>	PTAL 2 Blackheath Conservation Area Area of Special Character
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application site is a large two-storey, detached dwelling house on the western side of Heath Lane. The property benefits from a substantial rear garden of approximately 2,100sqm in area.
- 1.2 There is a detached single storey ancillary building located in the front garden close to the front elevation of the main dwelling, which appears to be in use as a

garage/storage space. The property is currently in use as a single-family dwelling house.

- 1.3 The site is U-shaped, being wider at the front and rear and reducing in width in the middle. To the north is No's 5 and 6 Heath Lane, to the rear (west) are No's 26-30 Pagoda Gardens and to the south is No. 8 Heath Lane. The surrounding area is characterised by detached properties with large gardens, containing many trees which give the area an open character. The rear garden of the subject site contains a number of mature trees.
- 1.4 The site is located within the Blackheath Conservation Area, but is not a listed building. The site is also located within an area of special interest.

## **2.0 Planning History**

- 2.1 DC/14/90195 – The construction of a replacement garage with storage area in the front garden of 7 Heath Lane SE3. Application permitted 05.05.2015.
- 2.2 DC/13/84323 – The construction of a part one/part two storey extension plus basement to the rear of 7 Heath Lane SE3 and the construction of a garage in the front garden. Application permitted 24.12.2013.
- 2.3 DC/13/84487 – Demolition of existing pool structures and the construction of a single storey swimming pool building to the rear of 7 Heath Lane SE3. Application permitted 29.11.2013.
- 2.4 DC/13/84488 – Demolition of existing pool structures, removal of 4 no. Trees and erection of swimming pool building. Application withdrawn.
- 2.5 DC/13/84324 – Demolition of rear staircase extension and erection of two storey rear extension. Removal of existing carport and erection of replacement garage/carport. Application withdrawn.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 The current planning application seeks permission for the construction of a outbuilding, which the applicants refer to as a new summer house, in the rear garden of 7 Heath Lane, SE3.
- 3.2 It is proposed to construct a single storey building within the rear garden of the subject site, adjacent to the north side boundary. The building would provide 80sqm of internal floorspace and be occupied by a games and activities space with sauna, WC, shower and storage rooms, which would be ancillary to the main dwelling.
- 3.3 The building would have a maximum width of 10.6 metres and a depth of 10.4 metres, with a flat roof at a maximum height of 3.5 metres. Due to a slight change in levels the building would be lower into the ground at the front and therefore only measure 3 metres in height. The building would be finished in timber cladding and metal panels to give the building a contemporary appearance.

3.4 Bi-folding doors are proposed for the southern corner, four windows varying in size for the north-western elevation and a high level window to the northern elevation.

3.5 The construction of the structure would result in the loss of four trees. The four trees are proposed to be removed to allow for building access to the site, it is proposed to replant these trees elsewhere on site.

#### Supporting Documents

3.6 The applicant has submitted the following supporting documents:

- Site Specific Arboricultural Method Statement
- Design and Access Statement
- Bat Scoping Survey

#### **4.0 Consultation**

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.

#### Written Responses received from Local Residents and Organisations

4.3 Four objections were received as a result of the consultation undertaken. The objectors raised the following concerns:

- The summerhouse would be built on old woodland which is one of the last surviving such copse in the whole of the Blackheath Conservation Area;
- The ancient wood and holly copse that the summerhouse would be constructed on is teeming with unusual wildlife and as such the development would be of harmful to the environment of the area;
- It would overlook 26-30 Pagoda Gardens resulting in a substantial loss of privacy;
- The proximity of the development to the boundary wall with Pagoda gardens could result in noise and disturbance for residents;
- The proposed building would be very large and the size is inappropriate for the woodland setting;
- The building would be a visual eyesore given its setting;
- A Land Registry Plan search by Solicitors revealed that the land marked as the oak and holly copse at the rear of No 7 Heath Lane is subject to old restrictive covenants preventing building on the land;

- If permission were to be granted conditions should be imposed that (1) the building should not be used as a dwelling or for sleeping in; (2) no removal of any holly trees or bushes that may currently not be the subject of tree protection orders; and (3) no planting of a garden that involves the removal of any of the remainder of the woodland copse being disturbed;
- Due to the location within a Conservation Area any tree removal is prohibited due to a blanket TPO on all trees;
- The building will result in loss of outlook for the homes of Pagoda Gardens; and
- Bats are seen foraging along the backs of the Pagoda Gardens in the copse of trees, a full ecological survey should be undertaken as they are protected under European law. Owls are also using the trees in the area.

#### Consultee Comments

4.4 Following consultation no objections were raised from the Council's Ecology, Tree and Conservation Officers.

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

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

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

Sustainable Design and Construction (2006)

#### London Plan Best Practice Guidance

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

## 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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan 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 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 30	Urban design and local character
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 (August 2006)

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) Ecology, Trees and Landscaping
- d) Impact on Adjoining Properties

### Principle of Development

6.2 The floor plan of the proposed summerhouse shows that it would be predominately used as a games space with a table tennis table, hot tub and sauna. A small storage room, shower and WC are also proposed. The floor plans indicate that the area would be an ancillary space to the main dwelling and would not be used as a separate residential dwelling. However, it should be noted that the size of the space and its connection to water, sewerage and electricity could enable it to be used as a habitable space.

- 6.3 As the use is considered to be ancillary to the use of the main dwelling, the use of the land for this purpose is acceptable. If permission were to be granted it would be appropriate to include a condition on any permission that prevents the use of the space as a separate dwelling without planning permission first being secured.

#### Design

- 6.4 Core Strategy Policy 15 relates to high quality design and 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.
- 6.5 DM Policy 30 relates to urban design and local character and states that the Council will require all development proposals to attain a high standard of design, which applies to new buildings and for alterations and extensions to existing buildings. In addition, development proposals will need to be compatible with and/or complement the urban typologies and address design and environment issues of the area. It is expected that new urban forms contribute to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement. New development should have a height, scale and mass which should relate to the urban typology of the area, with a scale and alignment that responds appropriately to the existing street including its building frontages.
- 6.6 DM Policy 36 relates to 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. DM Policy 36 states that the Council will not grant planning permission where new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.7 The application seeks permission for the erection of a detached building to be used as an ancillary summerhouse within the rear garden of 7 Heath Lane. The height and scale of the building are considered to be proportionate for the site in which it is set, occupying a footprint of approximately 90sqm, which constitutes 4% of the total garden area. As a single storey building with a flat roof the building would be subordinate to the main property and subservient within the garden overall.
- 6.8 The materials proposed along with the design of the building would provide a contemporary addition to the site. The proposed use of timber cladding with and metal panels for the external walls is considered appropriate in the garden setting and the proposed aluminium framed windows and doors are also considered to complement the overall design of the building
- 6.9 The summerhouse is located on the top of a hill within the rear garden of the subject site that has a high number of established trees. Planning permission was granted on 29 November 2013 (ref: DC/13/84487) for demolition of the existing pool structures and the construction of a new single storey swimming pool building to the rear of the subject site. The approved building had a floor area of

approximately 174sqm. There has been a material change in planning policy since the time that permission was granted for the building as the Development Management Local Plan was adopted on 26 November 2014. However, it is considered that this permission still forms a material consideration when assessing the application. The summerhouse has a significantly reduced building footprint when compared to the approved pool house and therefore will have a less dominant impact on the garden area.

#### Impact on the Conservation Area

- 6.10 The surrounding area is characterised by large plots, large detached dwellings and a high number of established trees. The summerhouse would be located within the rear garden of the subject site on the top of a hill where there is a cluster of trees.
- 6.11 The development would result in a large structure located within the rear garden of the subject site and the loss of four trees. This area is characterised by woodland and open space. The removal of the additional trees is considered necessary for building works access and also to rationalise the number of trees on site, focusing on retaining high quality trees.
- 6.12 Consideration must be given to the impact of the construction of a structure within the rear garden and the impact on the open character of the area. The size of the rear garden is substantial, and the proposed summerhouse would not occupy a significant portion of it. Whilst the scale of the structure is larger than those usually associated with summerhouses or rear outbuilding, its single storey nature ensures it is not a dominant addition to the garden of No. 7 Heath Lane. In addition, the Council's Conservation Officer raised no objection to the proposal and advised that the works would not impact upon the character of the conservation area as it would not be visible from any public viewpoint.
- 6.13 The summerhouse is to be located on a hill within the rear garden, which increases its visibility within the surrounding area. However, this hill contains a number of established trees within its perimeter that ensures the new structure is predominately screened from view. The loss of four trees, along with a number of other trees approved under separate consents is not considered to jeopardise the success of natural screening and a replanting plan is also a requirement that is to be included as a condition.
- 6.14 The summerhouse would not be visible from any public vantage point. Its box design is simple and the use of contemporary materials ensures that the structure has a lightweight appearance. The use of timber and metal cladding is welcomed as these contemporary materials ensure the structure appears as a modern addition to the site, in addition the use of these materials blend in with the surrounding environment which is characterised by greens and browns of the surrounding woodland.
- 6.15 The summer house is set away from the main house by 36 metres and it is not considered to impact on the setting of the main dwelling at No. 7 Heath Lane.
- 6.16 In conclusion, the bulk, scale, massing and design of the structure is considered to be acceptable given the significant size of the rear garden of the site. The loss of the trees is not considered to unacceptably harm the character or appearance of the rear garden setting or surrounding Conservation Area.



## Ecology, Trees and Landscaping

- 6.17 DM Policy 25 relates to Landscaping and trees and states that applicants for all major development and, where appropriate, non-major development (and always when there is a Tree Preservation Order in place) will be required to:
- a. submit an Arboricultural Survey carried out by an appropriate, competent person, in line with BS5837
  - b. retain existing trees for the most part and in the event of tree removal, replacement planting will normally be required. New and replacement tree planting must use an appropriate species that reflects the existing biodiversity in the borough.
- 6.18 The SPD on Residential Standards provides additional guidance with regard to landscaping and trees and states that careful evaluation should be made of all existing trees on the proposed development site. Ideally, all existing trees considered being of sufficient quality, or which make an important contribution to the street scene or the character of a Conservation Area, should be retained in new development. Where it is agreed that trees may be removed, then replacement planting should take place within the development area. Attractive or ecologically important existing natural features of a site should be retained where possible – these may include small areas of woodland, natural ponds, large or specimen trees or groups of trees. Trees in Conservation Areas will usually be retained where possible.
- 6.19 There are no Tree Preservation Orders relating to the site, however the trees are protected from removal and other certain works without consent by virtue of the Conservation Area Designation.
- 6.20 The development would result in the loss of four trees. The trees are required to be removed to allow for the construction of the summerhouse and also allow the high quality healthy trees to flourish on site. It is proposed to replant four trees to replace those lost. The trees to be lost and their quality are detailed below:
- T6 – Hawthorn of average form, shape and condition
  - T7 – Hawthorn of average form, shape and condition
  - T8 – Hawthorn of average form, shape and condition
  - T12 – Oak which has been previously ‘topped’ at 10m. Thick epicormic growth on main trunk to 4m. Cavities and hollows between root buttress’s. Crown lifted recently.
- 6.21 These trees do not form part of the established woodland to the rear of the site and it is not considered that their removal would harm the character of the rear garden setting or the ecological value of the area. Furthermore, the four trees which are to be removed are some of the smaller in the rear garden and it is considered that a condition requiring replacement trees of equal quality will successfully mitigate their loss.

- 6.22 Overall, the loss of trees within the rear garden of the subject site, would not result in significant harm to the character or appearance of the application site or wider conservation area nor unacceptably impact on the ecological value of the area.
- 6.23 A bat survey was conducted and the survey report submitted to the Council. It concluded that bats are unlikely to be present at the site and further surveys and mitigation are not necessary. The Council holds no evidence to dispute these findings and Officers have reviewed the information and sought advice from the Council's Ecology Manager who having also reviewed the information submitted and the site has raised no objection. Whilst it is noted that residents have seen bats in the area, the mere present of bats in itself does not mean the site is a roost or foraging site that would be put at risk by this development. The report also confirmed that there is no potential for roosting bats within the four trees proposed to be removed, identified as T6, T7, T8 and T12. Having given this matter full consideration in light of the information submitted the proposal is therefore considered to be acceptable.

#### Impact on Adjoining Properties

- 6.24 One of the Core Planning Principles identified at paragraph 17 of the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.25 The closest residential properties to the summerhouse are No. 6 Heath Lane and No's 26-30 Pagoda Gardens. The summerhouse is proposed to be situated in the rear garden of No. 7 Heath Lane. To the northeast is No. 6 Heath Lane. The summerhouse is setback at a minimum of 1.4 metres from the boundary of this site, and is located 26 metres from the rear of the dwelling at No. 6 Heath Lane. To the northwest are No's 26-30 Pagoda Gardens, the summerhouse would be located a minimum of 14 metres from the boundary of these properties and 24 metres from the rear building line of the terrace row.
- 6.26 With regards to daylight and sunlight, the proposed building is set away a minimum of 24 metres from any adjoining residential dwelling. As such, it is not considered that given the building's single storey nature would result in any loss of daylight or sunlight for any adjoining residential properties. These separation distances also ensure no adjoining property experiences an increased sense of enclosure.
- 6.27 Objections have been raised to the proposal on the grounds of loss of privacy, increased overlooking and loss of outlook. Concerns have been raised regarding the impact on No's 26-30 Pagoda Gardens. The summerhouse would be located 14 metres from the rear gardens of No's 26-30 Pagoda Gardens. The summerhouse would be located on a hill which increases its visibility, however due to the significant separation distance between the summerhouse and the rear gardens of No's 26-30 Pagoda Gardens it is not considered that any significant loss of privacy or outlook would occur.
- 6.28 The summerhouse is located in close proximity to the rear garden of No. 6 Heath Lane, but given the substantial size of the rear garden of this property it is not considered that any loss of outlook from the rear garden of the site would be harmful to the enjoyment of this private outdoor amenity space.

- 6.29 With regard to privacy and overlooking, a high level window is proposed for the north-eastern elevation which overlooks the rear garden of No. 6 Heath Lane. It is considered that as this window is high level only that no unacceptable overlooking would occur to the detriment of the privacy of the residents of No. 6 Heath Lane.
- 6.30 Three small windows and a wide window are proposed for the northwestern elevation. These windows would have views towards the rear gardens of No's 26-30 Pagoda Gardens. The new windows would be located at a minimum of 15 metres from the rear gardens of these properties. The location of the summerhouse on a hill increases the potential risk of overlooking but given the separation distances between these properties and the summerhouse's location within an area that will retain a large number of trees that will provide screening between the two properties, it is not considered that any unacceptable loss of privacy would occur to these properties.
- 6.31 Sliding doors and a window located to the southern and southeastern elevations of the summerhouse would afford views into the rear garden of the application site and as such is not considered to result in any loss of privacy to any adjoining residential property.
- 6.32 In conclusion, the proposed summerhouse would not result in any unacceptable loss of daylight, sunlight or outlook, increase in sense of enclosure, or loss of privacy for any adjoining residential property.

## **7.0 Community Infrastructure Levy**

- 7.1 The above development is not CIL liable.

## **8.0 Equalities Considerations**

- 8.1 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.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 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.
- 8.4 In this matter there is no impact on equality

## **9.0 Conclusion**

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

9.2 In this case, the development does not conflict with the relevant policies of the development plan. Therefore officers consider the development to be acceptable and recommend the Lewisham Planning Committee to **GRANT** permission.

## 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.

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:

E1306-131 REV D; E1306-132 REV D; E1306-133 REV C; E1306-134 REV D; E1306-135 REV C; E1306-136 REV B; E1306-137 REV B; E1306-138 REV A; E1306-139 REV A; E1306-140 REV A ; Design and Access Statement dated July 2015 by Eco Design Consultants; received 7<sup>th</sup> September 2015; E1306-245; E1306-130 REV E received 1<sup>st</sup> October 2015; 55702-02 REV E; Site Specific Arboricultural Method Statement by Landscape Planning Limited (dated 15 September 2015); Bat Scoping Survey by Landscape Planning Ltd (dated 21<sup>st</sup> January 2016) received 21<sup>st</sup> January 2016

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 development shall commence on site until a detailed schedule and specification of all external materials, including windows, external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the 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 and Policy 16 Conservation Areas of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and 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.

- (4) 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 roof on the building hereby approved shall be as set out in the application and no development or the formation of any

structure 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 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (5) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the residential accommodation hereby approved shall only be used for purposes ancillary to the residential use of the dwelling house known as 7 Heath Lane and shall not be occupied as any form of self contained residential accommodation without prior the benefit of planning permission.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (2004).

- (6) Four replacement trees shall be planted within 12 months of the removal of the original trees indicated on drawing no: 55702-02 REV E within the grounds of 7 Heath Lane. Full details of the size, species and planting details of the replacement trees shall be submitted to, and approved by, the Local Planning Authority before replanting occurs. All new planting shall be of suitable stock, adequately staked and tied. If within a period of two years from the date of planting, a tree (or any replacement) is removed, uprooted, destroyed or dies, another tree of the same size and species shall be planted in the same place, or in accordance with any variation for which the Local Planning Authority has given their prior written consent.

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

## **INFORMATIVES**

- (1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (2) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

- (3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.