

Committee	PLANNING COMMITTEE A	
Report Title	12 & 16 Baring Close, London SE12 0UN	
Ward	Grove Park	
Contributors	Kasuni Thewarapperuma	
Class	PART 1	21 April 2016

<u>Reg. Nos.</u>	(A) DC/15/094376
<u>Application dated</u>	05 November 2015
<u>Applicant</u>	Mr Tim Jones on behalf of Mrs Revivit Walker
<u>Proposal</u>	The construction of a two storey extension to the side of 12 and 16 Baring Close SE12
<u>Applicant's Plan Nos.</u>	OS Map; 63.12/50 Rev A; 63.12/51 Rev A; 63.12/52 Rev B; 63.12/53 Rev B; 63.12/54
<u>Background Papers</u>	(1) Case File LE/302/AC/TP (2) Core Strategy (Adopted June 2011) and Development Management Local Plan (adopted November 2014)
<u>Designation</u>	PTAL 2 Local Open Space Deficiency Not in a Conservation Area Not a Listed Building Unclassified

## **1.0 Property/Site Description**

- 1.1 The application site is located at the northern end of the block of flats located at the rear of Baring Close SE12. Baring Close is a residents only road. The Close features two blocks of residences, some of which are flats, with garages to the rear. The application property forms the end flats of the rear block. No. 12 is the ground floor flat and no. 16 is the upper floor flat.
- 1.2 The two blocks of residences are separated by approximately 25m with sizable front and rear gardens. The Close features several mature trees, and has a slight slope down towards the rear.
- 1.3 The application site itself contains overgrown areas with fly tipping occurring in the space between the existing building and the fence.
- 1.4 To the north is Palace View, a larger flat block development with lock-up garages immediately adjoining the site. This is currently obscured from view by existing trees on the application site.

## **2.0 Planning History**

- 2.1 DC/15/92045 The construction of a two storey extension to the side of 12 &16 Baring Close SE12. Withdrawn November 2015 to revise the scheme.

### **3.0 Current Planning Application**

- 3.1 The current application is a re-submission of the previously withdrawn scheme. The applicant proposes to construct a two storey side extension to the northern side of the property. The extension would measure 3.3m wide and 9m deep, which would match the depth of the existing building. The maximum height of the extension would be 7.9m (to the apex of the pitched roof). The extension would have a pitched roof and would match the profile of the existing building.
- 3.2 The proposed extension would house two single bedrooms on each floor with ensuite bathrooms in each room. The rooms would be accessed via the living rooms on each floor. The proposal would provide two bedrooms with a Gross Internal Area (GIA) of 11.25sqm and 8.8sqm for each floor.
- 3.3 The proposed extension would be clad in materials to match the existing building. The external walls would therefore be brick, the roof made of interlocking tiles with uPVC windows. The windows to the ensuite bathrooms would be obscure glazed up to a height of 1.7m from the floor level.
- 3.4 Currently, the existing flats have a gross internal floor area of 53.4sqm (no.12 at ground floor) and 56.1sqm (no. 16 at first floor level).
- 3.5 The previously submitted proposal showed bedrooms smaller than required was withdrawn by the applicant to revise the scheme. The current proposal shows all bedrooms meeting the National Technical Standards requirements.

### **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 notice was displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors.

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

- 4.3 Three objections were received from adjoining neighbours. A summary of their concerns are outlined as follows:
- Location of the public notice not prominent.
  - Access: Existing private residents' access is currently in a state of disrepair; concerns of it being further damaged by construction and by additional residents' traffic
  - Subsidence problems affecting the rest of the flat block
  - Rooms appear as bedsits. Concerns of residential close being turned into a hotel/ increased density.
  - Concerns of standard of accommodation relating to minimum sizes, whether each 'bedsit' is accessed directly through living rooms of a family home
  - Land grabbing
  - Removal of mature trees: visual amenity issues and stability of the block
  - Cramming tenants into a small space

- General disruption imposed on neighbours' quiet enjoyment of their property including disabled residents' access
- Extensions to the property not in keeping with the Close.
- The demographics of the Close would change with any enlargement of a property, particularly if that property were to be let on a room by room basis.
- Severely affecting the visual amenity due to the layout of gardens and nature of the environment.

## **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 (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

- London Plan Supplementary Planning Guidance (SPG)
- 5.7 The London Plan SPG's relevant to this application are:  
Housing (2016)

- 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

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

- Residential Standards Supplementary Planning Document (2006 – updated 2012)
- 5.10 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 design, standard of accommodation and impact on adjoining properties.

- Design
- 6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 6.3 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the

overall quality of the area, not just for the short term but over the lifetime of the development.

- 6.4 The applicant proposes to construct a two storey side extension to the northern side of the property. The extension would measure 3.3m wide and 9m deep, which would match the depth of the existing building. The maximum height of the extension would be 7.9m (to the apex of the pitched roof). The extension would match the profile of the existing building.
- 6.5 The proposed extension would house two single bedrooms on each floor with ensuite bathrooms in each room. The rooms would be accessed via the living rooms on each floor. Officers note that these are two additional single bedrooms to each flat, and not 'bed-sits', as referred to in the comments by residents.
- 6.6 The proposed extension would be clad in materials to match the existing building. The external walls would therefore be brick, the roof made of interlocking tiles and PVC windows. The windows to the ensuite bathrooms would be obscure glazed up to a height of 1.7m from the floor level.
- 6.7 Overall, the proposal is considered as a minor extension to an existing building. The scale and massing of the extension would be consistent with the existing building.
- 6.8 It is acknowledged that the Council's Residential Standards SPD states two storey extensions are generally not permitted due to restrictions on daylight and outlook of adjoining properties. In this instance, officers consider that the proposed extension is appropriate due to the non-standard features of the site. While it is not 'subordinate' to the original building, it is located at the end of a terraced block and would appear as an appropriately scaled extension to the host building. There are no residential neighbours in the near vicinity who would be affected by any potential loss of outlook and or loss of sunlight. This would be discussed further within the Residential Amenity Section below.
- 6.9 The host building does not have any significant architectural qualities which warrant protection. The proposed scale and the materials are considered to be appropriate. The extension would not be visible from a public area. While the proposed extension is not 'set down' or 'set back' from the host building, it is not considered to unduly affect the architectural qualities of this building. In fact, officers consider that, subject to a condition relating to materials to match the host building, the proposed extension would fit seamlessly with the host building with minimal effect on its architectural integrity. Therefore, the proposal is considered as acceptable in design terms.
- Standard of Accommodation
- 6.10 The London Plan and DM Policies provide guidance on the housing design, layout and space standards of new development. In general they direct that the siting and layout of new-build housing development will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area. DM Policies (Policy 32 in particular) expect that all new residential development to meet the functional requirements of the future residents.
- 6.11 The proposal would create two additional single bed rooms with ensuite bathrooms for each flat. The gross internal area (GIA) for single bedrooms would be 11.25sqm and 8.8sqm for each floor.

- 6.12 The previously withdrawn scheme featured the larger room on each floor with a long corridor-like space (1m wide, 2.5m long) which would not lend itself to be usable space as a bedroom. The current scheme was revised to arrange the rooms in a manner which would allow flexibility in arranging furniture and with usable space, measuring 1.6m being the minimum width, with the room spaces with a dimension of approx 2.5m for most of the length of the room.
- 6.13 National Technical Standards require single bedrooms should have a minimum dimension of 2.15m for most of the length of the room. The proposed bedrooms would meet this requirement.
- 6.14 On this basis, it is considered that the proposed bedrooms would provide an acceptable standard of accommodation.

#### Impact on Adjoining Properties

- 6.15 Core Strategy Policy 15 requires that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential extensions should result in no significant loss of privacy and amenity to adjoining houses and their gardens. It must therefore be demonstrated that proposed extensions are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, loss of outlook or general noise and disturbance.
- 6.16 To the north of the application property is Palace View, a large flat block development with lock-up garages immediately adjoining the site. This is currently obscured from view by fences and existing trees on the application site.
- 6.17 The extension would be on the boundary with Palace View, however 20m from the nearest residential property (1, 3 and 5 Palace View). Given the intervening distance between the residential neighbours, it is considered that there would be no adverse impact imposed on a residential property.
- 6.18 Council records indicate that there have been previous applications to construct a block of three storey flats on adjoining property at Palace View (no permissions have been granted). Officers consider that the proximity of the current proposal would not prejudice any potential future development on Palace View land. While there would be windows on the elevation facing Palace View, these are to ensuite bathrooms and would be obscure glazed. Therefore there would not be any undue overlooking imposed on Palace View, including any potential future development.
- 6.19 Baring Close contains two blocks of flats with garages to the rear. The proposed extension would be set 25m away from the rear elevation of 8 Baring Close (being the directly facing residential neighbour) and 12.5m to their rear boundary.
- 6.20 Given that the proposal is located on the far end of the block of residences, the proposed extension would have a limited visibility from Baring Close unless viewed from the rear of properties on nos. 6 to 8 Baring Close, and potentially from no.5. Notwithstanding this, a minor extension to the side of this building is not considered to adversely affect the visual amenities of these neighbours given the intervening distance between these properties in excess of 25m.
- 6.21 Furthermore, it is considered that by building right up to the boundary, the proposal would assist in eliminating an existing fly tipping situation. This is considered as desirable in improving the long term amenity for the residents.

- 6.22 The objections raised by neighbours have referred to subsidence problems which is outside the scope of this application. If necessary, this issue would be dealt with at building control stage.
- 6.23 There were also concerns raised in respect of the disruption caused during the construction stage. Officers recognise the site access constraints to the property. If this application were to be granted, officers consider it appropriate to include a pre-commencement condition requiring the approval of a construction management plan in order to minimise the effects on the amenities of the neighbouring properties.
- 6.24 Concerns have been raised that these flats are adding 'bedsits'. Officers note that the proposal is for single bedrooms with ensuite bathrooms. These rooms form an integral part of the main flat, with access, kitchen and living rooms shared with the respective flat. Therefore these are not considered as bedsits.
- 6.25 Neighbours' comments have also referred to the demographics of the Close being changed with the proposed extension, particularly if the property were to be let on a room by room basis. Officers consider that this is not a relevant planning matter for this case.
- 6.26 Overall, based on the above assessment, there would be minimal effects on the neighbours' amenities.

#### Trees

- 6.27 An objection was received in relation to the loss of a mature leylandii tree at the front of the property. The Council's tree officer has reviewed this application and considers that leylandii trees are not normally subject to tree protection orders. Furthermore, this particular tree is not considered to have any other significant values which specifically warrants its retention.

### **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 minimal 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 Officers consider that the proposal is acceptable in design terms, provides a satisfactory standard of accommodation with minimal impact on neighbouring amenity. The scheme is therefore considered acceptable subject to conditions.

## **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:  
OS Map; 63.12/50 Rev A; 63.12/51 Rev A; 63.12/52 Rev B; 63.12/53 Rev B; 63.12/54

**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 such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:
- (a) Dust mitigation measures.
  - (b) The location and operation of plant and wheel washing facilities
  - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
  - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
    - (i) Rationalise travel and traffic routes to and from the site.
    - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
    - (iii) Measures to deal with safe pedestrian movement.
  - (e) Security Management (to minimise risks to unauthorised personnel).
  - (f) Details of the training of site operatives to follow the Construction Management Plan requirements

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties.

4. 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.

**INFORMATIVES**

- A. **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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
  
- B. 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. It is the applicant's responsibility to ensure that the common areas and residents' access to their properties are not obstructed.