

Committee	PLANNING COMMITTEE B	
Report Title	24 CANONBIE ROAD, LONDON, SE23 3AP	
Ward	FOREST HILL	
Contributors	LUKE MANNIX	
Class	PART 1	03 MAY 2016

<u>Reg. Nos.</u>	DC/15/92381
<u>Application dated</u>	27.05.15 [as revised on 28.02.16]
<u>Applicant</u>	Esatto Design [on behalf of Mr and Mrs Patel]
<u>Proposal</u>	Demolition of the existing store and garage at 24 Canonbie Road SE23 and the construction of a single storey plus basement, 3 bedroom dwelling house, together with the provision of one off-street parking space
<u>Applicant's Plan Nos.</u>	E360/PP/010; E360/PP/020 rev 1; E360/PP/040 rev 1 (received 27 May 2015); E360/PP/030 rev 2; Supporting Statements (received 25 January 2016); Roofingreen Nature Drain Specification (received 19 June 2015); E360/PP/050 rev 2; E360/PP/060 rev 2; E360/PP/070 rev 2; E360/PP/080 rev 2 (received 28 February 2016); E360/PP/051; (received 7 March 2016)
<u>Background Papers</u>	(1) Case File LE/50/24/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	No designations.
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the north-west side of Canonbie Road and is currently occupied by a 2-storey residential dwelling with an associated single-storey garage and storeroom to the side. The garden land at the rear measures approximately 30 metres deep.
- 1.2 The surrounding area is predominantly residential, with some neighbouring properties having been altered/extended, including a number of rear dormers, single storey and two storey rear extensions. The general land level slopes down steeply to the north-west and also to the north-east down Canonbie Road towards Forest Hill Road.
- 1.3 The site does not lie within a conservation area, neither is it occupied by or located adjacent to any listed buildings.

- 1.4 Canonbie Road is an unclassified road with no parking restrictions. The site has a PTAL value of 2, based on a scale of 0-6b with 6b being excellent.

2.0 Planning History

- 2.1 DC/14/87609 – Planning permission was refused for the demolition of the existing store and garage at 24 Canonbie Road SE23, together with the construction of a two/three/four storey, 3 bedroom detached house, together with the provision of one off-street parking space. Permission was refused for the following reasons:-

1. *The proposed development, by reason of design, prominent siting, mass and scale, would appear incompatible with the adjacent buildings and the general character of the surrounding area, representing an inappropriate, visually obtrusive and excessive form of development that would neither preserve or enhance the character and appearance or the visual amenities of the locality, contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2011), Policy 15 High quality design for Lewisham and Policy of the adopted Core Strategy (June 2011), saved Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (2004), and DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the Development Management Local Plan (2014).*
2. *The scale of the proposed building would result in significant harm to the visual amenities of the neighbouring occupiers by way of reduced outlook and unacceptable sense of enclosure, contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2011), Policy 15 High quality design for Lewisham and Policy of the adopted Core Strategy (June 2011), saved Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development, HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (2004), and DM Policy 32 Housing design, layout and space standards of Development Management, DM Policy 33 Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas of the Development Management Local Plan (2014).*

3.0 Current Planning Applications

- 3.1 Planning permission is sought for the demolition of the existing store and garage at 24 Canonbie Road and the construction of a single storey plus basement, 3 bedroom dwellinghouse, together with the provision of one off-street parking space.
- 3.2 The proposed building would be a modern design including a flat roof with vertical windows to the front and rear which continue onto the roof. The building would be finished in brick with the specific material confirmed as Ibstock Brunel Smooth Blue with grey aluminium windows. The flat roof would incorporate a living roof system.
- 3.3 The proposed building would be set back from the host dwelling, roughly in alignment with 26 Canonbie Road. The front lightwell would roughly align with the front elevation of 24 Canonbie Road however. The rear elevation of the lower ground floor would be set back 8.6m from the rear elevation of 24 Canonbie Road

while the ground floor element would be set back 3m from the existing rear elevation.

- 3.4 The proposed dwellinghouse would provide a rear garden 25.7m deep and 6m wide. To the front, the existing crossover is retained with car parking space for the proposed dwelling. Refuse and cycle storage is indicated in the rear garden.

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 business in the surrounding area and the relevant ward Councillors. The Tewkesbury Lodge Estate Residents' Association were also consulted.

Written Responses received from Local Residents

- 4.3 Neighbouring properties and Ward Councillors were directly notified and a site notice was displayed. One resident located on Canonbie Road objected to the development and raised the following concerns:-

- The site has historical value as the 'old station masters' house' of the disused railway line to the rear;
- The plans have inconsistencies and missing information;
- Loss of privacy to the front from an elevation walkway as well as loss of light and overbearing impact on the conservatory to the rear;
- The proposed design is out of keeping with the existing development and the site would be overdeveloped taking into consideration the narrow width of the site;
- The development would result in an increase in cars parking on Canonbie Road; and,
- Increased pressure on local services such as schools.

- 4.4 With respect to inconsistent plans, officer's have sought updated and improved plans. Based on the information received, it is considered that sufficient information has been provided for a decision to be made.

- 4.5 One letter with comments was received raising the issue of an underground waterway which may be struck during construction. While flooding is a planning issue, the site is located in Flood Zone 1 and not known to have any flooding or drainage issues. Therefore this is not considered to directly impact on the planning application. Furthermore, an informative from Thames Water is considered to satisfactorily deal with the issue.

Written Responses received from local amenity societies

4.6 An objection was received from the Tewkesbury Lodge Estate Residents' Association raising the following concerns:-

- The development is located next to a heritage asset and is not sensitive to the design of this building;
- The proposed development fails to complement the character of the existing development, thereby having a negative impact on the streetscape;
- The proposed development is overdevelopment of the plot which negatively impacts on the residential amenities of neighbouring properties; and,
- The development has an adverse impact on parking.

Other Consultees

4.7 A letter was received from Thames Water. With respect to sewerage and water infrastructure, no objections were raised.

4.8 With respect to surface water drainage, an informative is recommended detailing the applicant's responsibility with respect to proper provision and impacts during construction. This informative should be added if permission is recommended.

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 2016)

- 5.6 On 14 March 2016 the London Plan with updates to incorporate the Housing Standards and Parking Standards Minor Alterations was adopted. The policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 6.9 Cycling
Policy 6.13 Parking
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:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

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 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 24 Biodiversity, living roofs and artificial playing pitches

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

DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

Residential Standards Supplementary Planning Document (August 2006/ Updated 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) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

Principle of Development

- 6.2 Housing is a priority use for all London boroughs and the Core Strategy welcomes the provision of small scale infill development, provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.3 The NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 6.4 The proposed dwelling would be placed between the existing buildings at 24 and 26 Canonbie Road with street frontage. With this in mind, the proposal is considered to be infill development as defined within DM Policy 33.
- 6.5 DM Policy 33 states that depending on the character of the area and the urban design function a space fulfils in the streetscape, some sites will not be considered suitable for development and planning permission will not be granted.
- 6.6 The site is currently occupied by single storey buildings used for storage and a garage. With this in mind the space between the existing development is currently occupied at a single storey level.
- 6.7 It is noted that the officer's report in the previously refused scheme states that "the spaces to the side of 22 and 24 are of comparable widths, serving to provide an important break between the properties, whilst defining and complementing the character of the streetscene".
- 6.8 Whilst the space between the buildings is considered important to the character, it is considered that as it is currently filled in a single storey level the space is more important at first floor level and above.
- 6.9 Therefore the principle of the infill development is considered appropriate at single storey level. Given the current scheme proposes to increase the height of the building by 1m, the principle is considered to be acceptable.
- 6.10 Notwithstanding this, the proposal must be acceptable in the remaining planning considerations as detailed below.

Design

- 6.11 A core planning principle within the NPPF outlines that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.12 Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity. Development should also optimise housing output for different types of location within the relevant density range.

- 6.13 The Council's Local Development Framework (LDF) is in line with the NPPF and the London Plan. The Core Strategy places a high level of importance on good design with Objective 10 outlining that Lewisham's distinctive local character will be protected through sensitive and appropriate design.
- 6.14 Core Strategy Policy 15 goes on to add that 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.
- 6.15 Part 6 of Core Strategy Policy 15 relates directly to Areas of Stability and Managed Change, within which this site is located. It states that small scale development, including infill development, will need to be designed and laid out to, complement the character of surrounding development, provide suitable residential accommodation with a high level of amenity and provide for garden and amenity space.
- 6.16 Part A of DM Policy 33 states that infill development should make a high quality positive contribution to an area, provide a site specific creative response to the character and issues of the street frontage typology and respect the character, proportions and spacing of existing houses.
- 6.17 In addition to the requirements of DM Policy 33, DM Policy 30 relates to urban design and includes detailed design issues which applications must adequately respond to. The relevant issues include:-
- the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement;
 - height, scale and mass which should relate to the urban typology of the area as identified in Table 2.1 Urban typologies in Lewisham;
 - how the scheme relates to the scale and alignment of the existing street including its building frontages;
 - the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context;
 - details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials; and,
 - how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain.

- 6.18 It is noted that concerns were raised over the adjoining property, 26 Canonbie Road, being a heritage asset. The site is not listed as a designated heritage asset, nor is it undesignated as a locally listed building. Furthermore, whilst it is noted that the building may have been used as the old station masters' house, it is considered that due to recent upgrade works to the original building, the significance of this building has been subsequently reduced in terms of heritage value. Therefore it is considered that the building is not worthy of being considered an undesignated heritage asset and as a result the policies in relation to heritage assets are not considered applicable.
- 6.19 It is noted that development along Canonbie Road, as well as other residential roads in the locality, have been subject to modern and unique designs amongst the original semi-detached suburban dwellings. In addition to this, there are a number of post-war flatted development. Taking that into account, whilst the area is predominately suburban in typology, the area has a varied pattern of urban development.
- 6.20 The neighbouring properties directly adjoining the property include the host dwelling, being a two storey semi-detached building finished in render, and 26 Canonbie Road, being a detached cottage with a chalet style giving the appearance of a single storey property with accommodation in the roofspace. 26 Canonbie Road has facing brickwork on the ground floor and white render above.
- 6.21 The proposal aims to demolish the existing single storey element of the host dwelling currently accommodating storage areas and garage. This element is currently attached to 24 Canonbie Road with 600mm gap between 26 Canonbie Road. The existing structure is 2.2m in height from the ground level to the front.
- 6.22 The proposed development would replace this structure with a detached dwellinghouse 3.2m in height as measured from the ground level. Due to the slope of the site, the rear of the building would appear two storey in height while the front would appear single storey. The building would be separated from the both the host dwelling and 26 Canonbie Road by 800mm. In total, the new property would be 4.5m wide at the front and extend to 6m wide at the rear.
- 6.23 The building would roughly align with the front elevation of 26 Canonbie Road. As it includes basement excavation, the development includes a lightwell to the front which roughly aligns with the front elevation of 24 Canonbie Road. The lightwell would be 2.7m into the existing ground level and enclosed by a glass balustrade.
- 6.24 The design of the building would be a more modern approach with facing brickwork to the main facade and elements of white render in the inset areas such as the front entrance. The brick would be Istock Brunel Smooth Blue with grey pointing. As well as the lightwell, the development would include a platform to the front entrance with a modern composite aluminium and timber door. The windows are also made of composite frames. The roof would be flat and incorporate a living roof system and roof lights.
- 6.25 It should be noted that the original scheme proposed a more vertical fenestration which included a window which also formed a segment of the rooflight. Officers considered this to be contrasting to the existing dwellings which favoured a more horizontal approach. Therefore amendments were made on the front elevation changing the fenestration to complement the existing development.

- 6.26 There are objections relating to the width of the property not conforming with the existing plot widths. Whilst this is noted, it is considered that the building could sufficiently integrate within the existing development if there is an acceptable height and design.
- 6.27 In terms of height and scale of the dwelling, the proposal is an improvement on the two storey element proposed in the previously refused scheme. Furthermore, given the alignment respects the neighbouring property, the 1m increase in height from the existing structure is considered acceptable as it would not lead to a noticeable change in the current development.
- 6.28 The materials would be more modern in approach, including aluminium windows and an engineering brick which is dark in colour. Whilst this is not in keeping with the surrounding properties, it is considered that this would complement the modern design of the building. Furthermore, taking into account the changes made to the design, officers consider that the sympathetic fenestration would ensure that the building would not be so out of character to be unsympathetic.
- 6.29 Overall, the design of the building in terms of alignment, height, materials and fenestration details is considered to be acceptable within the existing character of the streetscene.

Housing

- 6.30 DM Policy 32 relates to the housing design, layout and space standards of new development and states that the siting and layout of new-build housing development, including the housing element of mixed use developments, 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.
- 6.31 The internal standards outlined in DM Policy 32 uses the London Plan to assess whether new housing provides an appropriate level of residential quality and amenity using the following criteria:
- (a) meet the minimum space standards for new development which should conform with the standards in the London Plan and the London Plan Supplementary Planning Guidance on Housing (as updated)
 - (b) habitable rooms and kitchens and bathrooms are required to have a minimum floor height of 2.5 metres. between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards
 - (c) provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved. North facing single aspect flats will not be supported.
 - (d) family housing (dwellings with three or more bedrooms) should be designed to have the potential to separate dining and living

accommodation from the kitchen area in order to ensure privacy for the occupants

(e) Studio flats (one person dwellings at GIA 37 sq. m.) will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations in the major and district town centres

(f) include sufficient space for storage and utility purposes in addition to the minimum space standards.

- 6.32 It is worth noting that the national housing standards have been adopted and have superseded some standards of the London Plan, including the floor to ceiling height. These are taken into consideration in the assessment.
- 6.33 Finally, new housing development will be required to provide a readily accessible, secure, private and usable external space and include space suitable for children's play. This is in addition to retaining sufficient space to the host dwelling's garden as required in DM Policy 33.
- 6.34 The proposed development would be a three bedroom 5 person dwelling, however it is noted that the single bedroom on the ground floor is also annotated as a home office. Nonetheless, based on a 3b5p occupancy, the dwelling should be a minimum 93sq m in internal floor area. In addition, the national standards state internal bedrooms should be 11.5sq m for double bedrooms and 7.5sq m for single bedrooms.
- 6.35 The proposed dwelling would be 102sq m in floor area. Furthermore, the sizes of the individual rooms are within the minimum standards. Therefore the internal floor sizes are acceptable.
- 6.36 The proposed development would be dual aspect with windows in the rear and front elevation. The windows would face south-east and north-west. It is noted that the main living/kitchen space would have windows facing north-west, which reduces the amount of direct light into this room. However, given these windows have the better outlook, together with the rooflight providing additional sunlight, the level of sunlight/daylight into this room is acceptable.
- 6.37 The proposed development is not significantly overlooked by any neighbouring properties. It is noted that the single bedroom would front the highway with large windows which may reduce the sense of privacy into this room. However, this is not unusual for dwellings along Canonbie Road and is not considered to be a reason for refusal.
- 6.38 The proposed development would have a deep rear garden, together with significant retention of the existing rear garden for the host property. This raises no objection.
- 6.39 Overall, the proposed development is acceptable in terms of amenities for future residents.

Highways and Traffic Issues

- 6.40 The Council takes a restrained approach to car parking in order to promote sustainable modes of travel. The car parking standards in the London Plan are used to assess the amount of parking development is likely to generate. According to the London Plan, the maximum amount of parking for 3 bedroom dwellings is 1.5 spaces.
- 6.41 The proposed development includes the loss of the existing garage, however it would retain parking to the front of the proposed dwelling for future residents.
- 6.42 Therefore the development is below the London Plan standards. However these are maximum standards. Furthermore, it is noted that the surrounding residential streets are unrestricted and would be capable of accommodating the minimal increase in parking as a result of the proposed development. As such there are no objections to the level of parking proposed.
- 6.43 The proposed development includes two cycle parking spaces to the rear of the building. This is considered appropriate in promoting sustainable modes of transport.
- 6.44 The proposed development would incorporate refuse storage to the front adjacent to the lightwell. This is considered to be acceptable both in terms of location and amount.
- 6.45 It is noted that the area is currently used for the storage of refuse bins for the host dwelling. The proposed plans show this would be relocated to the front of 24 Canonbie Road. This is considered to be acceptable for refuse storage.
- 6.46 Overall the development is considered acceptable in terms of highway impacts.

Impact on Adjoining Properties

- 6.47 DM Policy 32 requires all new residential development to be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting for adjoining properties. In addition, DM Policy 33 requires infill development to result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent properties.
- 6.48 The proposed dwelling would be detached between 24 Canonbie Road, being the host property, to the north-east and 26 Canonbie Road to the south-west. To the rear of the property are six-eight storey residential towers located a significant distance from the proposed dwelling and therefore it is considered that these properties would not be impacted.
- 6.49 The proposed dwelling would be single storey in size at the front with an excavated basement level while at the rear, due to the slope of the site, the building would be two storey in height. It is noted that the adjoining properties also appear taller at the rear due to the slope. It is also noted that 24 Canonbie Road has a conservatory 3.4m deep, double height due to the slope and with windows facing towards the subject site.
- 6.50 At the lower ground floor, the proposed building would protrude 8.15m beyond the rear elevation of 24 Canonbie Road and 3.4m from the rear elevation of the adjoining conservatory. The lower ground floor would be set below the glazing level of the adjoining conservatory and 0.9m above the timber deck at 24

Canonbie Road. Therefore the depth of the lower ground floor is not considered to adversely impact on the neighbouring amenities.

- 6.51 At upper ground floor level, the proposed building would protrude 3m from the rear elevation of 24 Canonbie Road before stepping in 1.2m and protruding a further 1.9m. Taking this into account, the top of the dwelling would be just below the bottom sill of the first floor windows and 1m higher than the ground floor windows.
- 6.52 It was noted whilst on the site visit that the ground floor area to the rear of the dwelling at 24 Canonbie Road was an open plan kitchen/dining/living room. The nearest window to the proposed development benefits the kitchen space with two glazed patio doors and a window also allowing sunlight into the open planned space. Therefore in terms of daylight into the main habitable space, the proposed development would not impact on the host dwelling.
- 6.53 The proposed dwelling would mostly be due south and therefore there would be some level of overshadowing to the host property, including the rear garden. However, given the nearest impacted window leads to the kitchen, together with the good access to sunlight from the remaining openings, the development is unlikely to have a severe adverse impact on direct sunlight into the host dwelling. Furthermore, given the significant width and depth of the retained garden space for the host dwelling would allow a satisfactory level of direct sunlight for the amenity space. Therefore the proposed development would no reduce the level of sunlight to the host property.
- 6.54 The building would not protrude beyond the rear elevation of the conservatory of 26 Canonbie Road. Nonetheless, it is noted that the development would impact on the outlook of the windows in the side of the conservatory. However, given these windows are practically built on the boundary and face directly onto the neighbouring property, it is not considered reasonable to restrict development on the site on the basis of these windows. Furthermore, given the development does not protrude to the rear at upper ground floor level, the windows in the rear elevation of the neighbouring conservatory would not be affected.
- 6.55 Taking this into account, the proposed development would not impact on 26 Canonbie Road in terms of loss of outlook, loss of sunlight/daylight or overbearing impact to the rear.
- 6.56 Objections were raised with regard to loss of privacy to the front window of 26 Canonbie Road due to what appeared to be a raised walkway along the side of the property. Whilst this objection is noted, it is considered that the walkway would not be raised based on the plans submitted. Therefore the development would not increase the level of overlooking from the established level.
- 6.57 With regards to the rear of the development, the proposed dwelling would not include windows facing towards neighbouring properties. Therefore the dwelling would not effect adjoining development in terms of loss of privacy.
- 6.58 Overall, the proposed development would not adversely impact on any adjoining property.

Sustainability and Energy

- 6.59 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes from planning to be absorbed into Building Regulation requirements which will be introduced following an amendment to the Planning and Energy Act 2008. This is expected to take place later in 2016.
- 6.60 However, as an interim measure to require sustainability improvements on small scale schemes, Local Government Authority has the benefit of enforcing a Code for Sustainable Homes equivalent in terms of water and energy reduction. Specifically, these are:-
- a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and,
 - water efficiency measures to achieve a target of maximum 110 litres per person per day which includes a 5 litre allowance for external water use.
- 6.61 The supporting statement outlines that the development would meet Code for Sustainable Homes Level 4, including the energy and water saving measures. Therefore the development is considered to meet the Council's sustainability targets. Nonetheless, it is considered that a condition should be added to secure the savings.
- 6.62 The proposal includes a low intensity living roof. DM Policy 24 requires living roofs to be an extensive substrate base, where feasible. Taking into account the minor nature of the development, it is considered that an extensive living roof would unnecessarily reduce the feasibility of the scheme and therefore intensity living roof would be acceptable.
- 6.63 DM Policy 25 justification also includes the level of detail required for the living roof during submission, including a contour plan, 1:20 section and management and maintenance plan to ensure 80% coverage over 5 years. Whilst this information has not been submitted, a condition would normally ensure these details are acceptable. However, given the scale of the development is relatively minor and the development would be otherwise acceptable without a living roof, it is considered that the costs of providing these details would not be reasonable. Therefore it is considered that a condition securing the biodiversity roof as shown in the approved documents would be satisfactory to ensure an appropriate living roof.
- 6.64 Overall, the proposal is considered to be in line with the sustainability policies of the Council and the national guidance.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. In addition to this, Lewisham's local CIL is also a consideration. CIL is payable on this application and the applicant has completed the relevant form. An informative should be added to advise the applicant of this.

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 The proposed infill development would provide a three bedroom dwelling, together with on site parking and a deep rear garden. Given the infilling of this space would not give rise to significant impacts on the character of the area, bearing in mind the existing development on site, the principle of the development is considered acceptable.
- 9.2 The design of the resubmitted scheme is considered to be an improvement on the previous refusal as the height would be more sympathetic to the nature of the space. Furthermore, with minor changes to the fenestration of the windows and the securing of high quality materials through condition, it is considered that the modern design would be acceptable within the character of the area.
- 9.3 Given the minor nature of the development, it is considered that there would be no significant impact on the highway. Furthermore, the development is considered to have no significant adverse impact on neighbouring amenities. Finally, the sustainable measures are considered to comply with the Council's policies.
- 9.4 Overall, the proposed development is considered to be acceptable in light of the relevant policies.

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:

E360/PP/010; E360/PP/020 rev 1; E360/PP/040 rev 1 (received 27 May 2015); E360/PP/030 rev 2; Supporting Statements (received 25 January 2016); Roofinggreen Nature Drain Specification (received 19 June 2015); E360/PP/050 rev 2; E360/PP/060 rev 2; E360/PP/070 rev 2; E360/PP/080 rev 2 (received 28 February 2016); E360/PP/051; (received 7 March 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 samples of all external materials and finishes/windows 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 of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (4) (a) The building hereby approved shall be constructed to achieve the following requirements:-
- (i) a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and,
 - (ii) a reduction in potable water demand to a maximum of 110 litres per person per day.
- (b) Within 3 months of occupation of any of the residential units hereby approved, evidence (prepared by a suitably qualified assessor) shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (5) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. E360/PP/070/ rev 2 and E360/PP/080 rev 2 hereby approved and maintained thereafter.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (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 roof on the building 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 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (7) (a) A minimum of 2 secure and dry cycle parking spaces shall be provided within the development as indicated on plan no. E360/PP/030 rev 2 hereby approved.
- (b) 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).

- (8) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the front elevation of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, shall be fixed on the front elevation of the building.

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (10) No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

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 discussions took place which resulted in further information being submitted.
- (B) 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.
- (C) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -
- <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- (D) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- (E) Condition 3 (materials) requires details to be submitted prior to the commencement of works due to the importance of high quality materials to ensure the development would meet the standard of the Council's policies.
- (F) Thames Water Informative:

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non—return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwariskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.