

Committee	PLANNING COMMITTEE A	
Report Title	2 LOCK CHASE, LONDON, SE3 9HA	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	16 th June 2016

<u>Reg. Nos.</u>	DC/16/095445
<u>Application dated</u>	28.01.2016
<u>Applicant</u>	Mr P Digby
<u>Proposal</u>	The construction of a two storey side and rear extension at 2 Lock Chase, SE3, together with the insertion of three rooflights into the rear roofslope.
<u>Applicant's Plan Nos.</u>	105; 106; Design & Access Statement; Heritage Statement 101 Rev B; 107 Rev A Received 29th March 2016 109 Received 30th March 2016 103 Rev A Received 4th April 2016 110; Fineline Aluminium Doors Brochure Received 3rd May 2016 104 Rev C Received 25th May 2016 102 Rev C; 108 Rev A Received 2nd June 2016
<u>Background Papers</u>	(1) Case File LE/957/2/TP (2) Adopted Core Strategy (2011) (3) Development Management Plan (2014) (4) The London Plan (March 2015)
<u>Designation</u>	Blackheath Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the north side of the north-eastern part of Lock Chase adjacent to the junction with Lee Park. It is a two storey semi-detached grand villa with a front driveway, single storey garage, gated access to the rear and timber framed sash windows. It forms one half of a prominent pair of houses within the street, which are somewhat different from the other properties on the street as being directly visible 'front on' when one enters from the south via Lee Park rather than set within a more usual street arrangement.

- 1.2 The road is comprised of a mix of two storey semi-detached grand villas, two storey detached and semi-detached houses and a two storey terraced post-war development to the end of the southern loop, which is not in the Conservation Area.
- 1.3 The area of the curtilage is approximately 682m² and the property benefits from substantial front and rear gardens. It back onto Hatcliffe Close to the north, but the property is not visible from street level due to the dense vegetation.
- 1.4 The property is located within the Blackheath Conservation Area, but is not subject to an Article 4 Direction. There is a row of 13 mid-19th Century Grade II listed buildings from nos. 119 -143 Lee Park, however, the application property is not in their vicinity.

2.0 Relevant Planning History

- 2.1 Planning permission was granted on 26th May 1988 for the erection of a two storey extension at the side of 2 Lock Chase SE3. **Not implemented.**
- 2.2 There are also two other applications of relevance to the assessment of this application:
- 2.3 Planning permission was granted on 18th June 1968 for alterations and additions to the rear and above the existing garage to provide two additional bedrooms and a utility room at each respective dwelling house at 78 and 80 Lock Chase, Blackheath, S.E.3. **Implemented.**
- 2.4 Planning permission was granted on 8th December 1988 for the erection of a two storey side and rear extension at 4 Lock Chase SE3 together with the installation of 3 Velux roof lights. **Implemented.**
- 2.5 Planning permission was granted on 10th May 1993 for the erection of a two-storey side extension to replace the existing side extension at 84 Lock Chase. **Implemented.**
- 2.6 DC/15/92109: The construction of a two storey side extension to replace the existing garage at 82 Lock Chase, SE3. **Granted.**

3.0 Current Planning Application

The Proposal

- 3.1 The application proposes the construction of a two storey side and rear extension to replace the existing garage. It would measure 11.12m deep by almost 8.9m high by 4.25m wide to the front elevation and 5.05m wide to the rear. It would have a pitched roof to integrate itself with the main property sloping down to a flat-roofed element at a height of 5.95m and 70cm in from the side (north east) elevation. The proposed extension would extend approximately 3.3m beyond the existing rear wall and leave a gap of 1.198m to the boundary with 155 Lee Park.

- 3.2 There would be a kitchen and living room on the ground floor, a bedroom with walk-in wardrobe and ensuite at first floor level and a bedroom and bathroom at second floor level. Three rooflights would be inserted into the rear roofslope.
- 3.3 The extension would have six windows (four to the front at both floor levels, two to the side at ground floor level and two to the rear at first floor level) and a sliding door to the rear. The proposed materials are painted cement rendered brick to match the existing external walls, clay tiles to match the existing roof and double glazed timber framed sash windows with aluminium frames for the side windows and rear door.
- 3.4 The proposal seeks to compliment the extension previously approved and implemented at No. 4 Lock Chase.

4.0 Consultation

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

Written Responses received from Local Residents

- 4.4 Initially 14 objections were received from neighbouring occupiers, 11 of which were from local residents not directly consulted. Eight of the 14 raised concerns about the proposed front gates, but withdrew their objection after they were removed from the application.
- 4.5 One objection to the "totally inappropriate" gates remains, but the concerns of the remaining six objectors relate to the following:
- The loss of the garage detracts from the symmetry of the pair of properties as architecturally it is important that they match exactly. This would change the look of the road.
 - There would be a loss of privacy into rear gardens, conservatories and upper floor windows from the very large modern rear sliding windows and balcony, which seem insensitive to the general architectural surroundings, and windows should be chosen that are more in keeping with the period property.
 - This is also the case for the proposed roof window at a slight angle.
 - The side elevation seems a bit harsh and warehouse-like especially in such close proximity to neighbouring rows of houses.
 - Rear gardens would feel enclosed and the sense of openness currently enjoyed would be greatly reduced.
 - The slim metal framed windows to the side elevation should not directly overlook any gardens and therefore should be lower than the height of the fence (1.8m) with obscure glass. They are also out of character with the existing windows.
 - No windows should be installed at a later date into the side elevation at first floor level.
 - A revised site plan should be submitted showing both the existing and proposed footprints of 2 Lock Chase in relation to those on Lee Park.

- The height of the proposed extension, notably from its roof, in conjunction with its proximity to neighbouring properties would reduce level of light and would “cliff-like” making for an overwhelming sense of enclosure.
- There are key, detrimental differences between the application approved at 82 Lock Chase in that this extension features a pitched roof and was not in sufficient proximity to neighbouring properties to significantly reduce light or privacy.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a ‘presumption in favour of sustainable development’. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2015 as amended March 2016)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. Further minor alterations were incorporated in March 2016. The policies relevant to this application are:

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

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 2012)

- 5.9 Paragraph 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:

- How the extension relates to the house;
- The effect on the character of the area - the street scene and the wider area;
- The physical impact on the host building, and the amenity of occupiers of neighbouring properties;

- A suitably sized garden should be maintained.

- 5.10 Paragraph 6.5 (Side Extensions) states that single storey extensions to the sides of buildings should be carefully designed having regard to the street scene of which they will be part.
- 5.11 In order to ensure that a side extension appears subsidiary to the main building a set back may be used which should be followed through to the roof which should be similarly set back. The set back should be at least 300mm, but the depth might need to vary considerably dependent on the nature of the urban form of the street. The depth of the set back will depend on how prominent the building is, its location, the design of the surrounding buildings, and the character and rhythm of the street as set by distances between buildings. Use of a set back may be particularly important in the case of paired buildings (semi-detached houses) where an addition in the same plane as the original façade would harm the symmetry of the original design. In some cases the character of a street will mean that a side extension is not appropriate.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposals on the character and appearance of the host property, the Blackheath Conservation Area, the acceptability of the loss of the garage and on the amenities of neighbouring occupiers.

Design and conservation

- 6.2 The proposed side and rear extension would follow the form set by the two storey side and rear extension at no. 4 that was granted permission on 8th December 1988. Therefore, it would result in a symmetrical façade, the integral garage apart, and would ensure that the architectural integrity of the pair is not adversely affected. Furthermore, the angled position of the dwellinghouses away from the street reduces its impact on the sensitive character of the streetscene.
- 6.3 The materials are proposed to match the traditional appearance of the main dwellinghouse and the alignment of the roof eaves and floor levels, a set back of almost 70cm from the front building line are welcomed.
- 6.4 It is noted that nos. 4, 78, 80, 82 and 84 on Lock Chase all have two storey rear and side extensions
- 6.5 Officers note that since there is no Article 4 direction in this part of Blackheath, the insertion of the windows, door and rear rooflights would not require planning permission. Notwithstanding a level of control exists with the current GPDO (Town and Country Planning General Permitted Development Order 2015) in that any materials and finishing should match the existing building.
- 6.6 The Council's Conservation Officer has commented on the proposal stating that an overwhelming precedent exists in the streetscene (for 2 storey extensions) and it would be inconsistent to object to this proposal in isolation and as such there is no further comment in terms of Policy DM 36.

- 6.7 Therefore, in this case, the proposal is considered to be acceptable and would not adversely impact the Blackheath Conservation Area given the presence of six other two storey side extensions on Lock Chase and would restore the symmetrical relationship between the pair of properties.

Principle of loss of garage

- 6.8 The application property has a gravel driveway of approximately 24m directly in front of it, which already appears to be used in preference to the garage as it can accommodate up to four cars. Therefore, this proposal would not reasonably lead to any increase in on-street parking and the loss of the garage is considered to be acceptable.

Impact on the amenity of neighbouring occupiers

- 6.9 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed. This is echoed in DM Policy 31.
- 6.10 The proposed two storey extension would have no significant impact on the amenities of 4 Lock Chase due to the separation distance of at least 12.3m and it would be approximately 27m from the nearest property (no. 12) on Hatcliffe Close. In terms of the visual amenity of the area there would be no detrimental impact due to the complementary materials being proposed and the presence of an existing two storey extension at no. 4 of very similar dimensions.
- 6.11 The proposal however has been considered in terms of any potential impact on the amenities of 155 and 157 Lee Park, who have both objected. The main issues considered to be of relevance in terms of neighbouring amenity are sense of enclosure and privacy.
- 6.12 Given the orientation of the site, it is considered that there would be no significant adverse impact on sunlight and daylight levels, nor associated overshadowing to either property, especially during the early evening in summer. The outlook from the windows of the neighbouring properties are largely towards the north west and therefore would not be affected by the construction of an extension, which is mostly confined to the depth of 2 Lock Chase, to the south west. Given its proposed use as additional living accommodation noise levels are not considered to be a material consideration as the extension is to a dwelling house and living arrangements are internal to the building.
- 6.13 A number of the objections received have stated that the extension would overlook their gardens and look into their upper floor windows. However, given that the rear elevation fenestration has now been revised, Officers consider that it satisfactorily resolves their concerns because there are already existing facing windows at first floor level and as such no new overlooking conditions are created. The rear door would not result in a significant loss of privacy as it would be at ground floor level.
- 6.14 The projection past the rear elevation of the application property of 2.8m is not considered to be excessive and the 1.198m separation gap to 155 Lee Park for use as a side passageway by the applicants. As such, the two storey side

extension would not create conditions that would be overbearing or result in a sense of enclosure to nos. 155 and 157.

- 6.15 Therefore, the proposal would not result in demonstrable harm to the amenities of neighbouring properties.

Equalities Considerations

- 6.16 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.17 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.18 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.19 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.20 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.21 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are

legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 6.22 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015) and the National Planning Policy Framework (2012).

- 8.0 It is considered that the proposal does not warrant refusal given that no further, significant harm is caused to the existing property, this part of the Blackheath Conservation Area or the amenities of neighbouring occupiers, and the loss of the garage has been considered acceptable. As such, approval is recommended.

- 9.0 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

105; 106; Design & Access Statement; Heritage Statement

101 Rev B; 107 Rev A Received 29th March 2016

109 Received 30th March 2016

103 Rev A Received 4th April 2016

110; Finline Aluminium Doors Brochure Received 3rd May 2016

104 Rev C Received 25th May 2016

102 Rev C; 108 Rev A Received 2nd June 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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that

Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.