

Committee	PLANNING COMMITTEE A	
Report Title	Flat 2, 81 Devonshire Road, SE23 3LX	
Ward	Forest Hill	
Contributors	Rachel Stephenson	
Class	PART 1	14 July 2016

Reg. Nos. DC/15/094995

Application dated 21 January 2016

Applicant Mr King

Proposal The construction of a single-storey rear extension to Flat 2, 81 Devonshire Road SE23, together with the installation of a replacement side window and the relocation of a side gate.

Applicant's Plan Nos. LOC 001 Rev A; PL EX010 Rev A; PL EX100 Rev A; PL EX110; PL EX200; PL EX210; PL EX220; PL EX300; PL PR011 Rev E; PL PR101 Rev E; PL PR111 Rev E; PL PR201 Rev E; PL PR211 Rev E (SW Elevation); PL PR221 Rev E (NE Elevation); PL PR301 Rev E; PL PR311 Rev E; D400; PL D 500; Heritage and Conservation Statement Design and Access Statement.

Background Papers (1) LE/33/81/TP  
(2) Development Management Local Plan (adopted November 2014)  
(3) Core Strategy (adopted June 2011)  
(4) London Plan (March 2015)

Designation PTAL 3  
Forest Hill Conservation Area  
Forest Hill Article 4 Direction  
Not a Listed Building  
Local Open Space Deficiency

Screening N/A

## **1.0 Property/Site Description**

- 1.1 This application relates to a two storey detached house located on the north western side of Devonshire Road, converted into flats. This application refers to a flat at ground floor.
- 1.2 The property is constructed with London stock brick with white render on the first floor.
- 1.3 The rear of this property is not visible from the public highway.
- 1.4 To the rear of the property lies a large 32m garden, with 13m within the red line application site boundary. As existing, the rear of the property has not been

extended. There is a small single storey 750mm deep projection which is considered to be an original feature. The property is on a slope, with a higher gradient towards the rear section of the garden.

- 1.5 The property is located within the Forest Hill Conservation Area and is subject to an Article 4 Direction. There is not a consistent housing type within this street, but the application property is the first of 5 detached properties in a row.
- 1.6 Each of these detached properties are located within well defined plots, with a clear separation distance between each building and their neighbours.

## **2.0 Planning History**

- 2.1 DC/15/92148: Planning permission refused for the construction of a single storey extension to the rear and side together with alterations to the side elevation at Flat 2, 81 Devonshire Road, SE23.
- 2.2 Appeal allowed (APP/C5690/W/15/3139521) and planning permission (DC/15/92148) is granted for a single storey rear extension to ground floor flat at Flat 2, 81 Devonshire Road, London, SE23 3LX in accordance with the terms of the application.

Similar to the current proposal, the extension on the appeal proposal extended a depth of 5.5m. This proposal also includes excavation to introduce a sunken terrace area, covered in decking. The extension's flat roof, height and side timber door would remain

The appeal proposal differs in that on the side of the property with No.83 Devonshire Road, the extension wraps around to include an extension to the side of the property extending 5.5m along the boundary with No.83 and between 3.5m and 5.5m from the main house. Due to the stepped footprint, the full width would vary from 6.6m to 8.3m.

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 Permission is sought for the construction of a single storey extension to the rear and side with the installation of a replacement side window and the relocation of a side gate at Flat 2, 81 Devonshire Road, SE23.

### *Rear extension*

- 3.2 The proposed extension would replace the existing single storey projection and would have a depth of 5.7m measuring full width of the main house, and projecting a further 720mm to the north with No.83, but would be inset from the boundary by 1m.
- 3.3 The height of the extension would be stepped with two heights. For 900mm in depth, from the original rear elevation, the extension would be 2.8m high. This would then increase to a maximum height of 3.45m. Due to the rising change in ground floor level, the height would then decrease to 2.8m high towards the rear.
- 3.4 The proposal includes partial excavation of the garden to introduce a sunken terrace area, covered in decking. From the ground level of the sunken terrace, the extension

would have a flat roof with a height of 3.3m, but would appear 2.8m high from the neighbouring site at No. 79.

- 3.5 The main part of the extension would have a sedum roof, surrounded by a pre-cast concrete coping with a flat rooflight strip. For the initial 900mm deep strip there would be a lower flat bituminous membrane roof.
- 3.6 On the southern side of the extension, there would be a close-boarded timber entrance door to the side elevation.
- 3.7 The brickwork would be banded and include Yellow London stock, red courses and blue engineering brick plinth. There would be double glazed aluminium doors to the rear elevation of the extension.

#### *Side alterations*

- 3.8 The proposal includes the replacement of the existing door to the side with an obscure glazed timber framed window. The existing gate to the side of the property would be relocated 2.3m towards the front of the property and would be fitted with key-code access.

#### Supporting Documents

- 3.9 The application is accompanied by a Design and Access Statement and Heritage and Conservation Statement.

#### **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 public notice was displayed, letters were sent to adjoining residents and the application was advertised in the local newspaper for a period of three weeks. Local ward Councillors, and The Forest Hill Society were consulted.

#### Written Responses received from Local Residents

- 4.4 Three objections were received from neighbouring occupiers who raised concerns regarding the following:
  - no guarantee the extension would be in-keeping with the rest of the style and character of the building and conservation area
  - impact on external maintenance costs
  - extension would lessen the garden size
  - impact privacy of upper rear area of communal garden
  - development will restrict access to side pathway used for emergency access and for locking belongings
  - the applicant did not disclose information of the planning application when the owners agreed to buy the freehold
  - no notification was received from the Council regarding the application

- reduces a large part of the Flat 2's allocated garden space and thus the currently large garden space which is an attractive feature of the property
- I don't believe the extension is in keeping with the style and character the building in a conservation area
- I anticipate additional freeholder costs should the extension go ahead
- unclear whether the correct process has been followed legally and the correct consents applied given the timing of the application
- water tap access in the pathway would be blocked for all owners
- my rear view is going to be affected
- flat 2 is going to take a significant part of the communal area
- sedum roof plus a wooden deck would make a significant visual change
- there will be a large rooflight window
- extension would not be contiguous with a lower roof area
- no room is made to accommodate other potential extensions
- I am seeking clarification that the documents/attached drawings from Lewisham are correct and current as they do not appear to accord with drawings served upon me with a set of Party Wall Act notices in relation to this proposed development.

4.5 Since this last comment, a response has been sent outlining that there has been an additional planning application for a similar proposal for this site.

4.6 The Council records show that all adjoining neighbours were consulted on for the current and previous planning application on this site. Phone discussions with the resident outlined that letters are sent to all adjoining properties of the site and it is the occupier of the property's responsibility to forward the consultation letters to the owner of the property.

4.7 The comments and objections relating to neighbouring amenity will be considered as part of the assessment of the application.

4.8 The Council's Conservation Officers commented on the proposal and raised objections. This will be incorporated into the report.

4.9 Letters are available to Members.

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

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

#### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

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

#### London Plan (March 2015)

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

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

#### Core Strategy

- 5.7 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 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Local Plan

5.8 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 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  
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 (amended 2012)

6.0 Paragraph 6.7 (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.

### **7.0 Planning Considerations**

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

- a) Design and Conservation
- b) Impact on Adjoining Properties

7.2 Conservation Officers have raised concerns with the proposed extensions lack of subservience to the existing side walls of the property.

7.3 Residents have raised concern with the reduced garden size, impact on garden privacy, impact on view from upper floor flat window, and the large rooflight.

#### Design and Conservation

- 7.2 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'.
- 7.3 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Core Strategy Policy 16 states that the boroughs heritage assets will be enhanced and conserved, this is echoed in DM Policy 36.
- 7.4 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. Furthermore, building materials used should be of high quality and either match or complement the existing development. This is echoed through DM Policy 31 which also states that residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden area.
- 7.5 The Residential Standards SPD states in section 6.4 that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.

#### *Rear Extension*

- 7.6 The proposed rear extension would project beyond the northern flank elevation, to which Conservation Officers have raised objection due to a lack of subservience. Objections from local residents also raised concerns with the proposed style and character of the development. Officers will have regard to both the impact of the proposal upon the host building and the surrounding Forest Hill Conservation Area.
- 7.7 Following the previously approved scheme (DC/15/92148), the rear extension has been reduced in width on the side nearest No.83 Devonshire Road, to be set in 1m from the northern boundary. Despite the fact that the previous proposal which extends along the boundary was approved on appeal.
- 7.8 In the appeal the inspector outlined that due to the extension's position well towards the rear of the building and its limited height, and in the context of the screening provided by the existing fence and shed, the visibility of the extension from the street would be limited. The appeal decision established that the proposal would not detract from the appearance of the host property, the group of buildings within which it sits, or the street scene which are all of significance to the area's heritage.
- 7.9 Despite objections, the principle of a side extension which project beyond the flank elevation has been established by the appeal, and Officers consider the removal of the extension away from the boundary, thereby maintaining a gap to be an acceptable change.
- 7.10 The application property and the surrounding detached properties sit within well defined plots, with clear separation between their neighbours. When viewed from the street, the houses are located within the centre of their plots and appear relatively neat and well-placed within the plot. Although there are some views between the site

building and the adjoining property No.83 Devonshire Road, at ground floor level the view is mostly obscured by the boundary enclosure and storage shed. Views through this area are therefore already disrupted. Furthermore, the extension would be set back 11.4m from the front of the building. It would have a maximum height of 2.8 metres and project 720mm from the side, which at this set back would not be a prominent feature from the street.

7.11 The relationship between the extension and the original form of the building will now be discussed. The first 1.2m depth of the extension would be set lower than the main part of the extension, almost giving rise to a connecting section which works to provide a clear break between the new work and the original building when viewed from the side. The use of the banded brickwork again provides a clear break between the new work and existing house which does translate into an element of subservience between the extension and the house.

7.12 It is felt that the design of the extension is effective in providing the subservience needed.

#### *Side alterations*

7.13 The relocation of the side gate is considered acceptable. Due to the replacement side window retaining the positioning and timber material of the existing door the proposal is also considered acceptable.

7.14 It is therefore considered that the proposal would not give rise to an unacceptable impact upon the character and appearance of the host building and the surrounding Conservation Area.

#### Residential Amenity

7.15 Core Strategy Policy 15 states 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 back 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.

#### *Rear extension*

7.16 It is worth noting that the proposal is similar in dimensions to the appeal scheme. Neither the Inspector or the Council raised concerns about the proposal in terms of its impact on residential amenity.

7.17 Due to the proposed depth and width of the proposed extension there is likely to be an impact to the residents at 81 Devonshire.

7.18 Although the extension would project 5.5m into the part shared garden, an 8m garden would be retained within the site and a further 19.5m for the remaining shared garden area. Therefore a suitably sized garden (over 50% of the existing) would be retained.

7.19 Due to the garden being communal there is already a degree of privacy lost within the amenity space. As a substantial communal garden space (19.5m) would be



retained beyond the site, it would not be considered appropriate to refuse on these grounds, given that permission on appeal has been granted previously.

- 7.20 There would be a change to the view from the upper floor rear windows due to the height and depth of the proposed extension. As the extension would be set down at least 900mm from the roof top and the roof would have a predominant green surface followed by amenity space, the rear view is not considered by Officers to be of an overbearing nature to warrant a refusal of planning permission.
- 7.21 There would be a 2.6m distance from the nearest neighbours rear window to the proposed rooflight. Officers consider this to provide a satisfactory level of privacy and outlook to the residents and its neighbours and therefore there would be no adverse loss to amenity.
- 7.22 Due to the existing single storey extension at No.83, the impact of the proposed extension would be offset to a large extent. The existing boundary treatment would also be considered to aid this. Additionally, given the orientation of the host building, the proposed extension would give rise to an increase in the amount of overshadowing experienced at No.83. Due to the 1m separation distance from the boundary shared and the existing extension at the rear of the neighbouring property, the impact would not be considered unacceptable.
- 7.23 On the other side of the house, the extension would replace the existing single storey projection and extend 5.5m from the rear wall of the main house. It does not abut the boundary, rather there is a 1.7m separation distance between the proposed extension and the boundary treatment which comprises a relatively low boundary wall measuring approximately 1m in height. In light of this, and due to the depth of the proposed extension, the proposal would be expected to give rise to an increased sense of enclosure upon the neighbours at No.79. Officers have applied the 45 degree rule with regards to daylight and whilst the proposed extension would change the outlook experienced from the lower windows at the neighbouring property, the impact upon daylight would not be significant due to the separation distance between the two properties. On balance, the increased sense of enclosure impact is not considered to be significant to recommend a refusal.

#### *Side alterations*

- 7.24 The alterations would not create additional openings and therefore would not impact on the levels of privacy. Therefore, the proposed alterations would not have an adverse affect upon the amenities of the neighbouring properties.
- 7.25 The proposed development is therefore considered to be acceptable with regards to neighbouring amenity.

## **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; and

- (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 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) London Plan (March 2015) and the National Planning Policy Framework (2012).
- 9.2 It is considered that this particular proposal represents an acceptable development as its scale, design and materials are appropriate to the main property and would preserve this part of the Conservation Area and would not have an unacceptable impact on the amenities of the neighbouring occupiers.
- 9.3 As such, the proposal is recommended for approval, 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:

LOC 001 Rev A; PL EX010 Rev A; PL EX100 rev A; PL EX110; PL EX200; PL EX210; PL EX220; PL EX300; PL PR011 Rev E; PL PR101 Rev E; PL PR111 Rev E; PL PR201 Rev E; PL PR211 Rev E (SW Elevation); PL PR221 Rev E (NE Elevation); PL PR301 Rev E; PL PR311 Rev E; D400; PL D 500; Heritage and Conservation Statement Design and Access Statement.

**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. (a) The development shall be constructed in those materials as submitted namely: Rear extension banded brickwork walls - Yellow London stock brickwork to match existing, notwithstanding red courses and blue engineering brick plinth and in full accordance with PL PR201 Rev E; PL

PR211 Rev E (SW Elevation); PL PR221 Rev E (NE Elevation).

- (b) The scheme shall be carried out in full accordance with those details, as approved.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.