

Committee	PLANNING COMMITTEE B	
Report Title	16 Wood Vale, SE23 3EE	
Ward	Forest Hill	
Contributors	Hamish McTaggart	
Class	PART 1	28 July 2016

<u>Reg. Nos.</u>	(A) DC/16/95846
<u>Application dated</u>	3 April 2016
<u>Applicant</u>	M.J.E Properties Ltd
<u>Proposal</u>	The construction of a single storey rear extension at the Ground Floor Flat 16 Wood Vale, SE23.
<u>Applicant's Plan Nos.</u>	Access Statement (received 10 March 2016), 0S1 Rev-P1 (received 23 April 2016), Heritage Statement (received 3 April A01 Rev-P1, 02 Rev-P1, 03 Rev-P1, 04 Rev-P1, 05 Rev-P1, 06 Rev-P1, 07 Rev-P1, 08 Rev-P1, 09 Rev-P1, 10 Rev-P1, 11 Rev-P1 (received 23 June 2016).
<u>Background Papers</u>	(1) Case File LE/342/116/TP (2) Development Management Plan (adopted November 2014 and Core Strategy (adopted June 2011) (3) The London Plan (2015)
<u>Designation</u>	Within the Forest Hill Conservation Area Forest Hill Article 4(2) Directive Pta2 Not a Listed Building
<u>Screening</u>	NA

1.0 Property/Site Description

- 1.1 The subject application relates to a two-storey semi-detached property, at 16 Wood Vale SE23. The property is paired with No 14 Wood Vale, which has a similar bulk and form to the subject property when viewed from the streetscene.
- 1.2 The subject property is currently comprised of two self contained residential flats, a ground floor and first floor flat, and has previously been extended by the construction of a two-storey rear extension.
- 1.3 The rear of the site adjoins a disused rail line and the Horniman Gardens further to the east. The subject property is designated as part of the Forest Hill Conservation Area which is subject to the Forest Hill Article 4 Direction. Properties to the north and south of the site are also located within the Forest Hill Conservation Area while properties west of the site are outside the Conservation Area.

1.4 The Horniman Gardens are a Green Chain, SINC Area residential in nature.

1.5 The subject property has a PTAL of 2.

2.0 Planning History

Planning Applications

2.1 Dec 1967 – Conversion of 16 Wood Vale SE23 into 2 x 2 roomed self-contained flats and an iron staircase to the rear.

2.2 DC/08/70581/X – The construction of a two-storey extension to the rear of 16 Wood Vale SE23, to provide additional living accommodation to flats A & B. This application was approved by the Council under delegated authority on the 23 March 2009.

2.3 DC/15/95847 – The construction of a roof extension to the rear and the installation of two rooflights to the front roof slope at 16 Wood Vale, SE23. This application was withdrawn by the applicant on the 16 June 2016 after discussions with Council Officers in relation to the proposed roof extension design.

3.0 Current Planning Applications

The Proposals

3.1 The current proposal involves the construction of a single-storey extension to the rear of 16 Wood Vale, SE23.

3.2 The proposed extension would be constructed from the rear of the original property for a depth of 2.7m, a width of 4.7m and height of 2.7m. The extension would be constructed parallel with the property boundary with No 14 Wood Vale and would match the depth of the existing two-storey rear extension at the site constructed in accordance with the Council's approval of DC/08/70581/X.

3.3 The proposed extension would have a flat roof which would feature a single rooflight. Bi-folding doors aluminium framed glass doors would be constructed into its rear elevation.

3.4 Material to be used in the proposed extension would include London Stock brick walls to match the brickwork in the existing building and two-storey extension and the flat roof would be clad in GRB fibreglass roofing.

3.5 The application as described above has been slightly modified by the applicant from the original scheme submitted. The application was modified by reducing the height of the extension and the parapet wall proposed adjacent the boundary with No 14 Wood Vale from 3m to 2.7m.

4.0 Consultation

4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.2 A site notice and conservation area site notice were displayed, letters were sent to residents in the surrounding area and the application was advertised in the local newspaper for a period of three weeks. Local Ward Councillors were consulted.
- 4.3 Two submissions were received from the occupant of the neighbouring property at 14 Wood Vale which raised the following concerns in relation to the proposal:
- The consultee objected to the proposal due to noise from the occupation of the property impacting the amenity of their residence. The submitter referenced an assurance with the builder for the previous extension at the site (DC/08/70581/X) where they were informed that sound proofing along the party wall would be carried out. The consultee indicated that they are currently affected by noise from the occupation of this neighbouring property and feel the works verbally agreed to were not carried out.
 - The proposed extension would restrict outlook from the submitters property and create a sense of enclosure imposing on their rear garden.
- 4.4 A submission was received from Forest Hill Ward Councillor, Cllr Paul Upex, requesting the application be reported to a Committee Meeting to be determined.
- 4.5 Building Control
- 4.6 Council Building Control Officers were consulted on the application in response to concerns raised with regard to sound proofing. Building Control confirmed that no sound proofing upgrade would have been required to existing party walls under Building Regulations as part of the construction of the previously approved development (DC/08/70581/X).
- 4.7 A discussion was also had with Building Control to identify what works would provide a reasonable level of sound insulation for the property. Building Control Officers indicated that the proposed extension wall would need to be sound proofed in accordance with building regulations if it were constructed. In relation to the existing party wall Building Control Officers advised that the installation of the following would improve sound proofing along a party wall:
- Sand cement render
 - Aluminium stud 50mm
 - 50mm Rockwool
 - 2 layer 15mm sound block plaster wall
- 4.8 The applicant indicated that they would be willing to undertake these works to the Ground Floor Flat. However, as the sound proofing relates to an existing wall not affected by the proposed development it would be unreasonable to require the upgrade of the entire property to facilitate the extension and a condition requiring such works would be contrary to the National Planning Policy Guidance document. If a condition requiring sound proofing were imposed, the Council's decision could be appealed, and would be likely to be successful.

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.

Use of Planning Conditions

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 3.5 Quality and design of housing developments

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Core Strategy

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

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

- 5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

- 5.10 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

Residential Standards Supplementary Planning Document (August 2006)

- 5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of

developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

The principle planning considerations are the design quality of the proposed extension, its relationship with the host property and the Forest Hill Conservation Area and its impact on the amenity of neighbouring properties.

Design

- 6.1 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’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 32 continues that great weight should be given to the asset's conservation. Paragraph 34 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 6.2 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.
- 6.3 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.4 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.5 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions

to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 6.6 Paragraph 6.4 of the Residential Standards SPD states 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.
- 6.7 The proposed extension would be single-storey and constructed to a depth of 2.7m. It would not exceed the depth of the existing two-storey extension constructed at the site in accordance with a previous Council approval. Officers consider that the height, bulk and scale of the proposed extension would be subordinate to the dominant two-storey form of the host property.
- 6.8 As a rear extension the proposed development would not be visible from the streetscene and would also be obscured from view from Horniman Gardens by the disused rail line and vegetation at the rear of the site. Accordingly any visual impact of the proposed development on the architectural character of the Forest Hill Conservation Area would be localised to the subject site and its immediate surrounds. As a subordinate building addition Council Officers consider that the proposed extension would not adversely impact the significance of the Conservation Area where it can be observed.
- 6.9 The materials proposed for the site are also considered to be acceptable by Council Officers and would not cause harm the architectural character of the property or its aesthetics.

Impact on the Amenity of Neighbouring Properties

- 6.10 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 6.11 DM Policy 31 states that residential extensions should not result in significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.12 The proposed extension would be constructed at the rear of the subject property and be located between the flank wall of the existing extension and the site's boundary with No 14 Wood Vale. As such the proposed extension would be obscured from view from the property at No 18, while there are no properties to the rear of the site which could be impacted by the development. The only property likely to be affected by the proposed extension is No 14 Wood Vale.
- 6.13 The proposal would be constructed adjacent the site boundary with No 14 Wood Vale for a depth of 2.7m and height of 2.7m. The rear of No 14 Wood Vale has a large ground floor window close to the boundary with the site and this window would be affected by some loss of outlook. However, Council Officers consider that the loss of outlook would not significantly affect the property's amenity given the limited height and depth of the proposed extension and the outlook which would be maintained by the window over the property's rear garden and into the neighbouring heavily vegetated disused rail corridor.

- 6.14 With regard to the proposed extension overbearing this neighbouring property and imposing a sense of enclosure Council Officers consider the extent of these impacts to be minimal given the depth and height of the proposed extension discussed above and the width of No 14's rear garden (approximately 9.5m). It is also noted that at the proposed height of 2.7m the proposed extension would have a height only 0.7m above the existing boundary wall. Officers also consider that the proposed extension would not cause significant overshadowing or affect sunlight/daylight availability at this neighbouring property.
- 6.15 The consultee also raised concerns regarding impacts to their amenity caused by noise associated with the use of the subject property. The consultee indicated that inadequate measures were in place to control noise affecting their property through its party wall. Councillor Upex requested that Council Officers investigate this issue, to determine whether anything could be done to improve the circumstances for the submitter.
- 6.16 In response to the submission Council Officers held discussions with Council Building Control Officers (details of Building Control consultation are included in the Consultation Section of this report) and the applicant. Building Control Officers advised that the proposed extension would need to be constructed in accordance with current Building Regulation and effectively sound insulated, while they also provided advice on sound proofing which could be undertaken to control noise along the existing party wall. These measures were discussed with the applicant who indicated their willingness to undertake the sound proofing of the party wall between the Ground Floor Flat and No 14 Wood Vale.
- 6.17 Although the applicant has agreed to the imposition of such a Condition Council Officers consider that a condition requiring the upgrade of the party wall would be counter to the National Planning Practice Guidance, Use of Planning Conditions. This document provides a six part test for granting planning permissions subject to conditions. Part 2 and 3 of the six part test states:
2. **Relevant to planning** – A condition must not be used to control matters that are subject to specific control elsewhere in planning legislation. Specific controls outside planning legislation may provide an alternate means of managing certain matters.
 3. **Relevant to the Development** – it is not sufficient that a condition is related to planning objectives: it must also be justified by the nature or impact of the development permitted. A condition cannot be imposed to remedy a pre-existing problem or issue not created by the proposed development.
- 6.18 Party Walls are subject to Building Regulation. The proposed extension would be required to comply with relevant building regulations and a condition managing this party wall construction is not required in accordance with part 2 of the 6 part test. In regards to sound proofing the existing party wall, Council Officers consider a condition requiring such works would fail part 3 of the 6 part test and therefore should not be imposed. Part 3 states 'a condition cannot be imposed to remedy a pre-existing problem or issue not created by the proposed development'. The concern raised by the submitter regarding the transfer of noise through the party wall between the subject site and No 14 is a pre-existing issue and not related to this application. If a condition requiring the upgrade of the existing party wall was

imposed on by a Council approval it would likely be overturned by the Planning Inspectorate if it were appealed.

7.0 Community Infrastructure Levy

7.1 The proposed development involves the construction of less than 100m² of additional floor space and is therefore not CIL liable.

8.0 Conclusion

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

8.2 Council Officers consider that the proposed extension would be of an acceptable design standard and would not impact the significance of the Forest Hill Conservation Area.

8.3 The concerns raised by the occupiers of No 14 have been considered by Council Officers who consider that the proposed extension, given its height bulk and scale, would not have a significant impact on the amenity of No 14 Wood Vale or other neighbouring properties. With regard to concerns in relation to the sound proofing of the existing party wall between the subject property and No 14 Wood Vale Council Officers consider that any condition requiring the sound proofing of the party wall would fail the National Planning Practice Guidance six part test, and therefore cannot be imposed as a condition of any planning permission.

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 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:

Access Statement (received 10 March 2016), OS1 Rev-P1 (received 23 April 2016), Heritage Statement (received 3 April A01 Rev-P1, 02 Rev-P1, 03 Rev-P1, 04 Rev-P1, 05 Rev-P1, 06 Rev-P1, 07 Rev-P1, 08 Rev-P1, 09 Rev-P1, 10 Rev-P1, 11 Rev-P1 (received 23 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), the use of the flat roofed extension 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 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

- (4) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004)

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion and further discussions took place through the assessment process.