

Committee	PLANNING COMMITTEE B	
Report Title	82A UPPER BROCKLEY ROAD, LONDON, SE4 1ST	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	6th July 2017

<u>Reg. Nos.</u>	DC/17/100481
<u>Application dated</u>	02.03.2017
<u>Applicant</u>	Ms E Bockhop
<u>Proposal</u>	The construction of a single storey extension and the installation of decking to the rear of 82A Upper Brockley Road, SE4, together with the installation of a replacement timber sash window to the front elevation.
<u>Applicant's Plan Nos.</u>	494-100 Rev P02; 494-101 Rev P02; 494-102 Rev P02; 494-103 Rev P02; 494-110 Rev P02; 494-111 Rev P02; 494-120 Rev P02; 494-121 Rev P02; 494-122 Rev P02; Design & Access Statement; Heritage Statement Received 3rd March 2017 494-202 Rev P03; 494-203 Rev P03; 494-204 Rev P03; 494-210 Rev P03; 494-211 Rev P03; 494-220 Rev P03; 494-221 Rev P03; 494-222 Rev P03 Received 2nd May 2017
<u>Background Papers</u>	(1) Case File DE/104/82/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015)
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located on the west side of Upper Brockley Road, close to the junctions with Vulcan Road and Ashby Road. It is occupied by a three storey plus lower ground floor Victorian property built of London stock brick with a tiled hipped roof and timber sash windows within stucco surrounds. The property is split into three flats, and 82A, which occupies the lower ground floor, is the subject of this application. The properties along this street are typically of the Victorian era and are mostly comprised of terraces of three storey plus basement dwellings, some of which have been split into flats.

1.2 The property is within Brockley Manor Conservation Area and subject to an Article 4 direction, but is not a listed building or in the vicinity of one. It has a PTAL of 4.

2.0 Relevant Planning History

2.1 PRE/16/002786: Advice was given that there was no objection in principle to a single storey rear extension, but its design and the materials used were important, as was the consideration of the amenities of neighbours. Concern was raised to the height and depth on the boundaries with neighbouring properties. Officers advised on the use of a mono- or dual-pitched roof with a low eaves height to minimise any impact.

3.0 Current Planning Application

3.1 The current application proposes the construction of a single storey rear extension with a roof that is both pitched towards the rear garden and also down towards the boundaries with nos. 80 and 84. An existing tree would be removed as a result of the proposal.

3.2 It would extend to a depth of 4.5m and measure almost 4.6m wide by a maximum of 3.6m high sloping down to 3.2m at its rear elevation with eaves heights of 2.5m from the ground levels of nos. 80 and 84. The extension would be finished in white render with a natural slate tiled roof, two white painted timber doors, white painted timber eaves and powder coated aluminium framed rooflights. The soil vent pipes and gutters would be in black. The paving proposed directly outside the extension would be level with the internal floor level and be of natural stone with voids in-between the slabs to allow for the infiltration of water.

3.3 The application also proposes the installation of a double glazed timber sash window to the front elevation to replace the existing single glazed window.

4.0 Consultation

4.1 Pre-application advice was sought (see relevant planning history for details).

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

4.3 Site and public notices were displayed and letters were sent to seven adjoining addresses, Brockley Ward Councillors, the Brockley Society and the Council's Conservation Officer.

Written Responses received from Local Residents and Organisations

4.4 One reply was received from the Brockley Society who objected on the following grounds:

- The freeholder has not been identified and it is unclear whether the other leaseholders agree to the proposals.
- The layout and circulation through the spaces would be hazardous and dangerous to negotiate.
- A combination of the constricted width and the length of the unit as extended would have inadequate daylight and sunlight penetration levels.
- The two person bedroom would not receive sufficient natural light.

- The new rooms would barely comply with the Nationally Described Space Standards and would not comply with Part M of the Building Regulations with regard to People with Disability.
- The proposed roof with its angled ridge and unequal roof slopes would be an incongruous form, alien to the Conservation Area, especially its visibility from Vulcan Road and the Kingswood Cottage footpath. The use of low angled slates is also unwise.
- The unit would be better served by the construction of a garden pavilion linked to the main building by a glazed loggia.

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 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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015 as further altered in 2016). 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)

- 5.6 On 10 March 2015 the London Plan (as further altered in March 2016) 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 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 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 6.4 (bulk and size) advises that extensions should be smaller and less bulky than the original building and reflect its form and shape. Traditionally, extensions to buildings are subsidiary to the main structure. Over-dominant extensions may destroy the architectural integrity of existing buildings and may be out of character with adjacent buildings.

Brockley Conservation Area Supplementary Planning Document (December 2005)

5.11 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that may be acceptable within Brockley Mews - mainly within Harefield Mews.

5.12 The application site is located within Character Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads.

6.0 Planning Considerations

6.1 The relevant planning considerations are the impact of the proposal's design on the character and appearance of the existing building and of Brockley Conservation Area in addition to the impact on the amenities of neighbouring occupiers.

Design and conservation

6.2 The scale and form of the proposed extension is not considered to be excessively deep or wide and would be subordinate to the main property. Its height is limited to a single storey and would not interfere with the windows at upper ground floor level. The hipped roof form is one which is seen throughout the Conservation Area, and indeed elsewhere in Brockley. The pitch of the roof is a site specific response that aims to reduce the extension's impact on neighbours, (which shall be considered later on in this report).

6.3 The objection of the Brockley Society to this aspect of the scheme is noted. However, the intention of conservation areas is not stifle architectural expression or high quality design that responds to its context. In any case, the structure would be entirely contained to the rear and would only be partially visible from the public realm, principally from a narrow alleyway to the rear of the property and its wider visual impact would be very limited. Furthermore, the use of materials appropriate for the Conservation Area (white painted render, slate and timber) is considered to be acceptable.

6.4 A condition is recommended to ensure that the natural stone paving incorporates voids so that it is permeable to prevent any run-off to the bottom of this sloping site.

- 6.5 The rooflights would help to bring light into the double bedroom and dining area, and would not be visible in views from the street, aided by the proposal to fit them flush. As such, it is not considered that the form, scale or materials would have a detrimental impact on the character and appearance of the application property or the Conservation Area.
- 6.6 The proposal would result in the rear garden being made smaller, although it would still leave a reasonably sized garden of approximately 11m deep in line with paragraph 3.10 of the Residential Standards SPD that states that residential gardens should be 9m deep.
- 6.7 The proposal to replace the front window with one of the same dimensions, style and with timber frames is considered acceptable. The only change is the upgrading of the window from single to double glazing, which would improve the thermal performance of the unit.
- 6.8 Therefore, Officers consider that the proposals are acceptable due to their scale, form, design and materials. There would not be any significant impact on the character and appearance of the host property or the Brockley Conservation Area in accordance with Core Strategy Policies 15 and 16, DM Policies 1, 30, 31 and 36 and the Brockley Conservation Area SPD.

Impact on the amenity of neighbouring occupiers

- 6.9 The main impact of the proposal would be on the properties to either side, nos. 80 and 84. The relevant considerations would be loss of sunlight, associated overshadowing, loss of outlook and the potential for the extension to be overbearing.
- 6.10 No. 80 features a two storey rear addition that extends to the same degree as that at the application property. However, that at no. 80 is more similar to the original additions to the rear of Victorian properties in that it does not extend the full width of the garden. It features a small obscure glazed rear-facing window and therefore outlook from this property would not be significantly affected, nor would there be a loss of sunlight as the main rear windows are located further back. There would, however, be some overshadowing to their rear garden, but given the size of the gardens its overall impact would be negligible. As the ground floor level at No.80 is 40cm higher, the extension would be 2.5m high on the boundary and, combined with the sloping roof, would not cause it to be overbearing.
- 6.11 No. 84 features a part one, part two storey extension, which again extends the same degree as that at the application property. The two storey element is located on the boundary with no. 86. No loss of sunlight or increase in overshadowing would ensue, this property being to the south of no. 82. Any loss of outlook would be limited to that which is currently had from the french doors in the single storey element close to the boundary. Officers consider that the combination of the higher ground floor level (by 40cm) at no. 84 and the adaptation to the roof of the extension would prevent this being a significant impact that would warrant refusal of this application.

- 6.12 The window proposed in the front elevation would replace one of the same size so would not lead to any adverse impact on privacy. Furthermore, the rooflights in the extension would not allow views to be had into neighbours' windows.
- 6.13 Therefore, the application is deemed acceptable in terms of residential amenity.

Issues raised by consultation

- 6.14 Freeholder permissions, Building Regulations and internal layout are not planning considerations. The extended flat would continue to provide a reasonable standard of accommodation, with rooflights providing natural light to habitable spaces, it's dual aspect and large garden.

Equalities Considerations

- 6.15 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.
- 6.16 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.
- 6.17 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.
- 6.18 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/>
- 6.19 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

- 6.20 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/>
- 6.21 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), London Plan (March 2015) and the National Planning Policy Framework (2012).
- 8.0 In summary, it is considered that the proposal is appropriate in terms of its scale, form, design and materials and therefore would not have a significant impact on the appearance and character of the property or the Conservation Area, and would not harm the amenities of neighbouring occupiers.
- 9.0 RECOMMENDATION: GRANT PLANNING 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:

494-100 Rev P02; 494-101 Rev P02; 494-102 Rev P02; 494-103 Rev P02; 494-110 Rev P02; 494-111 Rev P02; 494-120 Rev P02; 494-121 Rev P02; 494-122 Rev P02 Received 3rd March 2017

494-202 Rev P03; 494-203 Rev P03; 494-204 Rev P03; 494-210 Rev P03; 494-211 Rev P03; 494-220 Rev P03; 494-221 Rev P03; 494-222 Rev P03 Received 2nd May 2017

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 natural stone paving shall be laid such that water can infiltrate the material through voids between the slabs.

(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (March 2015, as further amended in March 2016) and Objective 6: Flood risk reduction and water management and Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011).

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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, little contact was made with the applicant prior to determination.