

Committee	PLANNING COMMITTEE A	
Report Title	10A WICKHAM ROAD, LONDON, SE4 1PB	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	22nd June 2017

Reg. Nos. DC/17/100532

Application dated 07.03.2017

Applicant Mr L Brown

Proposal The construction of a single storey rear extension with a green roof at lower ground floor level to 10A Wickham Road, SE4, together with the provision of a patio, steps up to the rear garden, soft landscaping and formation of a new access to the rear garden for the upper ground floor flat.

Applicant's Plan Nos. S001; S002; S003, P001; P003; OS SITE LOCATION; H.M. Land Registry Map; Design, Access & Heritage Statement Received 7th March 2017

P002 Rev A Received 23rd March 2017

P000 Rev A Received 18th May 2017

Background Papers

- (1) Case File DE/85/10/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2015)

Designation Brockley Conservation Area

Screening N/A

1.0 Property/Site Description

- 1.1 The application property is located on the west side of Wickham Road, a residential road adjoining Ashby Road to the south with Lewisham Way to the north. The road is mostly comprised of three storey plus lower ground floor detached, semi-detached and short rows of terraced residential properties, although there is a block of flats replacing nos. 11-17 as well as 21-31, student accommodation and the Grade II listed St Peter's Church (built 1866-70) on the corner with Cranfield Road.
- 1.2 The application site is occupied by a three storey plus lower ground floor semi-detached London stock brick built Victorian property. It has been split into four flats, of which this application refers to that over the lower ground floor, Flat A. It

features a large, white painted portico to the front, a low-pitched roof tiled in slate, timber sash windows and two black painted metal staircases and associated platforms, which are unsympathetic later additions. They lead down from the upper flats into the ample rear garden, which is shared between Flats A and B and to which Flat C have access, but only for fire escape purposes.

- 1.3 The property is within Brockley Conservation Area, subject to an Article 4 direction, but is not a listed building nor in the vicinity of one. The site has a PTAL rating of 4/5.

2.0 Relevant Planning History

- 2.1 None.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the construction of a single storey extension to the rear (west) of the site as well as the provision of a patio, steps up to the rear garden, soft landscaping and formation of a new access to the rear garden for the upper ground floor flat (Flat B).
- 3.2 The proposed extension would extend from the property at lower ground floor level by 3m on the boundary with no. 12 and 1.6m underneath the side access. It would extend the full width of the lower ground floor (8.45m), replacing the existing patio and steps to the rear garden, which would be re-provided at the same depth, albeit the steps would be narrower.
- 3.3 The rear extension is proposed to measure 2.95m high with a flat, green roof punctuated by a rooflight that would be obscure glazed. It would feature bi-fold doors to the rear and re-provide access to Flat B over the upper ground floor. The drawings show that the width would be reduced by 10cm, but it would remain the full width of the property with black painted metal railings as existing, although the steps would now be located to the other side. New steps are also proposed from the rear garden to the side pathway, which would be increased in height by 30cm.
- 3.4 The materials proposed are timber cladding for the external walls and timber for the door frames, fascia and soffit. The extension would facilitate a larger kitchen, living / dining room and Bedroom 2 would increase in size.
- 3.5 The application also proposes a concrete retaining wall for the patio and unspecified soft landscaping to the rear of the wall.

4.0 Consultation

- 4.1 No pre-application advice was sought.
- 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 19 adjoining addresses, Brockley Ward Councillors, the Brockley Society and the Council's Conservation Officer.

Written Responses received from Local Residents and Organisations

4.4 Five objections were received, two from the same property, raising the following concerns:

- Potential subsidence due to interference with the foundations and impact on the structural integrity of the building given the existing cracks and sagging.
- The applicant only owns the leasehold, not the freehold and therefore do not have the right to build.
- Flat B do not agree to their balcony being removed temporarily or altered, or to their loss of access to the garden during the works.
- There would be dust, noise and enormous disruption, which would force the occupants of Flat 10B to move out.
- Views from Flat 10B and light pollution, fire risk and security from the excessive rooflight would be significant and unduly altered.
- The large skylight would cause light spillage and loss of privacy.
- The width of the side passage would be reduced, which is unacceptable as it is a fire escape.
- The application fails to satisfactorily define the materials to be used, and in terms of junctions and finishes.
- The extent of structural alterations and method of construction cannot be properly assessed for nos. 10 and 12 regarding support walls, openings, roof and floor formation, foundations and loadings needed, plus for waterproofing.
- Some of the drawings are inaccurate.
- The application fails to provide foul sewage details, which is unacceptable as the proposed extension builds over a shared sewer, which is not shown.
- Neither Building Control nor Thames Water appear to have been consulted.
- The flat-roofed extension's height of 3m against no. 12's garden wall will seriously impair security and is likely to result in the wall being rebuilt.
- Structure Insurance would be adversely affected.
- The cost of two Party Wall Surveys and Awards at no. 12, three at no. 10 and two or more at no. 8 would be great.
- Remedial work to any ensuing cracks would be disproportionate / prohibitive.
- The extension provides a sub-standard tunnel-shaped bedroom, which will not have the required daylight.
- The layout does not comply with Part M of the Building Regulations, the ground floor entrance and internal access stair need to be shown with fireproofing and the adequacy of penetration of daylight and sunlight needs to properly demonstrated via calculation using the BRE's guidance.

4.5 The Brockley Society objected on the following grounds:

- The applicant is a leaseholder and does not own the area where the proposed building work will take place. The other leaseholders do not appear to have agreed to the proposal and it will cause them considerable disruption structurally and loss of amenity.
- There is a lack of detail and accuracy in the proposal making it impossible to assess the application properly. Materials are inadequately defined and the drawings are small scale and contradict each other.
- There is a failure to provide foul sewage details and the proposed extension appears to build over a shared sewer.

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 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 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. DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and 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. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.

6.4 The dimensions of the extension are considered to be acceptable because its scale is considered to be subordinate to the main building, given that it is effectively four storeys high when viewed from the rear. For reference purposes, the extension only extends 10cm further than the existing rear lightwell.

6.5 Officers support the provision of a green roof, although it is recommended that a condition be added to prevent its use as an amenity area.

6.6 It is recognised that the design of the rear extension is contemporary, which is supported by Council policies, provided that they complement the host building, which they are considered to do. Officers consider that the timber cladding and the green roof blend in well with the verdant surrounds of the rear gardens of these buildings.

- 6.7 The rear doors in addition to the large rooflight would help to bring light into the new space, particularly the living room and dining area. The proposal would result in the rear garden being made smaller, although it would still leave a large sized garden of at least 24m in depth. The re-provision of the patio and steps up to the rear garden would be acceptable.
- 6.8 The proposed scale, form, design and materials for the proposals are considered by Officers to be of a high quality and appropriate for the building and the Brockley Conservation Area. As such, the proposal complies 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 proposal would have most impact on the flat above, 10B, and no. 12.
- 6.10 The proposed rear extension, at least at upper ground floor level, would be located at least 2.8m from no. 8 and, especially given its relatively modest projection, would therefore not have any significant impact on their amenity.
- 6.11 The extension would be on the boundary with no. 12, but, as seen on Proposed Section D-D, would not extend to the height of the boundary wall. Whilst it would be visible from upper floors of no. 12, as well as the upper flats at no. 10, the proposed green roof would soften the outlook. The rooflight would be obscure glazed using the acid etching technique to prevent views being had of the outside from within the extension as well as into it. The extension is not considered to result in any significant security implications given that there is currently a staircase and a balcony on the boundary with no. 12.
- 6.12 The re-provision of access to the other side of the property, away from the boundary from no. 12 is considered to result in less overlooking.
- 6.13 The location of the extension at lower floor level would prevent it from having any significant impacts in terms of loss of daylight or sunlight, nor would it increase overshadowing or any sense of enclosure.
- 6.14 21 and 23 Manor Avenue are to the rear of 10 Wickham Road. However, given the separation distance and the fact that Wickham Mews is between them, the proposals are not considered to have any impact on their amenity.
- 6.15 Therefore, the application is deemed to be acceptable in terms of the residential amenity of neighbouring occupiers and in accordance with Core Strategy Policy 15 and DM Policy 31.

Issues raised by consultation

- 6.16. Issues of subsidence or the otherwise structural integrity of a building, leaseholder permissions, light pollution / spillage, fire risks / fireproofing, method of construction, party wall matters, sewerage and building insurance are not planning considerations. Dust, building works and noise are not relevant considerations for a scheme of this scale. Therefore, they have not been taken into account in the consideration of this application.

- 6.17. It was considered by officers that the application plans as amended contained sufficient detail to be able to make a decision.

Equalities Considerations

- 6.18. 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.
- 6.18. 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.
- 6.14 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.
- 6.15 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/>
- 6.16 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
- 6.17 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:

- 6.18 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).

- 7.1. In summary it is considered that the proposal is acceptable in terms of its impact on the existing property, Conservation Area and adjoining residential properties.

- 8.0 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:

S001; S002; S003, P001; P003; OS SITE LOCATION; H.M. Land Registry Map Received 7th March 2017

P002 Rev A Received 23rd March 2017

P000 Rev A Received 18th 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) 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).

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, 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.