

Committee	PLANNING COMMITTEE	
Report Title	2 Radlet Avenue, London, SE26 4BZ	
Ward	Forest Hill	
Contributors	Joe Roberts	
Class	PART 1	Date: 6 th July 2017

<u>Reg. Nos.</u>	DC/17/099905
<u>Application dated</u>	24.01.2017
<u>Applicant</u>	Mr Taylor
<u>Proposal</u>	The formation of a basement area to the side of 2 Radlet Avenue SE26.
<u>Applicant's Plan Nos.</u>	Site Location Plan, 16323/01A, 16323/02A, 16323/03, 16323/05, 16438/01 A, 16438/02, 16438/03, 16438/04 A.
<u>Background Papers</u>	Case File LE/454/2/TP (1)
<u>Designation</u>	PTAL 3 Forest Hill Article 4 Direction Forest Hill Conservation Area Not a Listed Building

1.0 Property/Site Description

- 1.1 The property is a two-storey, semi-detached house located on the north-west side of Radlet Avenue directly opposite the junction with Round Hill. Radlet Avenue is a short cul-de-sac with access via Thorpewood Avenue, and Round Hill is also a cul-de-sac, with vehicle access via Radlet Avenue
- 1.2 The existing house has a moderate-sized front garden and a larger side garden, plus a small triangular shaped rear garden area. The property has a hip to gable roof extension, a rear roof extension and small single storey-extension to the rear.
- 1.3 The front elevation of the main dwelling is finished with brickwork at the ground floor and render on the first floor. The side elevation is also finished in render. The front door is timber.
- 1.4 The road is characterised by similar style two-storey semi-detached residential properties. The houses at the rear in Thorpewood Avenue lie within the Forest Hill Conservation Area, such that the boundary of the Conservation Area runs along the side boundary of the application site.

2.0 Planning History

- 2.1 In February 2008, planning permission was granted for the construction of a basement to the front and side at 2 Radlet Avenue to create additional living accommodation (DC/07/66429).
- 2.2 The above permission has lapsed, as investigations carried out showed that works had not commenced on site. This fact was confirmed following the local meeting held in May 2012 into the DC/11/79054 basement application mentioned below.
- 2.3 In December 2011, planning permission was refused for the construction of a two-storey, four-bedroom semi-detached dwelling house on land at the side of 2 Radlet Avenue (DC/11/77937).
- 2.4 The reasons for refusal were:-

“The proposed four-bedroom house would constitute an over-intensive form of development that does not reflect the established characteristics of the immediate area. The development would be visually obtrusive and harmful to the visual amenity, character and appearance of the area, resulting in over-development of the plot and having a negative and dominating impact on the adjoining Forest Hill Conservation Area, contrary to Objective 10: Protect & Enhance Lewisham's Character, Policy 15: High Quality Design for Lewisham & Policy 16: Conservation Areas, Heritage Assets and the Historic Environment of the Local Development Framework - Core Strategy (June 2011) and saved policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development & HSG 8 Backland and Infill Development of the Council's adopted Unitary Development Plan (July 2004).

The proposed dwelling would be unacceptably cramped, leading to loss of amenity for future occupiers and neighbouring properties. Future occupiers would not benefit from adequate levels of privacy or good external amenity space. In addition, the proposal would create loss of amenity to neighbouring residents at 46-50 Thorpewood Avenue by reason of overbearing impact, loss of outlook, overlooking, loss of privacy, increased activity, noise and disturbance, contrary to Objective 10: Protect & Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the Local Development Framework - Core Strategy (June 2011) and saved policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development & HSG 8 Backland and Infill Development of the Council's adopted Unitary Development Plan (July 2004) and SPG: Residential Standards.

The Applicant has failed to demonstrate how the proposal would respond to the 'lean, clean, green' principles contained within the London Plan. Insufficient information has been submitted in respect of efficient use of water, energy or resources and it has not been indicated that the proposal could meet Code for Sustainable Homes Standards Level 4. Consequently

the application fails to address significant policy changes in respect of sustainability and climate change and the proposal is therefore contrary to Policy 5.1 Climate Change Mitigation, Policy 5.2 Minimising Carbon Dioxide Emissions, Policy 5.3 Sustainable Design & Construction, Policy 5.7 Renewable Energy in the London Plan (July 2011) and Policy 7: Climate change and adapting to the effects and Policy 8: Sustainable design and construction and energy efficiency in the Local Development Framework - Core Strategy (June 2011) (June 2011)."

- 2.5 This refusal of permission was not appealed.
- 2.6 A single-storey extension has been constructed at the rear of the house. No Certificate of Lawful Development has been submitted in respect of this work, but it does appear to constitute permitted development.
- 2.7 In August 2012, planning permission was granted for the formation of a basement to the side of 2 Radlet Avenue, to provide additional living accommodation (DC/11/79054). This permission has not been implemented within 3 years of the decision and has therefore lapsed.
- 2.8 In October 2016, planning permission was refused for the construction of a double garage to the side of 2 Radlet Avenue SE26. The reason for refusal was as follows:
- 2.9 *The proposed side extension, by reason of its prominence, bulk and width would appear as a disruptive and jarring form of development that would fail to respect or complement the character of the host building, the surrounding area and the significance of the Forest Hill Conservation Area; contrary to Policy 7.4 Local Character, Policy 7.6 Architecture and Policy 7.8 Heritage Assets and Archaeology in the London Plan (2016), Policy 15 High Quality Design for Lewisham and Policy 16 Conservation Areas, Heritage Assets and the Historic Environment in the Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions and 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 of the Development Management Local Plan (2014) and the Residential Standards SPD of the Local Development Framework (updated 2012).*
- 2.10 In January 2017, planning permission was refused for the formation of a basement to the side of 2 Radlet Avenue SE26. The reason for refusal was as follows:
- 2.11 *The proposed stairwell and railings to the front garden would manifest as a prominent and incongruous form of development, to the detriment of the character and appearance of the host property, streetscene, and the significance of the adjacent Forest Hill Conservation Area; contrary to Policy 7.4 Local Character, Policy 7.6 Architecture and Policy 7.8 Heritage Assets and Archaeology in the London Plan (2016), Policy 15 High Quality Design for Lewisham and Policy 16 Conservation Areas, Heritage Assets and the*

Historic Environment in the Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 31 Alterations and Extensions to Existing Buildings including Residential Extensions and 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 of the Development Management Local Plan (2014) and the Residential Standards SPD of the Local Development Framework (updated 2012).

3.0 Current Planning Application

- 3.1 This planning permission is sought for the construction of a basement area to the side of 2 Radlet Avenue SE26
- 3.2 The proposed basement extension would extend some 5 – 11m from the north-eastern flank of the existing dwellinghouse, following the shared boundary with numbers 48 – 50 Thorpewood Avenue. The basement extension would project 4m beyond the front elevation of the host dwellinghouse and would have a depth of 3m internally.
- 3.3 The application has been revised from the previous scheme to remove the external staircase and railings. As such, the basement would not be accessible externally. To allow light in there would be a glazed lightwell.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward councillors. The Council's Conservations officer was also consulted.
- 4.3 Three objection letters were received from neighbouring residents.

Written responses received from local residents

- 4.4 Objections were received from 3 local residents citing the following issues which are relevant to the assessment of the planning application:.
- Same objections as the previous applications
 - Applicant has never respected the character of the host property
 - Not in keeping with the surrounding area
 - Loss of privacy

- Applicant has already made substantial changes. This is a precursor to him creating a separate dwelling
- Close proximity to boundary fence, would impact on privacy.

Highway and Transportation

4.5 Council's Highways Officers have offered no objection to the proposed development.

5.0 Policy Context

Introduction

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

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

A local finance consideration means—

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The Development Plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

5.4 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)’.

- 5.5 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.

London Plan (2016)

The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

The Housing SPG (GLA, March 2016)

Core Strategy (2011)

- 5.6 The Core Strategy, together with the London Plan and the Development Management Local 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

Policy 15 High quality design for Lewisham

Policy 16 Conservation areas, heritage assets and the historic environment.

Development Management Local Plan (2014)

- 5.7 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:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 26 Noise and vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings.

DM Policy 32 Houses design, layout and space

DM Policy 36 New development, change 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 (as updated 2012)

This development 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, amenity space and materials

6.0 Planning Considerations:

- 6.1 The main issues to consider in regard to this application includes the scale and appearance of the proposed basement, its relationship with the host building, the impact on the adjacent Conservation Area; and the level of impact it would have upon the amenities of neighbouring occupiers.

Design and Impact on the Conservation Area

- 6.2 Core Strategy Policy 15 seeks to ensure that a high standard of design is upheld; proposals must complement the existing development, streetscape and character.
- 6.3 DM Policy 31 relates to extensions to existing buildings and requires development to be of high, site specific, and sensitive design quality, and respect and/or compliment the form, setting, period, architectural characteristics, detailing of the original buildings including external features, such as chimneys and porches. It further states that high quality matching or complimentary materials should be used in relation to the context.
- 6.4 Development Management Policy 36 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where:

“new development or 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 material; development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area; or development adjacent to a Conservation Area would have a negative impact on the significance of that area”

- 6.5 The Residential Standards SPD states 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.
- 6.6 The proposed development will be largely subterranean. The only external manifestation of the scheme would be the triple glazed front garden lightwell
- 6.7 The proposed basement itself, whilst large in scale, raises no concerns with regard to design and impact on the conservation area given its located below ground and would not be visible from the public realm.
- 6.8 The proposed lightwell would be located flush to ground level and its scale is considered to be reasonably proportioned and would be set in 3m from the front boundary and 5.5m from the side boundary with number 44 Thorpewood Avenue. The lightwell would be set behind the boundary fence, limiting the visibility from the public realm. Officers consider the lightwell would not have a negative impact on the character and appearance of the host property or the significance of the adjacent Forest Hill Conservation Area.
- 6.9 Given the above, the proposed development is considered to be acceptable with regard to design and impact on the adjacent Conservation Area.

Neighbouring Amenity

- 6.10 It is stated in DM Policy 31 that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity, (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.11 Given the location of the proposed development at a subterranean level, the proposed development, including the proposed lightwell, will not have any impact on occupants of any neighbouring properties with respect to privacy, daylight/sunlight, outlook or overshadowing.
- 6.12 Officers note that concerns have been raised by neighbours with regard to damage on boundary fencing; however, this does not form a material planning consideration in accordance with the NPPG. In any event
- 6.13 During construction of the development, there could be multiple vehicular trips to the site. Officers consider that to regularise these trips, a condition securing the details of a construction logistic plan and restricting the hours of delivery would be sufficient.

6.14 As such, the proposal is considered acceptable in regards to amenity

7.0 Equalities Implications

7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

7.2 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, or foster good relations.

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 The proposed development is considered to be acceptable and of no significant harm to residential amenity or the character of the area.

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:

Site Location Plan, 16323/01A, 16323/02A, 16323/03, 16323/05, 16438/01 A, 16438/02, 16438/03, 16438/04 A.

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. No Deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm 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 8am and 6pm on Mondays to Fridays and 8am and 1pm 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 Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

4. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

(a) Rationalise travel and traffic routes to and from the site.

(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

Informative

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