

Committee	PLANNING COMMITTEE A	
Report Title	50 Bargery Road, SE6 2LN	
Ward	Catford South	
Contributors	Rachel Stephenson	
Class	PART 1	3 <sup>rd</sup> August 2017

Reg. Nos. DC/17/100931

Application dated 29/03/2017

Applicant Ella Morgan

Proposal The construction of a single storey extension to the rear of 50 Bargery Road, SE6 together with the installation of two replacement side windows.

Applicant's Plan Nos. 2 Rev D; Heritage Statement; Site Location Plan received 13 June 2017; 1 Rev C; 3 Rev D; 4 Rev D; 5 Rev C; 6; Block Plan received 6 July 2017.

Background Papers Case File LE/702/50/TP  
Development Management Local Plan  
Core Strategy  
The London Plan

Designation PTAL 3  
Culverley Green Article 4 Direction  
Culverley Green Conservation Area  
Not a Listed Building  
Local Open Space Deficiency  
Area of Archaeological Priority

## **1.0 Property/Site Description**

- 1.1 The application relates to a two-storey semi-detached residential property comprising two self-contained flats. This application refers only to the ground floor flat. The property is situated on the southern side of Bargery Road.
- 1.2 The property is located within the Culverley Green Conservation Area, which contains mainly housing from the early twentieth century. The property is subject to an Article 4 Direction, but is not listed. Within the character area, these streets are characterised by semi-detached villas of similar size and plan form. However, No. 48 and No.50 (application site) both mark the start of a variation in property and site shape within Bargery Road. The main relevant variations include the presence of a rear two storey bay window and a greater property depth at the application site. The rear wall of the application site's bay window is set 3m deeper from the rear wall of No.48.
- 1.3 The footprint of the building has a distinctive C-shape due to the presence of a two storey rear projection with a single storey side projection. This side projection has a pitched roof, two side doors and is 1.6m from the boundary shared with No.48.
- 1.4 The semi-detached pair, No. 52 + 50, have rendered rear elevations. The building has a replaced slate roof with Terra cotta ridge tiles. Due to neighbouring rear garden tree planting and 37m distance, the rear of the property is obscured from side views on the public highway along Penerley Road.
- 1.5 The rear garden extends approximately 28m from the rear wall of the rear projection and is 6.5m wide.

## **2.0 Planning History**

*1958:* The carrying out of alterations and improvements so as to form two self-contained flats. Granted 13/11/58.

*DC/13/086002:* The retention of a replacement roof covering with Spanish natural slate to the front and Eternit Rivendale Artificial slate to the rear at 50 Bargery Road SE6. Granted 15/05/2014.

## **3.0 Current Planning Application**

- 3.1 This application seeks planning permission for the construction of a single storey extension to the rear of 50 Bargery Road SE6 and the installation of two replacement side windows.
- 3.2 The proposed extension would be sited beside the eastern boundary fence of the property, shared with 52 Bargery Road. It would have a depth of 3.5m from the main rear wall, a depth of 2.6m from the bay projection, and a width of 4.095m. The maximum height of the roof measured from ground level would be 3.2m, sloping down to 2.576m.

- 3.3 The proposal includes timber sash windows and patio door in the rear elevation. The extension would have a dark grey tiled, pitched roof. The extension would be constructed in blockwork and finished in render.
- 3.4 The development would provide a new kitchen/dining area. Internal alterations would change an existing store into a playroom and the existing kitchen would become a computer room.
- 3.5 On the side projection the two existing doors would be replaced with two timber sash windows.
- 3.6 The scheme has been revised following initial amenity concerns. The rear extension depth has been reduced from 5m to 3.5m. The roof pitch has changed from a flat to a pitched roof with an increased maximum height from 3m to 3.2m and a reduced eaves height from 3m to 2.576m.

#### Supporting Documents

Heritage Statement

#### **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, the application was advertised in the local newspaper, and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Culverley Green Residents Association, and The Councils Conservation Officer were also consulted.

#### Written Responses received from Local Residents

- 4.3 Objections were received from two local residents citing the following issues which are relevant to the assessment of the planning application:
- Severely reduce sunlight, daylight, outlook to lounge and garden area at No 52
  - Very poor materials being proposed as would not match original materials of the property
  - Tiles should be artificial slate to match existing main roof. If so, may need a steeper pitch adding greater height

- Would require removal of fence and impact garden and garden features at No 52 during construction
- Ongoing access and maintenance issues
- The eaves dimension of 2576 mm is unclear. It is not the dimension to ground level. If it is floor level, it would add another 150-300mm from ground level.
- Due to a change of building type between No 48 and No 50 the rear wall at No 48 set back from application site's rear wall, the extension would extend 5.05m from this adjoining property
- No extensions into rear gardens along Bargery and between Bargery and Inchmery Roads. This would set a precedent and erode the character of the conservation area
- Internal space standards should be maintained in 'Living Room' of property

4.4 A written response received from Culverley Green Residents Association is summarised below:

- Impact on sunlight, daylighting and visual amenity of the adjoining residents at 52 Bargery Road due to living rooms close together
- Extension and internal arrangements will create a 3 bedroom flat
- Worsen the lack of adequate daylighting in the living room of the application site
- Excessive length and appearance to harm the character of the conservation area
- It should be pulled back from the boundary fence between 50 and 52 by at least 30cm to be level with the bay.
- Strong reservations whether a rear extension on the end of a long back is acceptable in a conservation area, where one house type changes to another. The new extension will have a very adverse effect on the residents of 48 Bargery, as it would extend over 5 metres beyond the rear wall of 48.
- Concerned of poor materials not matching original Edwardian property.
- Roof should be artificial slate rather than concrete to be in keeping with the rest of the property.

## 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.
- 5.5 London Plan 2015 (amended 2016)

The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.13 Sustainable drainage

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

#### 5.6 London Plan Supplementary Planning Guidance (SPG)

The London Plan SPGs relevant to this application are:

Housing (2016)

Sustainable Design and Construction (2006)

#### 5.7 Core Strategy

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:

Spatial Policy 1 Lewisham Spatial Strategy

Core Strategy Policy 8 Sustainable design, construction, and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

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

#### Development Management Local Plan (2014)

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

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
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

#### 5.9 Residential Standards Supplementary Planning Document (2012)

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.

#### 5.10 Culverley Green Conservation Area Character Appraisal (2006)

Bargery Road is referred to in the Appraisal as part of Character area 2, the heart of the conservation area. Particular reference is made to these streets being characterised by semi-detached villas of similar size and plan form, consistent building line, spacing and substantial private gardens to the rear.

Common elements include two-storey bay windows and a limited palette of materials used, including brick, slate, timber sash windows and part-glazed timber doors.

### 6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties

#### 6.1 Principle of Development

The application site is a flat, which means there are no permitted development rights.

- 6.2 National, regional and local policies have identified a need to promote adequate standards of living accommodation and meet the needs of the housing market. This application relates to an extension to a residential property in a residential area and as such the principle of development is supported, subject to design considerations, and the impact on adjoining properties and the conservation area.

### **Design and Impact on the Conservation Area**

- 6.3 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that new development should be of high quality design and should preserve the historic environment and sense of place.
- 6.4 DM Policy 36 New Development, changes of use and alterations affecting designated heritage asset and their setting advises that planning permission will not be granted if the proposed development is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

#### *Rear Extension*

- 6.5 The proposed single storey rear extension is to be constructed of blockwork with a rendered finish to match the existing rear elevation. It would be located to the rear of the two storey rear projection and would measure 4.095m wide and 3.5m deep. The proposed extension would have a pitched roof, sloping down towards the garden, with a maximum height of 3.2m and an eaves height of 2.576m. Access to the garden will be through timber patio doors to match existing doors and a dark grey tiled roof to match the existing would cover the rear extension.
- 6.6 Concern was raised in public submissions that the extension would impact the daylight and space standards in the application property. Although there would be more door access within the living room, there would be no reduction in space. There would be an impact on daylight to the living room, however there would be no door separation from the kitchen/dining area to prevent light from entering. In addition, DM Policy 31 and DM Policy 32 Housing design, layout and space standards are concerned with the space standards for new rooms provided. It is considered that the windows provided on the rear elevation would provide sufficient daylight within the new kitchen/dining space, particularly given the southerly aspect.
- 6.7 Given the nature of the site and that the development is confined to the rear of the property, it would mainly be visible from neighbouring properties in Bargery Road. The rear garden of the subject property is situated approximately 37m from Penerley Road. Due to the vegetation which is located to the rear and in neighbouring gardens, to the side, the rear extension would be tucked away from public view. In addition to the above, a suitably sized rear garden (over 90% of the existing) would be retained at the property and all materials used to construct the proposed extension have been chosen to complement or match the quality of the existing property (e.g. matching render, windows, doors and roof tiles).

- 6.8 Following the amendment of the scheme, the Council's Conservation Officer has confirmed that they have no concerns with regard to the proposal on the basis of its design and due to the limited visibility of the development from the public realm. The extension would have a modest presence and would not harm the character of the conservation area.
- 6.9 The roof form is considered to be one that pays homage to the traditional pitched roof form present on the single storey side projection and the main roof, whilst it also seeks to reduce its impact on the host property in terms of its bulk. The maximum height would sit sufficiently beneath the first floor window sill to be subordinate to the host dwelling. The height would therefore be considerate to the existing form of the host building.
- 6.10 When considering the scale of the application property and the rear garden to be retained (at least 25.5m deep), Officers are satisfied that the proposed 3.5m deep, 3.2m high (maximum) rear extension would be of a modest size that is of an appropriate scale and proportion. Officers recognise that the proposed extension would have some impact on the appearance of the host dwelling, however the extension is entirely contained to the rear of the property and subordinate to the main dwellinghouse. The single storey extension would not therefore have a material impact on the conservation area.

#### *Side windows*

- 6.11 The proposal seeks to replace the existing timber doors with timber framed, sash windows. The proposed windows would be inserted into the existing door openings and the remaining area infilled with blockwork and finished in render.
- 6.12 The windows would be inserted within existing openings and would be similar to the original timber windows in terms of their design, style and material. The infilling material would match the existing side projection finish. The proposed windows are therefore considered to be acceptable in this regard.
- 6.13 Given the above, it is concluded that the proposed extension and side projection windows would not result in any adverse design impact to the subject building and will not adversely impact the character and appearance of the Conservation Area in accordance with Core Strategy Policy 15, 16, DM Policies 30, 31 and 36 paragraph 6.2 of the Residential Standards SPD.

#### **Impact on Adjoining Properties**

- 6.14 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity including loss of sunlight and daylight to adjoining properties and their back gardens.

#### *Rear Extension*

- 6.15 Officers are mindful of objections raised regarding the size of the proposed extension and loss of amenity.

- 6.16 The proposed single storey extension would extend the full 4.095m width of the original rear projection. It would extend 3.5m deep from the main rear wall and 2.6m deep from the bay projection. It would have a maximum height of 3.2m and an eaves height of 2.57m.
- 6.17 The existing two storey rear bay window projection at the nearest property no.52 Bargery Road is 0.93m deep. The extension would be constructed next to the boundary and boundary fence shared with No.52 Bargery Road. As the ground floor rear bay window is located close to the boundary, there would be a change in the outlook experienced from the rear windows and the garden area. Whilst there would be a more noticeable change from the bay window facing the proposed extension, the two other windows would not be significantly impacted.
- 6.18 Since the original submission, the proposed extension has reduced in depth from 5m to 3.5m. A pitched roof is now proposed resulting in a reduction in the eaves height by 424mm. As a result of the reduced height and depth the proposal is considered to be modest in scale and would not give rise to an unacceptable impact. It is acknowledged that the extension would result in some loss of daylight, however, the level of change would be limited given the south facing orientation of the host dwelling and adjoining properties. In addition, the roof pitch would allow more light to enter and, together with the reduction in depth, would alleviate overbearing concerns.
- 6.19 Due to the presence of the rear bay window, the proposal would create an approximate 2.6m - 3.5m increase in depth relative to the other neighbouring property, No. 48 Bargery. Including the existing set back distance, there would be a total depth difference of 4.7m - 5.6m. As there would be a 2.5m distance from the boundary and this neighbouring property is set approximately 1m away from the boundary itself, the increased depth is mitigated and no significant impact on amenity would occur. At this distance and given the modest scale of the proposal, it is not considered that there would be any significant impact on daylight or outlook.
- 6.20 In addition, due to the long plots, the level of change would not affect the majority of the large gardens.

#### *Side windows*

- 6.21 The proposed side projection windows to the property would replace existing door openings. The windows would face neighbouring property No 48. Due to the side projection's eaves height, the windows would reach a maximum height of 2m. Since the windows do not face any windows at No.48 and they do not project significantly above the height of existing boundary fence, there would be no increase in overlooking or loss of privacy.

6.22 In conclusion, the proposal is considered to be of a scale and design that would not materially affect neighbouring properties.

## **7.0 Community Infrastructure Levy**

7.1 The above development is not CIL liable.

## **8.0 Equalities Considerations**

8.1 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.

8.2 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.

8.3 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.

8.4 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/>

8.5 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

8.6 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/>

8.7 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.

## **9.0 Conclusion**

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

9.2 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the Conservation Area or to residential amenity. It is therefore considered acceptable.

## **10.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

- (1) The development to which the 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:

2 Rev D; Heritage Statement; Site Location Plan received 13 June 2017; 1 Rev C; 3 Rev D; 4 Rev D; 5 Rev C; 6; Block Plan received 6 July 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) The development shall be constructed in those materials as submitted namely: walls – blockwork with rendered finish to match existing, roof – dark grey tiles to match existing, windows and doors - timber frame to match existing and in full accordance with 2 Rev D; Heritage Statement; received 13 June 2017; 1 Rev C; 3 Rev D; 4 Rev D; 5 Rev C; 6; received 6 July 2017

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

### **INFORMATIVES**

- (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 discussions took place which resulted in further information being submitted.
- (2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Good Practice Guide: Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.