

Committee	PLANNING COMMITTEE B	
Report Title	36 Vicars Hill SE13	
Ward	Brockley	
Contributors	John Miller	
Class	PART 1	17 August 2017

<u>Reg. Nos.</u>	(A) DC/17/101595
<u>Application dated</u>	12.05.17
<u>Applicant</u>	Mapridge Design Studios on Behalf of Mr & Mrs Burnell
<u>Proposal</u>	The construction of a replacement garage to provide an ancillary studio on the rear elevation including the recreation of boundary walls and timber fencing together with alterations to the rear garden at 36 Vicars Hill SE13.
<u>Applicant's Plan Nos.</u>	01; 02; Design Access and Heritage Statement; 038-01; 1.01A; 1.02A; 1.03A; 1.04A; 1.05A received 01 Aug 2017
<u>Background Papers</u>	(1) Case File LE/108/36/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	None
<u>Screening</u>	N/A

2.0 Property/Site Description

- 2.1 The application site comprises a two-storey, semi-detached dwellinghouse on the eastern side of Vicars Hill, an entirely residential street predominantly comprising two-storey semi-detached dwellinghouses similar to the application property, with Hilly Fields Park on the western side of the road.
- 2.2 The site benefits from two road frontages, with the eastern boundary of its rear garden adjoining Ermine Road, another wholly residential street predominantly comprising two-storey semi-detached dwellinghouses. Nos. 30, 32, 34 and 38 Vicars Hill also benefit from the same two road frontages due to their location immediately to the north of the junction of Vicars Hill and Ermine Road.
- 2.3 The topography of the site and its surroundings slopes quite steeply downhill to the south-west, resulting in the rear gardens of the properties also being considerably lower than the floor level of the properties, and that difference in level increasing as one heads south-west.
- 2.4 This results in the existing garage being considerably lower than the dwellinghouse, and the garage is accessed through the rear garden by a series of several concrete steps.

The rear garden of the application site and neighbouring dwellinghouses are well vegetated and include numerous mature trees.

3.0 Planning History

- 3.1 An application was withdrawn in April 2014 for The demolition of the existing garage at the rear of 36 Vicars Hill SE13 and the construction of a two storey, 2 bedroom dwelling house with associated landscaping and boundary treatment.
- 3.2 Planning Permission was granted in May 2014 for the erection of a single storey extension to the rear of 36 Vicars Hill SE13, together with the construction of a new roof on the existing side extension.
- 3.3 Planning Permission was refused in September 2014 for the demolition of the existing garage at the rear of 36 Vicars Hill SE13 and the construction of a two storey, 2 bedroom detached dwelling house with associated landscaping and boundary treatment.
- 3.4 Planning Permission was refused in October 2015 for the demolition of an existing garage and construction of a single storey residential unit to create ancillary accommodation at 36 Vicars Hill, SE13, together with the construction of new replacement steps to the rear garden and timber fence fronting Ermine Road.

4.0 Current Planning Applications

The Proposals

- 4.1 Planning Permission is sought for the construction of a replacement garage to provide an ancillary studio on the rear elevation including the recreation of boundary walls and timber fencing fronting Ermine Road together with alterations to the rear garden at 36 Vicars Hill SE13.
- 4.2 The proposed replacement garage/studio would have a slightly larger footprint than the existing structure measuring 7.5m wide, 2.75m in height and 5.3m deep. It is setback 2m from the sidewalk.
- 4.3 The space would provide a studio and washroom.
- 4.4 The replacement timber fence/gate and boundary walls would have the same dimensions as the existing.
- 4.5 All materials to match existing
- 4.6 Landscape scheme incorporating raised beds along all boundaries including the roof of the replacement garage structure.

Supporting Documents

- 4.7 Design Access and Heritage Statements

5.0 Consultation

5.1 This section outlines the consultation carried out by 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.

5.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Brockley Society, Ladywell Society, and the Councils Conservation Department were also consulted.

Written Responses received from Local Residents

5.3 Objections were received from 9 local residents which are relevant to the assessment of the planning application:

- Replacement building not to be used as accommodation
- Concerns over the use of the replacement structures roof as an amenity space

5.4 Supporting comments were received from one neighbour

- Encouraging to see regeneration of this structure

Conservation Officer

5.5 Council's Conservation Officers have offered no objection to the proposed development

Written Responses received from the Brockley Society:

5.6 The Brockley Society welcomed the proposed changes.

Written Responses received from the Ladywell Society:

5.7 The Ladywell Society did not wish to comment on the application

6.0 Policy Context

Introduction

6.1 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)

6.2 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

6.3 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)’.

6.4 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.

London Plan (July 2011)

6.5 The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

6.6 The London Plan SPG’s relevant to this application are: **[delete irrelevant documents]**

Housing (2012)

Sustainable Design and Construction (2006)

Core Strategy

- 6.7 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 and 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

- 6.8 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:

- 6.9 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 33	Development on infill sites, backland sites, back gardens and amenity areas
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 (August 2006)

- 6.10 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.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 6.11 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimneystacks, 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 will be accepted within Brockley Mews - mainly within Harefield Mews.

7.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- g) Impact on Adjoining Properties
- i) Ecology and Landscaping

Principle of Development

7.2 The application site is covered by an Article 4 Direction, which means planning permission needs to be obtained for any improvement, enlargement or alteration to the property, but does not preclude development. The Council assesses each application on its merits.

7.3 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, the impact on adjoining properties and the conservation area and highways issues.

7.4 Design and Impact on the Conservation Area

7.5 London Plan Policy 7.6 Architecture, requires development to positively contribute to the surrounding environment, using the highest quality materials and design. Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and should conserve their significance by being sympathetic to their scale, form and architectural detail.

7.6 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. Development Management 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.

7.7 The proposed replacement garage would provide a new useable studio space ancillary to the use of the main dwelling.

7.8 The design is a considerable improvement over the previous submissions, which have been refused based on the provision of additional accommodation. The latest refusal incorporated a bedroom, kitchen, bathroom, dining and living room into a single storey studio dwelling. The current application does not intend to provide additional accommodation and intends to install raised planters along all sides of the roof.

7.9 As the proposal has a similar footprint to the existing structure, it would be proportionate to its scale and the size of the garden. Furthermore the materials proposed are considered to be appropriate and an example of high quality design and would complement the host property.

7.10 The proposed landscape scheme raises no objection and improves on the existing garden layout. The re-constructed boundary walls, replacement timber fencing and gate are also considered acceptable as they are to match the existing in both materials and design.

7.11 Impact on Adjoining Properties

7.12 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

7.13 Officers are mindful of objections raised regarding the use of the space as accommodation and the use of the roof as a terrace.

7.14 The proposal would not have any impacts on the neighbouring properties as it is of a similar scope of what is existing. Furthermore, it is located in the rear garden of the property fronting Ermine road and would not be built close to any existing dwelling. If the proposal were to be used an amenity space it would only overlook the front houses along Ermine Road but not any neighbouring properties. Proposed screening as seen in the landscape scheme is intended to reduce any further outlook and alleviate concerns of overlooking.

7.15 Adverse effects such as utilising the space as accommodation and an amenity area can be addressed through recommended conditions therefore no significant effects on neighbouring properties are anticipated.

8.0 Equalities Considerations

8.1 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 characteristic: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2 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.

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 of no significant harm to the character of the area or to residential amenity and 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:

038-01; 01; 1.01; 1.02; 1.03; 1.04; 1.05; 02

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 residential accommodation hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as **36 Vicars Hill SE13** and shall not be occupied as any form of self contained residential accommodation without prior the benefit of planning permission.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (2014).

4. 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, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas **[delete irrelevant policies]** of the Development Management Local Plan (November 2014).

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.