

Committee	PLANNING COMMITTEE B	
Report Title	14 THE GLEBE, LONDON, SE3 9TG	
Ward	BLECKHEATH	
Contributors	Russell Brown	
Class	PART 1	1st February 2018

Reg. Nos. DC/17/103412

Application dated 31.08.2017

Applicant Mr J McDonnell

Proposal The construction of a single storey plus basement annexe in the garden of 14 The Glebe, SE3.

Applicant's Plan Nos. OS Map; Cover Letter 31.08.2017 / Planning Statement; Design and Access Statement; Heritage Statement Received 1st September 2017

294_01_01; 294_02_01; 294_04_02;
294_04_03; 294_04_04; 294_04_05;
294_05_01 Received 7th November 2017

Background Papers

- (1) Case File LE/682/14/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Blackheath Conservation Area

Screening N/A

1.0 Property/Site Description

1.1 The application site is located on the west side of The Glebe at the junction with the northern side of Lee Terrace (B220). The site forms part of the large garden to 14 The Glebe which is an impressive part two, part three storey semi-detached Italianate Villa. It is one of a number of large houses set in extensive gardens within this road. The house, like many along this road, is set back from Lee Terrace behind a generous front garden and surrounded by a number of large mature trees. The south east section of the garden has been hard landscaped to create a large parking area.

1.2 The Glebe comprises a small group of high quality Italianate and Gothic villas of c1849-50 built around a horseshoe shaped street, open at both ends. Some of the villas survive intact and are set in their large generous verdant plots although the historic set piece is somewhat diminished by later infill building.

- 1.3 The surrounding area comprises low-rise blocks, small row of terraces and detached or semi-detached properties, but the immediate locality is defined as a suburban villa typology by Table 2.1 *Urban Typologies in Lewisham* contained within DM Policy 30. The application site is also located within Character Area 10 of the Blackheath Conservation Area Appraisal.
- 1.4 The property is within Blackheath Conservation Area, but is not subject to an Article 4 direction, nor is it a listed building. However, it is a locally listed building and is in the vicinity of the Grade II listed buildings at 22-32 Lee Terrace. The site has a PTAL rating of 4 and is within an area with a Local Open Space Deficiency.

2.0 Relevant Planning History

- 2.1 February 2005: Certificate of Lawful Development issued for the return of the property to a single dwellinghouse.
- 2.2 October 2005: Planning permission was refused for the construction of a part two/part three storey, six bedroom detached house adjacent to 14 The Glebe SE3 together with the provision of 2 car parking spaces at the front with access onto The Glebe. The reason for refusal related to the siting, scale, mass and form of the proposal, which was considered to represent an inappropriate and visually obtrusive development and would therefore harm the character of the existing locally listed building and its setting, the street scene and the conservation area.
- 2.3 December 2006: An appeal against the refusal of planning permission was dismissed as the proposal was considered to detract from the setting of the locally listed building and would fail to preserve or enhance the character of the conservation area. In addition, the proposal was considered to have an unacceptable impact on the amenity of the occupiers of the main dwellinghouse in terms of loss of light and outlook.
- 2.4 January 2013: Planning permission was refused for the construction of a single storey plus basement granny annexe in the garden of 14 The Glebe SE3. The reasons for refusal related to harm to the character and appearance of the conservation area and the setting of the locally listed building and the detailed design of the proposal in terms of its form, appearance, materials and detailing which were found to fail to relate to the surrounding context or achieve a high standard of design.
- 2.5 August 2013: An appeal against the refusal of planning permission was dismissed. The Inspector found that the siting of the proposal would not have an adverse impact on the open character of the area, as it was sited to ensure that it was not unduly prominent and that the setting and status of the locally listed building would be retained. The scope for a 'modest, understated outbuilding in the proposed' was therefore established. However, the Inspector agreed with the Council that the building would not tie in well with the locality. The arrangement of windows was found to be jumbled and to fail to emulate the orderly appearance of the houses nearby. The use of materials was found to lead to visual confusion. In summary:

"The proposal would be subservient to the surrounding buildings and would fit comfortably into the hierarchy of development. Neither would it spoil the function of the existing garden in terms of its spaciousness or setting for 14 The Glebe.

However, the detailed design would not promote or reinforce local distinctiveness and the proposed new development would not successfully integrate into the historic environment. As such, it would detract from the significance of the heritage asset. The significant harm caused would not be outweighed by any public benefits including its sustainability credentials.”

2.6 September 2014: Planning permission was refused for the construction of a single storey plus basement granny annexe in the rear garden of 14 The Glebe SE3. The reasons for refusal are as follows:

1. The proposed new dwelling by reason of its siting and detailed design is considered to represent an inappropriate and visually obtrusive development and would therefore harm the character of the existing locally listed building and its setting, the street scene and the conservation area, contrary to saved policies URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, URB 20 Locally Listed Buildings of the Unitary Development Plan (2004) and policies DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, 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 garden of the Development Management Local Plan (2014).
2. The proposal would fail to provide an adequate standard of living accommodation at basement level owing to the lack of direct sunlight and daylight and outlook contrary to DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (2014).

2.7 The Council’s decision was again dismissed at appeal on 19 January 2015 under the appeal reference APP/C5690/D/14/2228407 and pertinent paragraphs from the Inspector’s decision is set out below:

Paragraph 6: *“The main issues are: (a) whether the proposed development would preserve or enhance the character or appearance of the CA, and (b) the acceptability of future living conditions within the proposed granny annexe with particular reference to sunlight, daylight and outlook.”*

Paragraph 9: *“Taking account of local characteristics and the spatial relationship between 14 The Glebe (a locally listed building) and 21 Lee Terrace, I share my colleague’s view ‘that there is scope for a modest, understated outbuilding in the location proposed’, largely for the same reasons.”*

Paragraph 12: *“An acceptable design in this sensitive location would need to demonstrate far more imagination and skill than is apparent in the appeal submission...”*

Paragraph 17: *“I conclude that living conditions for future residents of the Granny annexe, taking account of its proposed purpose, would be acceptable”.*

2.8 Pre-application advice was sought (PRE/16/002761) and advice was given that the creation of a separate dwelling is objectionable in principle and that any subsequent iterations of the scheme should be for a use ancillary to the main dwelling provided that it was of a modest and subordinate scale, and of a good standard of accommodation.

3.0 Current Planning Application

- 3.1 The current applications seeks planning permission for the construction of a single storey plus basement annexe in the garden of the application property.
- 3.2 The proposed structure would measure a maximum of 3.95m high from ground floor level (the lowest part would be 3.3m) by 6.6m wide by 8.665m deep. The extent of the excavation would be 2.75m and the lightwell to the south elevation would be 6.1m wide by 2.2m deep, and accessed through sliding doors from the bedroom. The roof form would step down to the east and would appear as two separate masses, divided by an 'L-shaped' glass window.
- 3.3 The annexe would now be set back 2.205m from the front elevation building line of the terrace properties on Lee Terrace and set away from the side elevation of no. 21 by 1m. The only entry door to the annexe would be to the north elevation, situated next to a clear glazed window, and there would be further windows to the east and west elevations, as well as stone feature panelling to the former. The building would be clad in white limestone with burnished bronze panels to the west elevation and anodised aluminium-framed windows.
- 3.4 There would be an ensuite bedroom with walk-in wardrobe and study at basement level with a kitchen, living / dining room and WC at ground level. The gross internal area would be approximately 95.9m² with a bedroom of 16.38m².

4.0 Consultation

- 4.1 Pre-application advice was sought in November 2016 and a summary of the officer response can be found in the planning history section of this report.
- 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 Public and site notices were displayed and letters were sent to 22 neighbouring addresses, Blackheath Ward Councillors, the Blackheath Society and the Council's Conservation Officer.

Written Responses received from Local Residents

- 4.4 Four objections were received, raising the following concerns:
- The annexe is architecturally incongruous with the important buildings it adjoins.
 - The proposed materials do not relate to either the terrace in Lee Terrace or no. 14 itself and would stand out discordantly, detracting very seriously from the character of the area.
 - The design is unimaginative, which detracts from the setting of no. 14.
 - The essence of the setting of villas such as 14 The Glebe is their garden setting, and once lost, it will never be recovered.
 - This proposal is not modest nor understated, and is too large to constitute an outbuilding.
 - The existence of a high solid timber fence that effectively screens the garden from general public view does not justify the erection of a completely inappropriate building.

- The excavation would be very close to 21 Lee Terrace, which is approximately 130 years old, and could undermine its structural integrity and damage the copper beach tree in the rear garden of no. 21 as well as 10 others.
- A full and detailed risk assessment of the impact of the excavation and construction work on the structural integrity of the adjoining building and grounds should be carried out and made public prior to a decision being taken.
- The applicant should appoint their own Party Wall Surveyor and pay for any Party Wall Surveyors of adjoining properties.

Responses received from the Local Amenity Society

4.5 The Blackheath Society objected to the proposal on the following grounds:

- The current design is lower and less intrusive than earlier ones and subservient to the main house. However, the quality of the overall submission is poor and provides insufficient information about what is proposed, particularly regarding the proposed basement and landscaping.
- The basement is not well conceived, should not be any deeper than those of the parent or neighbouring properties and would appear to provide barely adequate accommodation. A basement impact survey undertaken by a suitably qualified expert should have been submitted.
- The application also provides no information regarding the proposed landscaping of the site, which could mitigate (soften) or even enhance the impact of this proposal. Well-considered landscaping could increase the overall coherence of the developed site and improve the view from the public realm. The creation and maintenance of appropriate landscaping should be made a condition of any consent.
- The white stone cladding and the burnished bronze detailing are out of keeping with the materials of the surrounding buildings, and traditional materials like brick and stucco would be more suitable.

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 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.
- 5.6 In March 2015, the Technical Housing Standards – nationally described space standard was adopted and sets out the minimum space requirements for residential accommodation.

London Plan (March 2016)

- 5.7 The London Plan was adopted on 14th March 2016. The policies relevant to this application are:

Policy 5.3 Sustainable design and construction
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

Housing (March 2016)
Sustainable Design and Construction (April 2014)
Character and Context (June 2014)

Core Strategy

- 5.9 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 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Plan

- 5.10 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 22 Sustainable design and construction

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

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

DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

Residential Standards Supplementary Planning Document (updated May 2012)

- 5.11 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.

Blackheath Conservation Area Character Appraisal and SPD (March 2007)

- 5.12 The Blackheath Conservation Area is one of the most important in the borough and is also part of the Buffer Zone for the UNESCO World Heritage Site of Maritime Greenwich. The settlement dates from at least the 12th century, many of the standing buildings date from the 1790s onwards. The significance of the area

lies in the critical mass of well preserved historic housing and the intimate relationship with the famous open space.

- 5.13 The application site falls under Character Area 10: Lee Terrace and The Glebe and is listed as a building making a positive contribution.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are:

- a) Principle of development
- b) Design and impact on the character and appearance of the Conservation Area
- c) Impact on the amenities of adjoining properties
- e) Proposed standard of ancillary accommodation
- f) Highways issues

Principle of development

- 6.2 This site is currently used as a garden and off-street parking area associated with 14 The Glebe. Whilst a proposal for a separate, self-contained dwelling has been refused, and dismissed at appeal, so have two further proposals for single storey plus basement annexes. However, the reasons for refusal have related to harm to the character and appearance of the conservation area and the setting of the locally listed building through the poor design of the proposal in terms of its form, appearance, materials and detailing, as well as inadequate standard of living accommodation, rather than the principle of development. Indeed, in paragraph 9 of the most recent appeal (APP/C5690/D/14/2228407), the Inspector acknowledged “that there is scope for a modest, understated outbuilding in the location proposed”.

- 6.3 Whilst not shown on the submitted plans, the main property and the area of land on which the proposed annexe is to be located are currently severed by boundary treatment. So as to ensure that the proposed annexe is not in any way separate to the main house, the removal of this boundary treatment is recommended to be secured by a pre-commencement condition. On the basis that no new boundary treatment is proposed to be erected within the site and that no other method of access to the site is going to be introduced then Officers consider that the construction of a structure, such as that proposed, for accommodation ancillary to the host property would be acceptable.

- 6.4 However, the detailed design of the structure must also be acceptable as both the Inspector’s and the Council’s decisions have made it clear that it needs to be modest and understated, thereby ultimately either preserving or enhancing the character or appearance of this part of the Blackheath Conservation Area.

Design and conservation

- 6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

- 6.6 Urban design is a key consideration in the planning process. The NPPF (para. 56) makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should positively contribute to making places better for people. The NPPF (para. 57) also states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private space and wider area development schemes.
- 6.7 Chapter 7 of the NPPF states that Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.8 Paragraph 131 of the NPPF states that, in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.9 London Plan Policy 7.4 Local Character states that new developments should complement or repair and existing streetscape, and respect the urban grain in the vicinity.
- 6.10 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 6.11 Core Strategy Policy 15 seeks to optimise the potential of sites, whilst also ensuring that proposed schemes are sensitive to the local context and respond to local character.
- 6.12 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.13 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.

- 6.14 DM Policy 33 states that if the site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest quality design and relates successfully and is sensitive to the existing design quality of the streetscape.
- 6.15 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting designated heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
- a. 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 materials; and
 - b. 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.
- 6.16 DM Policy 37 states that the Council will protect the local distinctiveness of the Borough by sustaining and enhancing the significance of non-designated heritage assets, and that development proposals affecting non-designated heritage assets should be accompanied by a heritage statement. The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting.
- 6.17 The villa (14 The Glebe) is visible when approached from either direction along Lee Terrace and The Glebe and ‘turns the corner’ into The Glebe uninterrupted by any built form in the existing garden, giving the sense of openness and space. Views of the well-articulated rear elevation of 14 The Glebe are attractive with mature trees acting as a foil in the background.
- 6.18 Lee Terrace terminates with the boundary of the garden of 14 The Glebe. The eastern end elevation of Lee Terrace is also of some quality with a strong horizontal emphasis through the visible contrasting cornicing at different levels.
- 6.19 Regardless of the use of the building, in paragraphs 11 and 12 of the most recent appeal the Inspector held that the appeal scheme was objectionable as it bore no visual relationship with the surrounding buildings, and that a development with “more imagination and skill” would be required.
- 6.20 In response to the above, the current proposal is for a modern designed building. It would have a two-tiered flat roof, divided by a strip of glazing, rather like an extended rooflight, which would continue down the front (south) and rear (north) elevations. To the former it would incorporate a kink, forming an L-shape above the basement level of the building. Compared with the pitched roof originally proposed, this would allow the height of the building to be limited to 3.95m and would therefore sit well below the string coursing to 21 Lee Terrace. As such, Officers consider that the roof form responds positively to the sensitive surrounds.
- 6.21 The scheme has been revised so that the part of the building above ground would be set back from 21 Lee Terrace by 2.2m, which is the same distance as the depth of the lightwell. As such, Officers consider that it would not compete with

the terrace of attractive properties. Revisions have also been received regarding the form of the building so that it is less square-shaped and more rectangular in form such that it increases in depth by 1.445m and reduces in width by 0.85m, thus increasing its proximity to 14 The Glebe. Furthermore, it would not obscure views of the main house from Lee Terrace. The front door is now 8.94m from the closest part of the host building, which is more befitting of an ancillary building.

- 6.22 It is recognised that the main property is a non-designated heritage asset, by virtue of being a locally listed building, within a designated heritage asset, which in this case is Blackheath Conservation Area. It is located 4.45m away from the dwellinghouse and would be limited to a single storey off ground level and therefore would not compete with or detract from the character or appearance of 14 The Glebe, subject to the quality and type of materials used.
- 6.23 The form is unashamedly modern, but due to a sunken level, would sit partly underground, which would limit its visibility. The proposed materials are also contemporary and are not prevalent within Blackheath Conservation Area, or at least not to street-facing elevations. It is possible that the stone feature panelling and white limestone, if uniform in colour, could complement white render on neighbouring properties. Officers acknowledge that timber sash windows are usually a requirement for street-facing elevations within Conservation Areas, but in this case, they would contrast sharply with the modern design of the building and therefore, subject to their detailing, the use of anodised aluminium framed windows is accepted. Details of all the proposed materials are recommended to be secured by condition in the form of product specifications and physical samples.
- 6.24 The only landscaping would be for the hardstanding area to the sunken patio garden and a planter above the heat pump. Officers do not consider it necessary to require details by condition given the small areas.
- 6.25 Therefore, the proposals in their current form are considered to be acceptable in design terms and would preserve the character or appearance of this part of the Blackheath Conservation Area in compliance with London Plan Policies 7.4, 7.6 and 7.8, Core Strategy Policies 1, 15 and 16 and DM Policies 30, 31, 33 and 36.

Impact on the amenity of neighbouring occupiers

- 6.26 Core Strategy Policy 15 High quality design for Lewisham seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.
- 6.27 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.28 The proposed annex is not considered to have an impact on the amenity of neighbouring occupiers at 19-21 Lee Terrace in terms of loss of privacy, daylighting or overshadowing due to the way it has been sited.

6.29 A large area of garden has been hard landscaped for parking, but given that the proposal would only be 70.64m² in size, it is considered to leave a sufficient area of soft landscaping for the use of the main house in relation to its size and this is therefore acceptable.

Standard of accommodation for proposed occupier

6.30 London Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

6.31 DM Policy states that new rooms provided by extensions to residential building will be required to meet the space standards in DM Policy 32.

6.32 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours as well as meet the functional requirements of future residents. An assessment of whether the proposals provide accommodation that provides an appropriate level of residential quality and amenity must meet the criteria including:

- Accommodation is to be of a good size, have a good outlook with acceptable shape and layout of rooms with main habitable rooms receiving direct sunlight, daylight and adequate privacy.
- The standards and criteria in this policy, including those of the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in new development to ensure long term sustainability and usability.

6.33 The proposed annex is generous in terms of floorspace at 96.12m² (the equivalent of a three bed, five person dwelling over two storeys as set out in the Technical Housing Standards - Nationally Described Space Standard).

6.34 The Inspector previously considered that the standard of accommodation would be acceptable given that the proposed use was that of an annexe to be used ancillary to 14 The Glebe. Paragraph 16 states that “the main function of the bedroom, that is, a place to sleep at night and, secondly, that the annexe is designed to be ancillary accommodation to the main dwelling, the lack of an outlook or the failure to attract a significant level of direct sunlight, in themselves, do not warrant a refusal of the scheme.”

6.35 In any case, the bedroom is 17m² and 2.73m wide for much of its floorspace, both of which are compliant with the Technical Housing Standards - Nationally Described Space Standard for a double bedroom.

6.36 The amenity space provided for the annexe is approximately 8.4m², which is compliant with Standard 26 of the London Plan Housing SPG (March 2016), which requires a minimum of 5m² of private outdoor space for 1-2 person dwellings.

6.37 As such, the standard of ancillary accommodation is considered acceptable.

Highways

6.38 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).

6.39 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.

6.40 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.

6.41 The new annexe would be accessed from the existing entrance to the site from The Glebe and there would be no further parking provision with the existing car parking being utilised. Furthermore, it is not considered that the creation of the annexe would not increase the number of journeys being made to and from the property.

6.42 Cycle parking spaces would be provided according to the applicant, but no details have been given. Therefore, details are recommended to be secured by condition.

6.43 Refuse arrangements are to remain as existing.

6.44 As such, no objection is raised on highways or traffic grounds.

Prevention of crime and disorder

6.45 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:

- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
- b) the misuse of drugs, alcohol and other substances in its area; and
- c) re-offending in its area.

6.46 No issues of crime or disorder were raised as a result of the public consultation undertaken in respect of this application, and therefore they are not considered to be an issue.

Issues raised by consultation

- 6.47 There have been concerns raised regarding the impact of excavations and general construction work in close proximity to the terrace at 19-21 Lee Terrace. This is a matter that would be dealt with through the Party Wall process if planning permission were to be recommended.

Equalities Considerations

- 6.48 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.
- 6.49 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.
- 6.50 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.
- 6.51 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/>
- 6.52 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
- 6.53 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:

- 6.54 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.

Human Rights Act

- 6.55 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:

- Right to respect for the home, under Article 8; and
- Right to peace enjoyment of possessions, under Article 1 of Protocol 1.

- 6.56 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.

- 6.57 It is considered that there is no impact on the owners' human rights and therefore the application is not considered to raise any Human Rights Act implications.

Conclusion

- 6.58 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 2016) and the National Planning Policy Framework (2012).

- 6.59 In summary, it is considered that the proposal is acceptable in terms of the principle of development, design, impact on the Conservation Area, standard of accommodation, impact on neighbouring properties and on highways. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

7.0 **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:

OS Map; Heritage Statement Received 1st September 2017

294_01_01; 294_02_01; 294_04_02; 294_04_03; 294_04_04; 294_04_05; 294_05_01 Received 7th November 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 annotations on the drawings hereby approved, no development shall commence on site until a detailed specification and samples of all external materials and finishes, windows, roof covering and external doors to be used on the annexe, as well as elevational drawings of each of the windows at 1:20 scale and horizontal and vertical sections at 1:5 scale, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the annexe and to comply with Policies 7.4 Local context, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 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 (November 2014).

- 4) (a) A minimum of one secure and dry cycle parking spaces shall be provided within the development.

(b) Full details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation / use of the annexe, and they shall be maintained thereafter

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 6.9 Cycle of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 5) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes shall be fixed on the east and south elevations of the annexe.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to accord with Policies 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 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 (November 2014).

- 6) 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 roofs on the annexe 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 Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 7) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the building hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as 14 The Glebe and shall not be occupied as any form of self-contained residential accommodation without the prior 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 (March 2016), Core Strategy (June 2011) and Development Management Local Plan (November 2014).

- 8) The existing boundary treatment to the north and east of the plot of land on which the proposal is located shall be removed prior to the commencement of development, and shall not be re-erected without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed annexe remains ancillary to 14 The Glebe and is acceptable to the Local Planning Authority.

- 9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no amendments to the internal or external site boundary treatment without the prior benefit of planning permission.

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 Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas 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, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. However, as the proposal was in accordance with the Development Plan, permission could be granted without much further discussion.

The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Local Planning Authority, before any such works of demolition take place.

You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.