

Committee	PLANNING COMMITTEE A	
Report Title	10 Manor Lane, London, SE13 5QP	
Ward	Lee Green	
Contributors	Alfie Williams	
Q21	PART 1	5 <sup>th</sup> July 2018

Reg. Nos. DC/18/106282

Application dated 13/03/2018

Applicant Mr Unwin

Proposal The construction of a single storey rear extension and the replacement of all existing windows with double-glazed timber sash windows at 10 Manor Lane, SE13, together with alterations to the side elevation and alterations to the front garden including the reinstatement of the boundary brick wall, the installation of fencing, bin and cycle storage, and the replacement of the front door and paving.

Applicant's Plan Nos. 111-002 Rev 1; 111-003 Rev 1; 111-101 Rev 1; 111-102 Rev 1; 112-104 Rev 1; 121-102 Rev 1; 121-103 Rev 1; 122-102 Rev 1; 122-103 Rev 1; 122-104 Rev 1; 123-101 Rev 1; 123-102 Rev 1; 123-110 Rev 1; 124-101 Rev 1; 124-102 Rev 1 (Received 14/03/2018); 112-102 Rev 2; 112-103 Rev 2; 125-110 Rev 1; 126-001 Rev 1; 126-002; 121-201 Rev 1; Design, Access and Heritage Statement V2 (Received 26/03/2018); Email confirming details for fence, bin/bike storages and maintenance access (Received 25/04/2018); Email confirming materials for front boundary wall; 122-201 Rev 1; Photograph of No.14 Manor Lane for brickwall reference; 122-103 Rev 2 (Received 26/04/2018); 111-100 Rev 2; 112-101 Rev 3; 121-101 Rev 2; 122-101 Rev 2 (received 5th June 2018)

Background Papers

- (1) Case File LE/454/2/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

PTAL 3  
Lee Manor Conservation Area  
Lee Neighbourhood Forum  
Lee Manor Article 4(2) Direction  
Area of Archaeological Priority - Lee  
Not a Listed Building

Screening N/A

## **1.0 Property/Site Description**

- 1.1 This application relates to mid-terrace single family dwelling located on the north-west side of Manor Lane. It is a two storey Victorian build of London stock brick with a large bay window of two-storeys with a pitched roof.
- 1.2 The site contains outbuildings at the rear of the property, consisting of a wooden rear extension at the boundary with No. 12 and a part-timber part-glass shed structure.
- 1.3 The property is located within a Lee Manor Conservation Area and is subject to an Article 4 direction. It is not a listed building.

## **2.0 Planning History**

- 2.1 There is no relevant planning history for this application.

## **3.0 Current Planning Application**

- 3.1 The construction of a single storey rear extension and the replacement of all existing windows with double-glazed timber sash windows at 10 Manor Lane, SE13, together with alterations to the side elevation and alterations to the front garden including the reinstatement of the boundary brick wall, the installation of fencing, bin and cycle storage, and the replacement of the front door and paving.
- 3.2 The existing outbuildings/extensions to the rear garden would be demolished.

### *Single storey rear extension*

- 3.3 The proposed side infill and rear extension would extend beyond the rear wall of the property by 3m on the boundary with No. 12 Manor Lane and by 6.3m on the boundary with No. 8 Manor Lane. The maximum depth would be 7.8m.
- 3.4 The rear extension would have a part sloped, part flat roof creating a clerestory window. The height of the extension would be 2.98m on the boundary with No. 12 Manor Lane and 2.72m on the boundary with No. 8 Manor Lane (although 2.4m when measured from No.8's floor level). The maximum height would be 4.1m.
- 3.5 The sloped roof will be clad with natural slate, and the rear extension brickwork will be matching the original stock in colour and pointing. The extension would have large steel double glazed heritage style pivot doors leading into the garden and at the intersection between the sloping and flat roof there would be a clerestory window (high level window).

### *Replacement windows and front door*

- 3.6 All the existing windows are white painted timber sash windows. They would be replaced with double-glazed timber windows matching the original in dimensions, profile, opening type and finish. The replacement door will be timber, RAL 5023 (distant blue) in colour.

#### *Alterations to front garden*

- 3.7 The existing front garden is currently use as a parking space. It is proposed to reinstate the garden front boundary with dwarf brick walls topped with coping stones and metal railing. Behind the front boundary it is proposed to removal the collapsed internal boundary and replace it with waste, recycling and low level bike storage. Reproduction Victorian tiles would be installed on the pathway leading from the back of pavement to the front door.

### **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 meet the requirements of the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed, a press notice issued and letters were sent to four neighbouring properties. The local ward Councillors and the Lee Manor Society were also consulted.
- 4.3 Two objections have been received by one of the neighbouring properties. Their objection is outlined below:
- If they are allowed to build an extension with a depth beyond 3m this will set a president for others.
  - As more than 3m deep it is overly prominent, especially due to materials and height.
  - Other properties along the road have their extensions up to 3m in depth, so why is this proposal allowed to go further.
  - Not sympathetically to the style of the house or the houses around it, nor is it designed to the same parameters as the rest of us have abided by.
  - Glazed design causes overlooking
  - Design seeks to exploit the 45 degree ruling, by building parallel to it.
  - The roof design goes up to the boundary, what is the proposal for roof drainage?
  - from a conservation perspective it would be nice to have the backs of the houses roughly similar.
- 4.4 The Lee Manor Society raised the following objection and comments;
- There are many aspects of this application that we welcome, including improvements to the frontage of the property.
  - However, object to the proposed angled roof to allow a clerestory window to the rear. The angle of the roof sits oddly with the roof angle of the original Victorian extension and does not "respect the original form of the existing building" as recommended in the council's draft Alterations and Extensions SPD section 4.5.2 on page 34.
  - We cannot agree with the architect's claim in section 4.1 of the their design, access and heritage statement that: "The roof pitch and central roof light position have been designed

to relate to the pitch and position of the roof of the existing rear closet wing " The proposed roof angle most definitely does not "relate" to the existing in a positive sense.

- We suggest that the extension be provided with a flat roof with lighting provided through conventional roof lights.
- Regarding the property frontage. It is not clear whether the proposed new front door will be set back slightly from the front building line as was the case when these houses were built or whether it will align with the brick frontage. If the door is not set back we urge you and the applicant to set the door back. The shallow open doorways are an attractive feature of these houses.

## **5.0 Policy Context**

### **5.1 Introduction**

5.2 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,
- (a) any local finance considerations, so far as material to the application, and
- (a) any other material considerations.

5.3 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
- (a) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

5.4 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**

5.5 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)’.

- 5.6 Officers have reviewed the Core Strategy for consistency with the NPPF and consider to be 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

- 5.7 On the 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### 5.8 The London Plan (March 2015) incorporating March 2016 Minor Alterations

- 5.9 The London Plan was updated on 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning application, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:

7.1 Building London’s neighbourhoods and communities

7.4 Local character

7.5 Public realm

7.6 Architecture

7.8 Heritage assets and archaeology

#### Core Strategy

- 5.10 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:- 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)

- 5.11 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:-

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

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

- 5.12 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.
- 5.13 The Lee Manor Conservation Area's character appraisal (2008)

### **6.0 Planning Considerations**

- 6.1 The principle planning considerations in this case is the impact of the proposed development on the character of the subject property and the surrounding area as well as the impact of the proposal on neighbouring residential amenity, parking and the Lee Manor Conservation Area.
- 6.2 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.
- 6.3 DM Policy 36 requires all extensions to be compatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.4 The Lee Manor Conservation Appraisal divides the Conservation Area into character areas, however for Manor Lane the character details that are noted relate to the front elevations, specifically the materials. The Appraisal does reference detailing to be found within the conservation areas, relating to materials and windows. However provided that consideration is given the prevailing character of the conservation area there is nothing to prohibit extensions and alterations to buildings within the designated area.
- 6.5 **Design and conservation**
- Single storey rear extension*
- 6.6 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.

- 6.7 In addition to the above, DM Policy 31 requires that development proposals for alterations and extensions, including roof 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, and detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.8 The host property for this proposal is a two-storey, terraced property. The proposed extension would be contained to the rear and would not be visible from the public realm, and therefore would have limited impact on the wider character of the Conservation Area. Although the rear extension would infill the side return created by the original two storey outrigger, the loss of this feature is not considered to harm the character of the property or conservation area.
- 6.9 Regarding the size and scale of the extension, officers consider the extension to be consequent but subordinate to the main dwelling. The rear garden would be large enough to comfortably accommodate an extension of this depth and ample amenity space would be retained. The large glazed windows and doors would mitigate the overall massing and the asymmetrical roof is considered to be of original design, that whilst adds a contemporary design element, complements the original property. This can be seen with the roof pitch of the extension relating to the pitch and position of the roof of existing rear outrigger.
- 6.10 The proposed materials would match the existing dwelling and thus are considered to be sensitive to the local character of the area. The proposed steel windows would introduce a modern feature coherent with the appearance of the property.
- 6.11 Whilst the objections received note that this proposal would differ to others along the road in scale and design Officers consider that both the scale and design of the extension to be acceptable. Although a departure from other rear extension, this is not consider to harm the character of the wider conservation area, being contained to the rear of the property and at ground floor.

#### *Replacement windows and doors*

- 6.12 The proposal seeks to replace all existing timber single glazed windows to the ground and basement level of the front, side and rear elevation of the property with like for like timber double glazed fixtures while maintaining the existing opening style and design. All proposed replacement windows would be inserted into existing openings. The front door would be replaced by a timber glazed multi-pane panelled door which would have a larger area of solid surface than existing. Officers considered that the proposed door will be in keeping with the surrounding context.
- 6.13 Officers note the comments received from the Lee Manor Society regarding the positioning of the front door. The proposed door will match the alignment of the existing, however Officers do acknowledge that as originally built the door would be inset from the front elevation, however this feature has been lost on a number of properties along Manor Lane and as such the character of the front door alignment along the road is varied.

#### *Alterations to front elevation*

- 6.14 The reinstatement of the front garden boundary is welcomed as it would participate to enhance the character of the property and the surrounding Lee Manor Conservation Area. The proposed

wall would be built with yellow London stock brick to match with the main house brick colour. The proposed metal fence would match with the neighbour's at No.12 Manor Lane and has an appropriate height which is consistent with others in the vicinity. These details would be a good match to original boundary treatments found in the immediate area of the Lee Manor Conservation Area and would achieve adequate delineation of private and public space. The path leading to the front door would be tiles reproduction Victorian tiles which would reference a characteristic period feature. The installation of decorative shrubs and tree to the front garden is considered to be acceptable.

- 6.15 The bin and bike storages would not be highly visible from the public realm as they would be installed behind the front gate pylons. The storage would be made bespoke of timber. It would be painted in light grey and the roof would be planted. The dimensions and design of the bike and bin storages are considered to be suitable and it is not considered that the proposed storages would contribute to detrimental impacts on the streetscene.
- 6.16 Given the above, the proposed single storey extension, replacement of windows and doors and alterations to the front garden are acceptable in principle as well as in detailing and materials such that it would not result in any significant harm being caused to the appearance and character of the property and the Lee Manor Conservation Area. As such, it would comply with Core Strategy Policies 15 and 16, and DM Policies 30, 31, and 36.

#### 6.17 **Residential Amenity**

##### *Single storey rear extension*

- 6.18 The depth of the proposed extension along the boundary with no. 12 Manor lane is 3m, compared to a depth of 2.1m of the extension at no. 12. Although the proposed extension would extend further than 3 m from the rear of the original outrigger, it is angled in off the boundary to reduce the overall impact on the adjoining occupiers. The height of the proposed rear extension along the boundary with No. 12 would match with height of the existing extension at No. 12. Therefore, given the overall depth and height officers consider that the proposed single storey extension would not create any harmful impact on the level of sunlight and daylight or sense of enclosure upon the neighbouring property at No. 12.
- 6.19 The proposed infill element of the extension would be set along the boundary with No. 18. The 6.3m long side extension is considered to be significant, however given that the height of the extension on the boundary (2.40m when measured from No. 108's floor level) would be reasonable and would be taken from the 25 degree line from the neighbour's window, it is not considered that it would create significant impacts on levels of sunlight levels of sunlight, daylight or associated overshadowing. Further, it is not considered that the proposal will give rise to an overbearing structure or create any detrimental sense of enclosure. Also, the matching materials would ensure any impact on visual amenity would be minimal.
- 6.20 As no windows are proposed to the side elevations, the proposal would not permit direct overlooking into the neighbouring properties and as such would not result in any adverse impact in terms of loss of privacy.

- 6.21 Overall, officers consider that the scale and arrangement of the proposed high quality design scheme would minimise potential impact onto the adjoining properties and that it would not give rise to adverse impacts in term of loss of light or outlook or sense of enclosure.

*Replacement windows and front door*

- 6.22 The proposed alterations to the property does not include the creation of any additional openings, therefore, there would be no increase in overlooking or loss of privacy.

*Alterations to front garden*

- 6.23 There would be no impact on the amenity of neighbouring properties from the proposal as levels of sunlight, daylight, associated overshadowing, outlook, privacy and noise would remain the same.

- 6.24 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity, in accordance with DM Policy 31.

**6.25 Parking**

- 6.26 The proposed changes to the front garden would see the boundary wall reinstated and the front garden enclosed, as originally designed. This alteration would remove the off street car parking space to the front of the house. However Officers do not consider that this would lead to an detrimental increase in parking pressure within the area, given the street is covered by a controlled parking zone and the proposal would only remove one existing parking space. Therefore Officers raise no objection to the loss of the existing off street parking space.

## **7.0 Equalities Considerations**

### Human Rights Act

- 7.1 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 7.2 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### Equalities Considerations

- 7.3 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.
- 7.4 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.

7.5 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.

7.6 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/>

7.7 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

7.8 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/>

7.9 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.

## **8.0 Local Finance Considerations**

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means: 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 sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL is therefore a material consideration.
- 8.3 CIL is not payable on this application

## **9.0 Conclusion**

- 9.1 It is considered that, at this particular site, the proposal represents an acceptable development. This is because its scale is appropriate to the size of the property, the design and proposed materials would match those of the host dwelling and not have an acceptable impact on the conservation area its impact on the amenities of the neighbouring occupiers would not be significant or harmful.

## **10.0 RECOMMENDATION: Grant permission subject to the following conditions;**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

111-002 Rev 1; 111-003 Rev 1; 111-101 Rev 1; 111-102 Rev 1; 112-104 Rev 1; 121-102 Rev 1; 121-103 Rev 1; 122-102 Rev 1; 122-103 Rev 1; 122-104 Rev 1; 123-101 Rev 1; 123-102 Rev 1; 123-110 Rev 1; 124-101 Rev 1; 124-102 Rev 1 (Received 14/03/2018)

112-102 Rev 2; 112-103 Rev 2; 125-110 Rev 1; 126-001 Rev 1; 126-002; 121-201 Rev 1; Design, Access and Heritage Statement V2 (Received 26/03/2018)

Email confirming details for fence, bin/bike storages and maintenance access (Received 25/04/2018)

Email confirming materials for front boundary wall; 122-201 Rev 1; Photograph of No.14 Manor Lane for brickwall reference; 122-103 Rev 2 (Received 26/04/2018)

111-100 Rev 2; 112-101 Rev 3; 121-101 Rev 2; 122-101 Rev 2 (received 5th June 2018)

**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. Prior to above ground works details, including scaled plans and elevations of the proposed bin and bike storage should be submitted and approved in writing by the Local Planning Authority.

**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.

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 garage hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).