

Committee	PLANNING COMMITTEE B	
Report Title	49 Beaulieu Avenue, London, SE26 6PN	
Ward	Sydenham	
Contributors	Samuel James	
Class	PART 1	27 September 2018

Reg. Nos. DC/18/106629

Application dated 28th March 2018

Applicant Mr Gill

Proposal The construction of a 2 storey extension to the side and replacement of the single storey extension at the rear of 49 Beaulieu Avenue, SE26, together with a new canopy and balustrade to the rear first floor terrace.

Applicant's Plan Nos. 2380_PL_01; Design and Access Statement (Typology - 29 March 2018) Received 5 April 2018; 2380_PL_02_B Received 21 August 2018;

Background Papers (1) Case File LE/993/49/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation PTAL 4
Not located in a conservation area.
No Article 4(2) Direction

1.0 **Summary**

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as granted.

- Permission is recommended to be approved and:
 - there are 3 or more valid planning objections

2.0 **Property/Site Description**

2.1 The application relates to a three storey, single family dwellinghouse, located at the end of a terrace of 6, on the Southern side of Beaulieu Avenue. The property benefits from a rear garden with a depth of approximately 10m, which backs onto the northern side of Westwood Hill.

- 2.2 The side return of the host property comprises the entire space between the 2-end terrace properties No.49 and No.51.
- 2.3 There is an existing single storey rear extension finished in concrete block with a uPVC roof, which spans the full width of the plot, and has a depth of 3m from the original rear elevation. There is also an existing semi-enclosed roof-terrace structure constructed of timber.
- 2.4 To the rear of the existing rear extension is a sunken patio area, with a depth of approximately 0.7m. After this depth the garden steps up to the grassed area, which is raised by approximately 0.5m. The garden steps up towards Westwood Hill at the rear. Beaulieu Avenue is residential in nature, and comprised of rows of between 5 and 7, 3 storey houses.
- 2.5 The property does not lie within a conservation area, and the building is not listed, or in the vicinity of any listed buildings.

3.0 Planning History

- 3.1 There is no relevant planning history at this property; however the applicant did seek pre-application advice in the form of a duty planner meeting.

4.0 Current Planning Applications

The Proposal

- 4.1 The construction of a 2 storey extension to the side and replacement of the single storey extension at the rear of 49 Beaulieu Avenue, SE26, together with a new canopy and balustrade to the rear first floor terrace, and the installation of solar panels on the rear roof slope.

4.2 2-Storey Side extension

The 2-storey extension would infill the majority of the space between the host property and No.51 Beaulieu Avenue, for a total width of 3.15m, with a pitched roof with an eaves height of 5m, and a maximum height of 7m. The angle of pitch would match that of the main roof. It would be set back by 1m from the front elevation and extend to the original rear elevation for a total depth of 8.5m.

The front elevation would have a set of aluminium framed windows at each floor level. The rear would have one at first and one at second floor level. The extension would be finished in brickwork and hanging tiles to match the existing property.

4.3 Single Storey Rear extension

The single storey rear extension would replace an existing poor quality rear extension. It would be the full width of the plot, 9.5m, and have a depth of 3.5m from the rear elevation. It would have a flat roof with an eaves height of 2.75m. The rear elevation would incorporate 3 sets of double sliding doors. It would be finished in brickwork to match the existing house.

4.4 First Floor Terrace

The first floor terrace would keep the same dimensions as the existing terrace, and a new etched glass balustrade, and a steel/glass canopy roof would be installed.

4.5 Solar Panels

10 solar panels would be installed on the rear roof slope.

4.6 Amendments

The proposed side extension has been reduced in height from a three-storey to a two-storey extension, following officer's raising concern on design grounds.

5.0 Consultation

5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

5.2 A site notice was displayed outside the property by the applicant, and letters were sent to adjoining neighbours and ward councillors. 4 Neighbouring residents have raised objection to the proposal. Concern has been raised on the following grounds:

- Insufficient room to add anything to the house, and result would be in close proximity to neighbour.
- Side extension would ruin the symmetry and the rest of the terraces on the road. Might also encourage others to enclose gap, 'leading to more ruins'.
- [our] semi-detached property losing its de-facto semi-detached status. Resultant undisclosed 'small gap' might affect symmetry of buildings in street. The views between the end of terrace properties help to avoid an overly crowded effect, which is usually more characteristic of highly urbanised areas, and allow views through of greenery – which makes the road feel less built up and less dense.
- Each discrete terrace has its own character, and is separated with a 2-3m gap.
- This proposal would create an unsightly 'mega-terrace' of 11 houses, with design clashes, no views of greenery, and a gap in the line of pitched roofs.
- This extension would be the first of its type on the street, and would damage its overall appearance. Would be detrimental to the visual amenity of street.
- If sufficient access is not left between properties then the side wall would be unfinished, which wouldn't be acceptable.

The below points have also be raised but cannot be considered as material planning objections for this application.

- Health hazard, as if a fire, or other emergency occurred, emergency services would not have sufficient room to get to the rear of the properties. – There is access to the rear of the properties via Westwood Hill. Furthermore the front garden is short so access to the rear from the front would not be required in an emergency. Notwithstanding the above, as this application is for an extension to an existing house, emergency service access cannot be considered.
- Applicant not willing to engage with neighbour. In the past the garden has been left to grow out of control, which caused distress to neighbours. – the untidy garden, and any other previous acts by the applicant, whilst unfortunate, cannot be considered as a part of this application’s assessment.
- Works would cause noise and disturbance, and affect ability to work from home in a noise free, peaceful environment. – Noise and disturbance caused during construction is not a material planning consideration. However, an informative would be added to any permission informing the applicant of the Council’s good construction guide.

6.0 **Policy Context**

6.1 **Introduction**

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.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (2016). The NPPF does not change the legal status of the development plan.

6.2 **National Planning Policy Framework – ‘NPPF’ (2018)**

The revised NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

It contains at paragraph 11, a *‘presumption in favour of sustainable development’*. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that *‘...due weight should be given to them, 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)’*.

Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there are no issues of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the NPPF.

6.3 National Planning Practice Guidance 'NPPG' (2014 Onwards)

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

6.4 The London Plan 2015 (amended 2016)

The London Plan was updated on the 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 applications, and does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to in this report. The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 3.14 Existing housing
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.18 Construction, excavation and demolition waste
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

- [The control of dust and emissions during construction and demolition](#) (July 2014)
- [Sustainable Design and Construction](#) (April 2014)

6.6 Core Strategy (2011)

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

6.7 Development Management Local Plan (2014)

The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

The following policies are considered relevant to this application:

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

7.0 Planning Considerations

7.1 The relevant planning considerations for the proposal are:

- Principle of Development
- Design
- Impact on adjoining properties

Principle of Development

7.2 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

7.3 The principle of introducing extensions to residential properties is acceptable, subject to assessment of their impact on the design and appearance of the host property, as well as on surrounding occupiers residential amenity. These will be assessed against DM Policies 30 and 31, and Core Strategy Policy 15.

Design

7.4 Paragraph 130 of the revised NPPF states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

7.5 Urban design is a key consideration in the planning process. Chapter 12 of the revised NPPF 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 contribute positively to making places better for people.

7.6 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

7.7 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

7.8 DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or compliment the form,

setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complimentary materials should be used appropriately and sensitively in relation to context.

2 Storey side extension

- 7.9 Considering the existing nature of surrounding development, which is characterised by long rows of 3-storey terraces with limited spacing between, the addition of the proposed set back 2-storey side extension would not be materially harmful to the character or appearance of the street scene.
- 7.10 The views through the existing space between end of terrace properties does allow a small break in the built form, but this break is only visible from very limited angles directly in front of the host property. Due to this, the space is not considered to be such a valuable feature of visual amenity to the street scene for its removal to warrant refusal of the current application. There is a limited potential for a 'terracing effect' to occur as the street already consists of long rows of terraced housing, so the urban typology of the area would not be materially altered by this extension, or any subsequent further side extensions to end terraced properties on this street. The reduction in height to two from three storey's and the pitched roof form also ensures this and provides a subservient appearance.
- 7.11 Due to its set down of 2.9m from the ridgeline of the main building, and 1m set back from the front elevation, it would remain subordinate to the host property, ensuring the retention of its architectural integrity.
- 7.12 The proposed windows would be in line with the existing windows, and the extension would be in matching materials, which would ensure a good finish. In light of the above, the 2-storey extension is acceptable with regard to its design, and it would be in line with Policies DM30 and DM31 and Core Strategy Policy 15.

Single Storey Rear extension

- 7.13 The proposed rear extension would be subordinate to the host property, a suitable scale for the rear garden, and would be finished matching materials. It is therefore considered that the extension would not have a detrimental impact upon the appearance of the property or surrounding area in accordance with DM Policies 30 and 31.

Alterations to first floor terrace

- 7.14 The replacement of the balustrade and canopy with modern materials would improve the appearance of the first floor terrace with a modern high quality design, where currently it appears dilapidated and run-down, which is acceptable.

Residential Amenity

- 7.15 The revised NPPF requires that planning decisions should ensure 'that developments...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users' (para 127). Policy DM 32 states that new residential development

should be neighbourly and not result in adverse impacts on the amenities of nearby properties, providing a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours

- 7.16 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance. Regard must also be given to any impacts on privacy.

2-Storey side extension

- 7.17 The side extension would not extend past the original rear elevation of the property, so it would have no impact in terms of overshadowing, overbearing impact, or outlook to adjoining occupiers.
- 7.18 The additional rear facing windows at first and second floor level may have some impact on the perceived privacy from neighbouring gardens, however, the realised increase in overlooking potential would be no greater than the existing upper floors windows and first floor terrace at the rear, so the impact is considered to be acceptable.

Single storey rear extension

- 7.19 The proposed single storey extension to the rear would have a depth of 3.5m along each boundary at a height of 2.75m. At this moderate combined height and depth, the proposal would not be expected to have a materially harmful impact on the amenities of the adjoining occupiers in terms of overbearing impact, overshadowing, loss of light or loss or outlook.
- 7.20 *No.51 Beaulieu Avenue* – A vertical 45-degree test taken from the approximate middle point of the closest ground floor window at No.51 confirms the above conclusion. Furthermore the existing fence is approximately 2.3m high, so the additional 0.45m in height wouldn't generate significantly more harm.
- 7.21 *No.47 Beaulieu Avenue* – there is an existing single storey extension to the rear of No.47, with a depth of approximately 3m, so the proposed would be unlikely to be materially harmful to the occupiers' amenity, as it would only extend past this by 0.5m at a height of 2.75m.

Frist Floor Terrace Alterations

- 7.22 The new canopy and balustrade would not have a harmful impact in terms of overshadowing, loss of outlook or increased sense of overbearingness or enclosure to adjoining properties, any more than the existing canopy and balustrade.
- 7.23 In terms of loss of privacy, the new balustrade and canopy would not allow for any greater overlooking potential than the existing situation.

- 7.24 It is noted that the introduction of a new terrace in this location would not be supported, due to the harmful impact it would have on neighbouring occupiers' privacy, but as the use of this terrace is established, the alterations to it are unobjectionable.
- 7.25 In light of the above discussion, the proposed development is considered to be acceptable with regards to its impact upon the design and appearance of the existing building, the surrounding area, and its impact upon neighbouring amenity, in line with Policies DM30 and DM31.

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) 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).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration, though is not payable in regard to this application as the increased floorspace is below the 100sqm threshold.

9.0 Equalities Considerations

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10.0 Human Rights Implications

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-
- Right to a fair trial
 - Respect for your private and family life, home and correspondence
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.4 This application has the legitimate aim of providing an extension with residential uses. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

10.0 Conclusion

- 10.1 The application proposal has been considered against relevant planning policies set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).
- 10.2 The proposed development is considered to be acceptable with regards to its design and would not cause harm to the character and appearance of the host building, surrounding area or neighbouring amenity.

11.0 RECOMMENDATION: Grant Planning Permission subject to the following conditions:

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:

2380_PL_01; Design and Access Statement (Typology - 29 March 2018) Received 5 April 2018;
2380_PL_02_B Received 21 August 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.

INFORMATIVES

- A. **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.

- B. 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.