

Committee	PLANNING COMMITTEE A	
Report Title	59 QUENTIN ROAD	
Ward	BLACKHEATH	
Contributors	JAN MONDRZEJEWSKI	
Class	PART 1	13 DECEMBER 2018

<u>Reg. Nos.</u>	DC/18/107273
<u>Application dated</u>	21.05.2018
<u>Applicant</u>	Mr Godfrey on behalf of Mrs King
<u>Proposal</u>	The construction of a single storey extension at 59 Quentin Road SE13.
<u>Plan Numbers</u>	JK/18/01; JK/18/02; JK/18/03; JK/18/04; Design & Access Statement..
<u>Background Papers</u>	(1) Case File LE/749/59/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2016) (5) The NPPF
<u>Designation</u>	Blackheath Conservation Area Quentin Road Article 4 Direction PTAL 4

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:

Permission is recommended to be approved and there 4 separate letters of objection to the application to the application from two neighbouring properties.

2.0 Property/Site Description

2.1 No 59 Quentin Road is a ground floor flat with its own entrance onto the street. The upper two floors of the building comprise two flats numbered 57 and 57a and have a separate shared access directly onto the Street. As a result Nos 57/57a and 59 appear from the street to be 2 three storey dwellinghouses rather than three flats. The properties appear to have been constructed in the 1870s as a terrace of identical properties, occupying comparatively shallow plots. At the rear is a small amenity space shared by the ground and first floor flats which is effectively a pathway around the two storey back addition

belonging to the ground and first floor flats, with an external staircase giving the first floor flat at No 57 access to the yard. According to the Land Registry title deeds supplied by the occupier of No 57, who is an objector to the application, this rear yard lies within the demise of the lease for the first floor flat but is clearly shared by the occupiers of the downstairs flat at 59 who have an access onto this area. The freehold of the property is held jointly by Nos 57 and 59.

2.2 The properties on this side of the Quentin Road back onto flats in Lock Chase, which have garage blocks and communal amenity space adjoining the rear boundaries of Nos 43-85 (Odd) Quentin Road.

2.3 The property is located in the Blackheath Conservation Area, designated in 1968. The street is subject to an Article 4 Direction dated 21 February 1984, which removes permitted development rights for alterations to street elevations of dwellinghouses at Nos 5-85 (odd) Quentin Road. However, as many of the properties would appear to be flats, such alterations would require planning permission in any case.

3.0 Planning History

3.1 The property has no recent planning history.

4.0 Current Planning Applications

The Proposals

4.1 The current application is for planning permission for the construction of a single-storey rear extension at 59 Quentin Road SE13 (ground floor flat). This would adjoin the yard of Nos 61 and 63 Quentin Road which are the adjoining ground and first floor flats, the first floor flat having an external staircase proving access to the rear yard where it adjoins the application site.

4.2 The proposed extension measures just over 3m in depth and 1.83m in width (which corresponds to the width of the side passage adjoining the back addition of Nos 57 & 59 Quentin Road). The extension would have an eaves height of 2.2m adjoining the boundary with no 61 and would have a lean-to roof adjoining the side elevation of the back addition of Nos 57 & 59, with a maximum height of 3.2m, extending to just under the level of the first floor cills in the principle window in the side elevation of the back addition. The submitted drawings specify facing brickwork to match existing and 'Eternit' fibre cement slats for the lean-to roof. The latter features an obscure glazed rooflight and the rear elevation of the proposed extension features glazed folding doors.

5.0 Consultation

5.1 In addition to press and public notices, letters were sent to 15 properties adjoining the site, Local Ward Councillors and the Blackheath Society,. The Conservation Officer was also consulted. Three additional letters were sent to the occupiers of 53, 55 and 63 Quentin Road on 28th August 2018. This

was to ensure that all residents with flats adjoining the red line area of the site had been consulted.

- 5.2 A total of 4 replies representing 2 neighbouring properties in Quentin Road were received, objecting to the application for the following reasons

The Written Responses received from Occupiers of the first floor flat at No 57 and 61 Quentin Road are as follows:

Proposed extension would prevent access for maintenance to upper floor flats.	See para. 7.13
Incorrect ownership information submitted.	See para. 7.12
Site of proposed extension is in the leasehold ownership of No 57 (documentation supplied) who do not consent to the proposed work	See para. 7.12
The proposed extension would give burglars easier access to the rear windows of No 57.	See para. 7.14
The proposed extension will reduce natural light to No 61 Quentin Rd.	See paras. 7.4 – 7.5
The proposed extension will increase dampness to the yard and rear external staircase at 61 raising safety concerns.	See para. 7.5
The view of the lawns of Lock Chase for No 61 will be impeded by the proposed extension.	See para. 7.6
There will be additional noise and disturbance to No 61 from the proposed rooflight.	See paras. 7.7 – 7.8
Loss of view to No 61 clarified as 'gaze will fall on the extension' from two first floor windows.	See para. 7.6
The proposed development is high density overdevelopment.	See para. 7.10

- 5.3 In addition, a number of replies were received from the Occupiers of Nos 44, 56 and 58 Lock Chase residents of Lock Chase to the rear of the site. These refer to point (ix) of the Design & Access Statement which states that *'access will be by way of the main house for all materials via the rear of the living room'*. Residents request the Council to ensure that this is adhered to as they have had problems in the past with workmen trespassing into the communal garden to obtain access to Quentin Road properties.

- 5.4 The objections from the occupiers of Nos 59 and 61 Quentin Road were submitted as 4 separate letters of objection. This meets the threshold of 3 or more separate objections, as set out in the Statement of Community Involvement SPD, which would require the application to be determined by the Planning Committee. The objection from No 61 was supplemented by additional comments on 22 October 2018 which are included in the above table.

- 5.5 The objections are addressed in the Planning Considerations section of the following report and the relevant paragraph numbers are given in the above table.

6.0 Policy Context

Introduction

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF) 2018

- 6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised 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 revised 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)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised 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 213 of the revised NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

The Development Plan

- 6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

London Plan (March 2016)

- 6.8 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 policies in the current adopted London Plan (2016) relevant to this application are:

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

- 6.9 The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August 2018. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The emerging London Plan policies relevant to this application are:

Policy D2 Delivering Good Design

Policy HC 1 Heritage Conservation and Growth

Core Strategy (June 2011)

- 6.10 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 5 Areas of Stability and Managed Change

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 (November 2014)

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

6.12 The following policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 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 (2006, updated 2012)

6.13 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 Appraisal and Supplementary Planning Document (2007)

6.14 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

7.0 Planning Considerations

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

7.2 The main considerations in relation to the application are impact of the works on the character and appearance of the Conservation Area and impact on the amenities of adjoining occupiers.

Impact on neighbour amenity

7.3 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.

7.4 In terms of orientation, the proposed extension lies to the north west of the back addition of Nos 61 and 63 Quentin Road, while the rear elevation windows of these flats which adjoining the boundary of the application site face to the north east. Rear windows at 61 and 63 closest to the proposed

extension application site are therefore unlikely to get any direct sunlight at any time of day and the construction of the proposed extension will therefore lead to no reduction in sunlight to adjoining properties.

7.5 The eaves height of the proposed extension is specified on the submitted plans as being 2.2m on the boundary with 61 and 63 Quentin Road. Where extensions to the side elevations of back additions to Victorian terraced houses are proposed, officers generally require an eaves height of no more than 2.3m. This is because an eaves height greater than this could have a detrimental impact on the rear passageway of the house adjoining the proposed extension. The harm will generally be loss of outlook rather than loss of daylight/sunlight, as the latter are often already compromised by the presence of the original back addition. As the proposed extension does not exceed this limit and the depth of the extension is only slightly more than could be provided without planning permission on the rear of a dwellinghouse not in a Conservation Area, officers consider that the size and scale of the proposal is modest and unlikely to adversely affect the amenities of neighbouring occupiers as a result of either loss of daylight or loss of outlook. The rear of No 61/63 at this point has an external staircase giving the occupiers of the upper maisonette (No 61) access to the yard at the rear of the property. This is more likely to compromise the outlook available from the rear ground floor window of flat 63 than the proposed extension. Although the occupier of the ground floor flat at No 63, has not objected to the proposed development, officers have, nevertheless, considered the potential impact of the development on the amenities of the occupier of this property. As noted above, the overall dimensions of the proposed single storey extension are such that there is likely to be no adverse effect on daylight or outlook. The damp conditions in the side passage way and associated external staircase belonging to No 61 is likely to be due to the largely north facing location of this area. The construction of an extension of just over 3m in length and 2.2m to the eaves (which is 0.2m taller than a 2m high boundary wall or fence which could be erected without planning permission) is most unlikely to make this situation noticeably worse. Officers do not consider that the proposed extension will therefore lead to increased dampness or any potential safety issues for adjoining occupiers.

7.6 Although the objection from the occupiers of No 61 also cite loss of views of the lawned gardens of Lock Chase at the rear of the property, the loss of an existing view of a distant feature, unlike loss of outlook, is not a planning consideration. As a first floor flat, it is not considered that a single storey ground floor extension to the neighbouring property would interfere with such a view. In a more recent supplementary objection from No 61, received on 22nd October, the issue of loss of view is clarified as being due 'to gaze falling on the roof of the proposed extension'. Officers do not consider that a lean-to slate covered roof, at slightly greater proximity to the windows of No 61, is likely to be any more distracting than the existing paved yard and side elevation window and door to the back addition of No 59 visible in current views.

- 7.7 Although the lean-to roof of the proposed extension will feature a single rooflight, these are a common feature of domestic single storey rear extensions, particular those which adjoin or wrap around Victorian back additions. The Council has not previously taken the view that these cause any harm to the amenities of adjoining occupiers, as glare and light spillage at night time can be controlled by blinds fitted to the proposed rooflight and likely to be present in the rooms of buildings adjoining the proposed extension.
- 7.8 In terms of the further supplementary objection from No 61, received on 22nd October 2018, on the subject of potential additional noise nuisance from the rooflight, Officers consider that the proposed extension is likely to better contain noise than the existing yard, which is adjoined by existing windows and doors from which noise may also escape.

Impact of the works on the Blackheath Conservation Area.

- 7.9 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. As the proposed extension is single storey, will be constructed in matching materials and will not be visible from the public realm, officers consider that the proposal will preserve the character and appearance of the Blackheath Conservation Area.
- 7.10 Although the occupier of 61 Quentin Road has made an additional objection to the application on 22nd October 2018 on the basis that the single storey extension is 'high density and overdevelopment', Officers disagree with this assessment. The proposed extension measures just over 3m in depth and 1.83m in width (which corresponds to the width of the side passage adjoining the back addition of Nos 57 & 59 Quentin Road). The extension would have an eaves height of 2.2m adjoining the boundary with no 61 and would have a lean-to roof adjoining the side elevation of the back addition of Nos 57 & 59, with a maximum height of 3.2m. The proposed development is therefore considered to be in accordance with the requirements of DM Policy 36 by virtue of the combination of appropriate materials and proportionate scale.
- 7.11 In the event that the Committee is minded to grant permission, a condition on face materials is proposed. As well as facing brick to match the existing building, this will require the face bond and pointing style to also match that of the host building.

Other Issues raised by objectors

- 7.12 The objection to the proposal on the basis that the person claiming leasehold and joint freehold ownership of the land in question refuses to sell the land required for construction to the applicant is not a planning consideration. The applicant is only required to notify the owner of her intention to submit a planning application and does not necessarily have to own the land required for development. Although the applicant in this case submitted the application without notifying the leasehold/joint freehold owner of the land, a correctly completed ownership certificate B was subsequently submitted. This

confirmed that the leasehold owner and joint freeholder of the land at No 57 Quentin Rd had now been formally notified of the proposed development. If Members are minded to grant permission for the proposed development and the applicant is unable to successfully negotiate the purchase of the land, the extension could clearly not be implemented and the planning permission would lapse after three years.

7.13 The argument that the proposed extension would make the maintenance of the rear of the building at first and second floor level more difficult is also not a planning consideration. Although the proposed extension would impede access by ladder to parts of the upper floors of the building, there would be ways of overcoming this. For example, sash windows can be cleaned from the inside of the building or externally by the use of extendable brushes connected to a hose. Less frequent maintenance work such as painting windows or repointing would probably require scaffolding and while this could be more expensive to erect with the proposed extension in place, it is assumed that this would be factored into the negotiations for the purchase of the land in question.

7.14 Policy 7.3 Designing out crime, of the London Plan states that '*development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating*'. While designing out crime is therefore a planning consideration, officers do not consider that the principle is relevant to this particular application because of the small scale of the proposed development and the location of the extension in a private rear garden/yard to which there is no public access. Ground floor rear extensions are a common form of development for both dwellinghouses and ground floor flats. Should illegal entry be made to the rear of the property it would normally be easier to gain access to the ground floor accommodation without attracting attention. The use of a lean-to roof, as proposed in this case, rather than a flat roof, would also make it more difficult to break into the first floor flat. As with the issue of external maintenance of the fabric of the building, there are also security measures such as intruder alarms and window locks which could be installed to reduce the risk of burglary and the additional cost of providing these could again be factored into the negotiations for the purchase of the land.

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. CIL is not payable on this application as the floorspace is before the 100sqm threshold.

9.0 Equalities Considerations

8.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.5 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) foster good relations between people who share a protected characteristic and persons who do not share it.

8.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

8.7 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>

8.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.9 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>

8.10 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 Peaceful enjoyment of one's property. 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 Convention 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.

11.0 CONCLUSION

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

11.2 Officers consider that, as a small lean-to extension of limited depth and height which would not be visible from the public realm, the scheme would preserve the character of the Blackheath Conservation Area in accordance with DM Policy 36. In addition, the proposed extension would not be detrimental to the residential amenity of neighbouring occupiers and is therefore considered acceptable in planning terms.

- 11.3 As noted in the report, the extension could only be built by acquisition of the leasehold interest of the land in question which currently belongs to the occupier of a different flat.

12.0 **RECOMMENDATION**

GRANT 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:

JK/18/01; JK/18/02; JK/18/03; JK/18/04.

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

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) 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.
- (3) You are advised that building materials must be delivered to the site from Quentin Road and carried through No 59 to the rear yard of the property as there is no right of access to the rear of No 59 via Lock Chase.