

Committee	PLANNING COMMITTEE B	
Report Title	18 HILLBROW ROAD, BR1	
Ward	Downham	
Contributors	Catriona Morgan	
Class	PART 1	18 <sup>th</sup> July 2019

<u>Reg. Nos.</u>	DC/19/111003
<u>Application dated</u>	20.02.2019
<u>Applicant</u>	Sed Associates on behalf of Dr Okon
<u>Proposal</u>	The construction of a first floor extension and the conversion of the existing 2-bedroom bungalow at 18 Hillbrow Road, BR1, to provide 2 x 3-bedroom self-contained units, together with alterations to the front forecourt, and the provision of cycle and refuse storage.
<u>Applicant's Plan Nos.</u>	641-01; 641-02; 641-03; 641-04; 641-05; 641-06; 641-07 Rev A.
<u>Background Papers</u>	(1) Case File LE/265/18/TP (2) Local Development Framework Documents (3) The London Plan (2016) (4) The NPPF (2019)
<u>Designation</u>	Existing C3 Use PTAL 1b
<u>Screening</u>	N/A

## 1 **SUMMARY**

1 This report sets out the Officer's recommendation for the above proposal. The report has been brought before members for a decision as permission is recommended to be approved and there are 3 or more valid planning objections.

## 2 **SITE AND CONTEXT**

### 2.1 **SITE DESCRIPTION AND CURRENT USE**

2 The application site comprises a detached bungalow, with part lower-ground floor, located on the north-western side of Hillbrow Road. The site is approximately 440m<sup>2</sup>.

3 The building is currently in use as a two-bedroom, single-family dwellinghouse.

4 The host building is constructed from red bricks and has a flat roof, with a decorative entrance canopy. The ground level of Hillbrow Road gradually decreases from the northern end of the road (No.14) to the southern end of the

road (No.36). The ground level also descends from the front to the rear of the application site.

## **2.2 CHARACTER OF AREA**

5 The site is surrounded by residential properties, comprising a mixture of detached bungalows and two storey dwellinghouses along the western side of the road; dwellinghouses of varying styles and groups of three and four storey blocks of flats along the eastern side of the road. It is noted that the host property appears similar in character and appearance to Romany Ridge, which is located opposite the application site, and No.22 and No.24 Hillbrow Road, located to the south (albeit they are larger in scale than the application dwelling).

6 The western side of Hillbrow Road is located within London Borough of Lewisham, whilst the eastern side of Hillbrow Road is located within the London Borough of Bromley.

## **2.3 HERITAGE/ARCHAEOLOGY**

7 The application building is not within a Conservation Area and is not a Listed Building, nor is it within the vicinity of any Listed Buildings.

## **2.4 SURROUNDING AREA**

8 The application site is approximately a ten-minute walk from Beckenham Place Park, which is allocated as a Site of Importance for Nature Conservation, Metropolitan Open Land and part of the Green Chain.

## **2.5 TRANSPORT**

9 The application site is approximately a ten-minute walk from Ravensbourne train station, and is approximately a five-minute walk from Bromley Hill where there are a number of bus stops serving Catford, Lewisham and Orpington.

10 The site has a PTAL rating of 1b, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport.

## **3 RELEVANT PLANNING HISTORY**

11 None.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

12 This application relates to the construction of an additional storey at roof level and conversion of the existing dwelling to provide 2 x No. three bedroom self-contained flats, together with alterations to the front forecourt.

13 The proposed extension would follow the footprint of the existing building, and would increase the height of the host property by 2.84 metres, bringing the total height of the building to approximately 6.4 metres when measured from the external ground level at the front of the building. The additional floor would take the form of a flat roof extension, and would not be set back from the existing elevations of the building. The materials proposed are similar to the existing.

14 The layout of the existing dwellinghouse would not change, apart from the conversion of a living room into bedroom and provision of a communal entrance for both units.

15 The application proposes cycle parking and refuse storage to the side of the host dwelling.

## **5 CONSULTATION**

### **5.1 APPLICATION PUBLICITY**

16 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.

17 A site notice was displayed and letters were sent to nine residents in the surrounding area, as well as the relevant ward Councillors in Downham.

18 Three neighbouring properties have raised objections to the proposal.

#### **5.1.1 Objections**

<b>Material planning consideration</b>	<b>Para where addressed</b>
Increased vehicular traffic will cause further deterioration of the unadopted road and increase traffic nuisance	Para 78
Increase in parking stress	Paras. 76 and 77
Overlooking and loss of privacy to neighbouring garden	Paras. 90 and 91

### **5.2 INTERNAL CONSULTATION**

19 The following internal consultees were also consulted on the proposal.

20 Highways raised no objections subject to conditions. See section 7.4 for further details.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

21 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

### **22 MATERIAL CONSIDERATIONS**

- 23 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 24 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 25 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

## 6.2 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

## 6.3 DEVELOPMENT PLAN

26 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 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 policies in the current adopted London Plan (2016) relevant to this application are:
  - Policy 3.3 Increasing housing supply
  - Policy 3.4 Optimising housing potential
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.8 Housing choice
  - Policy 5.1 Climate change mitigation
  - Policy 5.2 Minimising carbon dioxide emissions
  - Policy 5.3 Sustainable design and construction
  - Policy 6.9 Cycling
  - Policy 6.10 Walking
  - Policy 6.13 Parking
  - Policy 7.4 Local character
  - Policy 7.6 Architecture
- Draft London Plan (expect 2019):  
The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August 2018. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. This document now has some limited weight as a material consideration when determining planning applications. There are no relevant draft policies that are materially different from the adopted London Plan for the purposes of this decision.
- Core Strategy (June 2011):

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 13 Addressing Lewisham's waste management requirements  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

- Development Management Local Plan (November 2014):  
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 policies are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 22	Sustainable design and construction
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards

## **6.4 SUPPLEMENTARY PLANNING GUIDANCE**

27 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

28 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- Housing (March 2016)

## **7 PLANNING CONSIDERATIONS**

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

- Principle of Development
- Housing and Standard of Accommodation
- Design
- Transport
- Impact on Adjoining Properties
- Sustainable Development

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

30 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.

31 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

### *Policy*

32 The National Planning Policy Framework (NPPF) speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

33 The current London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.

34 Policy H2 'Small sites and small housing developments' of the draft London Plan states that small sites should play a much greater role in housing delivery. Part D of the policy outlines that boroughs should apply a presumption in favour of small housing developments, including (but not limited to) residential conversions, residential extensions and the redevelopment of residential garages to provide additional housing. Part E of the policy states that the presumption in favour of small housing developments means approving small housing developments unless it can be demonstrated that the development would give rise to an unacceptable level of harm that outweighs the benefit of additional housing provision.

35 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).

36 DM Policy 2 seeks to prevent the loss of housing stating that a core principle of the planning system is the delivery of homes to meet housing need. The loss of housing arising from redevelopment is not consistent with the NPPF, in general conformity with the London Plan or in accordance with the Core Strategy.

37 The existing building currently comprises a two-bedroom single family dwellinghouse, and the application is located within a predominately residential area. The application does not propose the loss of the existing dwelling, or a reduction in the floorspace of the existing dwelling (as the proposed unit would be wholly located within the additional storey). As such, the principle of development is considered to be in accordance with Policies 3.3, 3.5 and 3.8 of the London Plan, draft London Plan Policy H2, Core Strategy Policy 1 and DM Policy 2. The proposed scheme is considered to be acceptable in principle subject to design, neighbouring amenity, provision of a good standard of accommodation for occupants and impacts on highways.

## 7.2 HOUSING

38 This section covers: (i) the dwelling size mix; and (ii) the standard of accommodation.

### 7.2.1 Residential Quality

#### *General Policy*

39 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

40 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

#### ***Internal space standards***

#### *Policy*

41 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. However, in 2015, the 'Technical housing standards – nationally described space standards' were introduced. The alterations to the London Housing SPG adopted these standards. The technical housing standards will therefore be applied in this instance.

42 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor's view that "providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods".

#### *Discussion*

- 43 The proposed units would achieve the minimum floor space standards for new houses relative to the number of occupants. The proposed units would also achieve the minimum Gross Internal Areas (GIA) and bedroom size thresholds. The floor to ceiling height would be in excess of 2.3 metres.

### ***Outlook & Privacy***

#### *Policy*

- 44 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with two openable windows).
- 45 DM Policy 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

#### *Discussion*

- 46 The proposed units would be dual aspect, and are provided with suitable outlook distances and views from habitable spaces. In light of this, appropriate outlook, privacy and ventilation is therefore considered to be provided to future occupiers of these units.

### ***Daylight and Sunlight***

#### *Policy*

- 47 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. DM Policy 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

#### *Discussion*

- 48 There is significant vegetation/overgrown tree coverage surrounding the existing dwellinghouse and given the fact that it is a bungalow, it is not considered to benefit from an abundance of natural light. The layout of the existing dwellinghouse would not change, apart from the conversion of a living room into bedroom and provision of a communal entrance for both units. Given the modest alterations proposed to the existing dwellinghouse, the levels of daylight and sunlight are considered to be acceptable.
- 49 The proposed first floor unit would have north-west and south-east facing windows and as a result, would receive appropriate levels of daylight and sunlight.
- 50 The rear garden for the existing dwellinghouse is north-west facing, and the Design & Access Statement outlines that the existing rear garden would be shared by both flats. Given that this is an existing rear garden, the fact that it is north-west facing is considered to be acceptable.

## **Summary of Residential Quality**

51 Officers are satisfied that the design and layout of the proposed units would be suitable and the proposal would provide an appropriate standard of residential accommodation in accordance with the above policies.

### **7.2.2 Housing conclusion**

52 The proposal is considered to deliver an optimum number of dwellings to the site, whilst not compromising appropriate quality of amenity for future occupants. The proposal is therefore considered to be acceptable in this regard, and in accordance with aforementioned policies.

## **7.3 URBAN DESIGN**

### *General Policy*

53 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

54 London Plan Policy 7.4 requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It is also required that in areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context.

55 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.

56 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.

57 DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or complement the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to context.

58 Paragraph 5.14 (Adding an Additional Storey) states that the addition of an extra storey is only usually acceptable on detached properties. The surrounding context would need to be carefully considered when adding an additional storey to a building. The guidance details that there are two possible acceptable approaches to this kind of extension:

- A subservient and lightweight additional storey (suitably set back from all sides).

- Creating an extension with exceptional architectural merit which would enhance the appearance of the existing building.

59 In both cases, the style of the extension must complement the appearance of the existing building and must relate to the building proportions in terms of height and scale.

#### *Discussion*

60 The ground level of Hillbrow Road gradually decreases from the northern end of the road (No.14) to the southern end of the road (No.36). The ground level also descends from the front to the rear of the application site. Hillbrow Road comprises a mixture of detached bungalows and two storey dwellinghouses along the western side of the road (within Lewisham Borough); and dwellinghouses of varying styles and groups of three and four storey blocks of flats along the eastern side of the road (within Bromley Borough). It is noted that the host property appears similar in character and appearance to Romany Ridge which is located opposite the application site, and No.22 and No.24 located to the south albeit they are larger in scale than the host dwelling.

61 The proposed additional storey would follow the existing footprint and would increase the additional height by approximately 2.84 metres. The additional floor would take the form of a flat roof extension, and would not be set back from the existing elevations of the host dwelling. The materials proposed are similar to the existing.

62 Officers acknowledge the guidelines for additional storeys within the Alterations and Extensions SPD, and note that the proposal would not be set back from the elevations and would not be of exceptional design quality.

63 When viewed from Hillbrow Road, Officers acknowledge that the application property is considerably lower in height than neighbouring No.14 and No.22 (also known as Bridge End). Currently, the front of the application property is not visible from Hillbrow Road owing to significantly overgrown trees and hedges. The proposed additional storey would result in a building with an overall height more akin to No.14 and No.22 (Bridge End), and would be similar in appearance to these neighbouring properties. As such, the proposal is not considered to have a detrimental impact upon the surrounding area.

64 The fact that the extension does not comply with the requirements of the Alterations and Extensions SPD is not considered to be harmful, given the character of the application building and neighbouring properties which it is similar in appearance to.

65 Further it is considered that the use of materials similar to the existing helps the extension to read as in keeping with the buildings in the immediate vicinity.

66 In light of the above, the proposed additional storey is considered acceptable with regards to design.

## **7.4 TRANSPORT IMPACT**

### *General policy*

67 Policy 6.1 of the London Plan (2016) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

68 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

69 The application site is not well connected to the wider public transport network with a PTAL rating of 1b (very poor). It is approximately a ten-minute walk to the nearest train station, and a five-minute walk to the nearest bus stop, so it is a suitable site for residential use.

#### *Car Parking*

70 The site currently provides at least one off street parking space for the existing dwelling. Based on car ownership data, this proposal would only generate one additional vehicle on street. The Council do not have any parking surveys here to suggest there is parking stress at this location and in any event, the applicants could potentially add another off-street parking space.

71 In light of the above and given the fact that only one additional unit is proposed, the development is considered acceptable with regards to impact upon parking stress.

72 Further to this, given that the proposal would likely only generate one additional vehicle, it is not considered that the development would result in further deterioration of Hillbrow Road or increased traffic nuisance. Officers note that when they visited the site, there was no traffic on the road and it was very quiet.

#### *Cycle Parking*

73 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The London Plan requires that that a one-bedroom flat should provide 1 cycle parking space, and 2 cycle parking spaces should be provided per all other dwellings.

74 The application proposes 2 cycle parking spaces to the side of the host dwelling. Cycle parking should be covered, secure and fully enclosed in accordance with Table 6.3 of the London Plan. If the application were to be approved it is considered that these details could be secured via condition.

#### *Refuse Storage*

75 The application proposes refuse storage to the side of the host dwelling. Highways request that the location of the refuse bins be revised so that they are within 10m

from the public highway. If the application were to be approved it is considered that these details could be secured via condition.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 76 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 77 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 78 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 79 The main properties to consider in an assessment of the impacts of the proposal upon neighbouring residential amenities are No.14 and No.22 (Bridge End) Hillbrow Road, and No.14 Belgravia Gardens.

### **7.5.1 Enclosure and Outlook, Daylight and Sunlight**

- 80 The host property sits approximately 6.5 metres forward of the front elevation of neighbouring No.14, and is set away from the neighbouring property by approximately 4.8 metres. The proposed additional storey would project along the shared boundary with No.14 for a depth of 8.5 metres. There is one window in the flank elevation of No.14, which appears to be a high level, secondary window. The proposed extension would be angled away where it directly faces this window. Given the staggered position of the properties and the fact that the only window on the flank elevation of the neighbouring property is a secondary window, Officers do not consider that the development would result in a loss of daylight/sunlight, or appear overbearing to the neighbouring occupants.
- 81 The host property sits approximately 8 metres back from the front elevation of neighbouring No.22, and is set away from the neighbouring property by approximately 2.8 metres. Given the staggered position of the host dwelling and No.22, the proposed extension is not considered to result in a loss of daylight/sunlight, or appear overbearing to the occupants of the neighbouring property.
- 82 The rear elevation of the host property is located approximately 9 metres from the shared boundary with No.14 Belgravia Gardens, and is set back from the neighbouring property by at least 14 metres. Given the separation distance between the two properties, the extension is not considered to appear overbearing to the occupants of No.14 Belgravia Gardens.

### **7.5.2 Privacy**

- 83 There is one high level, secondary window in the flank elevation of No.14 which would face towards the proposed extension. The application proposes the

installation of a first floor utility room window in the flank elevation of the extension, facing towards the flank elevation of No.14. Given that the proposed window in the extension would not serve a habitable room, a condition can be attached to any permission requiring that it is obscurely glazed and fixed shut 1.7 metres below the relevant floor level.

84 There are no windows in the flank elevation of No.22 (Bridge End) which would face the proposed extension. The application proposes the installation of three first floor windows serving the living room within the proposed extension, two of these would face into the rear garden of No.22. Officers note that there is significant tree coverage along the shared boundary between the application site and No.22, which reduces the possibility of overlooking or loss of privacy to the occupants of the neighbouring property. Notwithstanding, should the application be approved a condition would be attached to any permission requiring that the two windows located on the south-western and western elevation of the bay window be obscurely glazed and fixed shut 1.7 metres below the relevant floor level.

### **7.5.3 Impact on neighbours conclusion**

85 For the reasons as stated above, no material adverse loss of daylight, sunlight, outlook or privacy are considered to be generated upon any neighbour as a result of the proposal.

## **7.6 SUSTAINABLE DEVELOPMENT**

86 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

87 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

88 For schemes of this scale, sustainability requirements have been absorbed into Building Regulations meaning the applicant does not have to comply with any particular sustainability requirements at this stage of the development process.

## **8 LOCAL FINANCE CONSIDERATIONS**

89 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).

90 The weight to be attached to a local finance consideration remains a matter for the decision maker.

91 The CIL is therefore a material consideration.

92 £9952 Lewisham CIL and £4354 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 9 **EQUALITIES CONSIDERATIONS**

93 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.

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

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

95 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.

96 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>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

98 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>

99 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 to any person.

## **10 HUMAN RIGHTS IMPLICATIONS**

100 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

101 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.

102 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above 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.

103 This application has the legitimate aim of providing new residential accommodation. The rights potentially engaged by this application, including respect for private and family life, home and correspondence and peaceful enjoyment of one's property are not considered to be unlawfully interfered with by this proposal.

## **11 CONCLUSION**

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

105 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the application site or surrounding area, or to residential amenity. The scheme is therefore considered acceptable.

## 12 RECOMMENDATION

- 1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

### 12.1 **CONDITIONS**

#### 1) FULL PLANNING PERMISSION TIME LIMIT

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) DEVELOP IN ACCORDANCE WITH APPROVED PLAN

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

**641-01; 641-02; 641-03; 641-04; 641-05; 641-06; 641-07 Rev A.**

**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) PROTECTION OF TREES DURING CONSTRUCTION

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded. The development shall be carried out in strict accordance with the approved Tree Protection Plan.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 4) CYCLE PARKING PROVISION

- (a) **Prior to first occupation**, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

- (b) All cycle parking spaces as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

5) REFUSE STORAGE

- (a) **Prior to first occupation**, full details of proposals for the storage of refuse and recycling facilities for each of the residential units hereby approved, shall be submitted to and approved in writing by the local planning authority.

- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

6) OBSCURED GLAZED WINDOWS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new first floor window to be installed in the extension hereby approved serving the **utility room**, and the western and south-western first floor windows to be installed in the extension hereby approved serving the **living room and facing into the rear garden of No.22 Hillbrow Road (Bridge End)** shall be fitted as obscure glazed and fixed shut 1.7m above the relevant floor level, and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

## 12.2 INFORMATIVES

1) POSITIVE AND PROACTIVE STATEMENT

**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) COMMUNITY INFRASTRUCTURE LEVY

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

3) CONSTRUCTION

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.

4) STREET NAMING AND NUMBERING

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.