

Committee	PLANNING COMMITTEE C	
Report Title	41 Tressillian Road, London, SE4 1YG	
Ward	Brockley	
Contributors	Case Officer: Alfie Williams	
Class	PART 1	6 February 2020

Reg. Nos.

DC/19/111835

Application dated

09/04/2019 (as revised on 20 January 2020)

Applicant

Mr Bedford and Mr Motie

Proposal

The installation of a front entrance door and construction of steps to the side addition, together with a new entrance door in the side elevation, installation of a roof light in the front roof slopes and associated landscaping at 41 Tressillian Road SE4, in connection with the alteration and conversion to provide 4, two bedroom self-contained flats.

Plan Numbers

1.00 (OS Location Plan); 1.00 (Site Images); 1.01; 1.02; 1.03; 1.04; 1.05; 1.06; 1.07; 1.08; 1.09; 1.10; 1.11; 1.12; 1.13; 1.14; Design & Access / Heritage Statement (James Kay Architects, March 2019) received 10 April 2019;

Parking Stress Survey (Alpha Parking, November 2019) received 1 November 2019;

1.20 Rev A; 1.20 Rev A; 1.21 Rev B; 1.22; 1.23; 1.24; 1.26; 1.27 Rev B; 1.28 Rev A; 1.29 Rev A; 1.30 Rev A; 1.32; 1.36; 1.37; 1.39 Rev A received 20 January 2020;

Background Papers

- (1) Case File DE/92/41/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) The London Plan (March 2016)

Designation

Brockley Conservation Area  
Brockley Conservation Area Article 4 Direction  
PTAL 3

# 1 SUMMARY

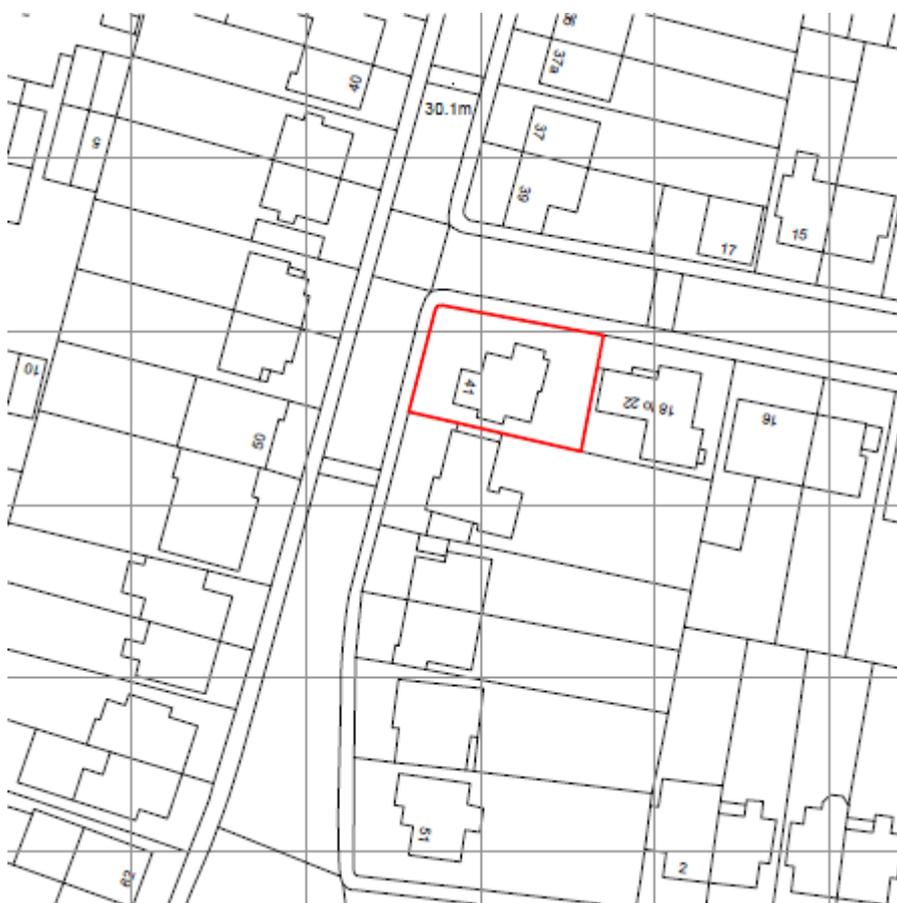
- 1 This report sets out Officer's recommendation for the above proposal. The case has been brought before members for a decision, as there is an objection from a recognised amenity group within their area.

# 2 SITE AND CONTEXT

## *Site description and current use*

- 2 The application site is a large four storey Victorian villa comprised of two self-contained flats, following conversions granted planning permission in 1977 and 1980. The property is comprised of a two bedroom flat located at lower ground floor level and a second flat arranged over the upper ground, first and second floors. The property is located on a corner plot at the junction of Tressillian Road and Avon Road and has frontages that address both roads.

**Fig 1: site location plan**



- 3 The property is constructed from yellow stock bricks and features Italianate decoration including ornate window surrounds and stucco detailing. The building is considered to make a positive contribution to the conservation area due to its stature and detailing. As such it is considered to be a non-designated heritage asset.
- 4 The front elevation of the property, fronting Tressillian Road, features two projecting gables and a two storey bay window with a recessed side return. A two storey bay window is repeated on the side elevation. The property benefits from a large rear garden, which is enclosed by a boundary fence fronting Avon Road.

### ***Character of area***

- 5 Tressillian Road forms part of Character Area 1 of the Brockley Conservation Area as designated by the Character Appraisal. The surrounding area is characterised by Victorian properties of similar architectural character. However, there are a variety of housing types in the area ranging from stand-alone villas to pairs of semi-detached houses and short terraces of four houses.
- 6 The property is subject to the Brockley Conservation Area Article 4 Direction, which removes permitted development rights from elevations visible from public viewpoints.

### ***Surrounding area***

- 7 The surrounding area is predominantly residential. There are shopping parades within walking distance on Loampit Hill, Lewisham Way and Brockley Road. Hilly Fields Park is an area of open green space located within 500m of the site.

### ***Transport***

- 8 The site has PTAL of 3 which is moderate but is within walking distance of Brockley and St Johns Stations. There are no parking restrictions on either Tressillian Road or Avon Road.

## **3 RELEVANT PLANNING HISTORY**

- 9 In September 1977, planning permission was granted for the alteration and conversion of the property to provide four self-contained flats.
- 10 In September 1980, planning permission was granted for the alteration and conversion of the property to provide a self-contained flat at basement level with a rehabilitation home and wardens flat on the floors above.
- 11 DC/18/109249: The construction of a side entrance extension incorporating steps at 41 Tressillian Road SE4, in connection with the alteration and conversion to provide four, two bedroom self-contained flats, together with alterations to side and rear elevations and installation of rooflight in the roofslope – withdrawn.
- 12 The application was withdrawn due to concerns with the visual impact of the proposed side extension to the appearance of the property and Brockley Conservation Area.
- 13 ENF/19/00353: An enforcement investigation was opened in December 2019 due to the alleged use of a rear garden shed as a self-contained dwelling.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 14 The current proposal would see the further subdivision of the property to provide four, two bedroom four person self-contained flats with one flat per floor. The subdivision would be facilitated by the construction of steps to the side return and the formation of a new entrance at upper ground floor level to provide access to the first and second floor flats. The existing entrance to the lower-ground floor flat would be relocated to the side elevation fronting Avon Road. The new entrances would feature timber doors.

15 The proposal would also include works to the gardens and boundary treatments of the property. This would include the provision of a cycle store in the rear garden and the installation of bin store in the front garden. The timber fence on the side boundary would be replaced with hedges and a low timber fence with a gate introduced to provide access to the rear garden. A gate would also be installed in the existing side boundary wall to provide access to entrance for the lower ground floor flat.

## 4.2 COMPARISON WITH PREVIOUS SCHEME

16 The proposed side extension has been omitted from the current proposal.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

17 A site notice and press notice was published on 15 May 2019.

18 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 8 May 2019.

19 One response was received comprising an objection from the Brockley Society.

#### 5.1.1 Objections

<b>Comment in objection</b>	<b>Para where addressed</b>
Principle of development	35-37
Loss of a single family dwelling	35-37
Fails to meet local housing need	35-37
Impact on Conservation Area	51-64
Boundary Treatment	61, 76-78
Front rooflight	62
Insufficient information regarding the appearance of the staircase	59, 63
Parking	68-70

20 The Brockley Society also raised objections to the provision of an aluminium framed door at lower ground floor level. This element of the proposal has been revised.

### 5.2 INTERNAL CONSULTATION

21 The following internal consultees were notified on 8 May 2019.

22 The Highways Department commented that a parking survey should be provided. See paragraphs 66 and 67 for further discussion.

23 The Conservation Officer raised no objections to the application but requested that the proposed rooflight be relocated, that the new entrance doors be amended to timber and

that the cycle stores and bin stores should be located in a single designated area. The applicant confirmed agreement to these requests and submitted revised drawings.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

24 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).

25 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### **6.2 MATERIAL CONSIDERATIONS**

26 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.

27 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.

28 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.

### **6.3 NATIONAL POLICY & GUIDANCE**

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

### **6.4 DEVELOPMENT PLAN**

29 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

### **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

30 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

31 London Plan SPG/SPD:

- Housing (March 2016)

## 6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## 7 PLANNING CONSIDERATIONS

32 The main issues are:

- Principle of Development
- Housing
- Urban Design and Conservation
- Transport Impact
- Impact on Adjoining Properties
- Natural Environment

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

33 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.

34 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 and discussion*

35 The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The 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 sizes and tenures in accordance with the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The provision of two additional residential units would contribute to these housing targets and constitutes a planning merit.

36 DM Policy 3 states that applications for the conversion of a single family house into flats will be refused planning permission except where environmental conditions mean that the house is unsuitable for family accommodation due to proximity to noise generating uses or lack of external amenity space. However, the property is comprised of two self-contained flats and therefore the requirements of DM Policy 3 do not apply.

### 7.1.1 Principle of development conclusions

37 In summary, Officers support the principle of development. The existing residential accommodation does not benefit from the policy protection provided by DM Policy 3. Moreover, the provision of two additional dwellings would make a modest contribution towards local housing targets, which is a planning merit.

## 7.2 HOUSING

38 This section covers the standard of residential accommodation provided by the development.

### 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 DM Policy 32 states that the standards in the London Plan and Technical Housing Standards will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that meets the criteria relating to minimum space standards, floor to ceiling heights and storage space.

#### *Discussion*

42 The Technical Housing Standards state that a two-bedroom four-person unit on one floor should have a GIA of 70sqm with 2sqm of storage. In addition, there is a requirement that double bedrooms are a minimum of 11.5sqm with a width of 2.75m. All of the four flats would either meet or exceed the requirements of the Technical Housing Standards for overall GIA, bedroom size, floor to ceiling heights and provision of storage.

**Table 1: Residential accommodation**

<b>Dwelling</b>	<b>Layout</b>	<b>GIA m<sup>2</sup></b>	<b>B1 m<sup>2</sup></b>	<b>B2 m<sup>2</sup></b>	<b>Floor</b>
Flat 01	2b/4p	86	16	14	Lower Ground
Flat 02	2b/4p	93	16	14	Upper Ground

Flat 03	2b/4p	72	14	11.5	First
Flat 04	2b/4p	76	14	13	Second

### ***Outlook, Privacy, Daylight and Sunlight***

#### *Policy*

- 43 DM Policy 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.

#### *Discussion*

- 44 All of the proposed residential units would have triple aspect as a minimum with the windows providing a good standard of sunlight, daylight, outlook and ventilation. The aspects provide adequate mitigation against overheating. The shape of the units provide efficient layouts which contribute to the overall high standard of residential accommodation

### ***External space standards***

#### *Policy*

- 45 The London Plan recognises the importance of private amenity space as a means of retreat to withdraw from the daily activity of London life. For that reason, all new development should have private open space. The London Plan Housing SPG Standard 26 states that for 1-2 person dwellings, a minimum 5m<sup>2</sup> is required with an extra 1m<sup>2</sup> per every extra occupant.

#### *Discussion*

- 46 7sqm of private external amenity space per flat would be required to meet the requirements of the London Plan Housing SPG. However, none of the four proposed flats would benefit from private external amenity space. Instead a communal space would be provided within the existing garden at the rear of the property, to be used by all four flats.
- 47 The separation of this garden into private gardens would not be appropriate as the boundaries necessary to provide privacy would divide the space in a way which would affect the significance of the villa, given that the gardens are integral to the building's character, historic function and status. A condition would be imposed securing a soft landscaping scheme for the rear garden in order to ensure that the planting scheme would be suitable and to ensure that the lower ground floor flat is provided with adequate privacy. The provisions of private balconies would be similarly intrusive and inappropriate.
- 48 For the reasons set out above it is not possible to provide private external amenity space. In these exceptional circumstances the London Housing SPG makes provision for the size of the units to be increased to mitigate lack of amenity space. All of the proposed units are oversized to compensate for the lack of external private space. It is recognised that the GIA of Flat 3 would not fully compensate for the lack of external amenity space. However, the provision of communal garden and otherwise high quality of the unit provided is considered sufficient to mitigate any harmful impacts.

### ***Noise, disturbances and Air Quality***

49 The application site is located within a suburban residential area and therefore noise disturbances and air pollution are not considered significant concerns.

## **7.2.2 Housing conclusion**

50 Given the above, officers are satisfied that the design and layout of the new units created would be acceptable. The proposal would provide a good standard of residential accommodation in accordance with the revised NPPF, the London Plan, the London Plan Housing SPG, the technical housing standards – nationally described standards, and DM Policy 32.

## **7.3 URBAN DESIGN AND HERITAGE ASSETS**

### *General Policy*

51 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.

### **7.3.1 Appearance and character**

#### *Policy*

52 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

53 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

54 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

55 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

56 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

57 DMP 31 states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality.

#### *Discussion*

58 There are no substantial external alterations proposed to the building.

59 The key external alterations to the building would be the alterations to the entrances. The provision of the raised entrance and steps to the side return would introduce a second entrance at upper ground floor level. The entrance would remain secondary to the main entrance due to the being smaller, set back from the front elevation and lacking the detailing and features of the main entrance such as the portico. The relocation of the lower ground floor entrance to side elevation is also considered to be subservient given that it is at a lower level and similarly lacking in the ornate detailing of the main entrance. Officers are satisfied that timber doors would be appropriate for the property.

- 60 The provision of bin and cycles stores have the potential to clutter the front and side of the building given the prominence of the corner plot from public realm. The siting of the bin store next to the side boundary wall minimises this clutter and combined within the provision of a green roof, would result in an acceptable visual impact. The cycle store would be located in the rear garden which is considered to be appropriate. Design details for the refuse and cycle stores would be secured by condition.
- 61 The provision of a hedge and a low fence on the side boundary fronting Avon Road is considered to be an improvement on the existing timber fence, which is in poor condition.
- 62 A traditional rooflight would be located in the southern roofslope of the front gable: while the Brockley Design Guide discourages front rooflights, the rooflight would not be visible from public viewpoints due to the height of the building and position relative to the larger gable roof.
- 63 A condition is recommended securing the detailed design specification and materials for the proposed development: including the new steps, the boundary treatments, the hard and soft landscaping, the doors and the rooflight.

### **7.3.2 Urban design and heritage assets conclusion**

- 64 Officers, having regard to the statutory duties in respect of conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve or enhance the character and appearance of the Brockley Conservation Area. As such, it is not necessary to consider wider public benefits of the proposal as set out in paragraph 196 of the NPPF.

## **7.4 TRANSPORT IMPACT**

### **7.4.1 Cycling**

#### *Policy*

- 65 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of table 6.3 of the London Plan.

#### *Discussion*

- 66 The London Plan cycle parking minimum standards requires one cycle space per one bedroom dwelling and two spaces for all other dwellings. The proposed development would therefore require eight cycle parking spaces. Further to the London Plan requirements, Transport for London's (TfL's) 'London Cycling Design Standards' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.
- 67 The proposed cycle store would meet the requirements of the London Plan and would be secured by condition prior to the occupation of the development.

### **7.4.2 Parking**

#### *Policy*

- 68 Core Strategy Policy 14 states that the Council will take a restrained approach to parking provision. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport

use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than one space per unit.

#### *Discussion*

- 69 A Parking Stress Survey (Alpha Parking, November 2019) has been submitted with the application. The Parking Stress Survey (PSS) has been undertaken using the Lambeth Methodology, and examines roads within 200 metres of the property to establish the existing levels of parking stress within the area over a period of two days. The results of the PSS show that the average parking stress over the two days was 80%, reflecting an average of 85 unoccupied spaces.
- 70 The PSS has been reviewed by the Council's Highways Department who have accepted that the methodology is appropriate and conclude that there is sufficient spare parking capacity within the locality given the modest number of residential units proposed.

### **7.4.3 Refuse and recycling**

- 71 An adequate amount of refuse and recycling storage would be provided in the front garden of the property and as such is considered acceptable. A condition would be imposed securing the provision of the stores prior to the occupation of the development.

### **7.4.4 Transport impact conclusion**

- 72 The proposal would not result in harm to the local highway network or pedestrian or highway safety. The provision of cycle and refuse storage would meet the policy requirements and is therefore acceptable

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

- 73 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. Relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Alterations and Extensions SPD 2019) reflect this.

#### *Discussion*

- 74 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.
- 75 Officers are satisfied that none of these impacts would arise as a result of the proposed development given that the external alterations are relatively modest in scale and the new fenestration would not introduce any additional overlooking to neighbouring properties.

## **7.6 NATURAL ENVIRONMENT**

### **7.6.1 Green spaces and trees**

#### *Policy*

76 DMP 24 aims to conserve and enhance biodiversity assets in the borough and ensure that it is safeguarded for future generations. DMP 36 states that the Council will encourage the retention of landscaping features which form an important part of a Conservation Area's character or appearance.

*Discussion*

77 The application site features four mature trees, which line the northern boundary fronting Avon Road. The trees are highly prominent from public viewpoints and make a valuable contribution to the Brockley Conservation Area.

78 A new low timber fence and gate with hedging is proposed for the northern boundary of the rear garden. Due to the proximity to the trees which line this boundary, the proposed fencing and hedges are considered to be preferable to a brick wall and as such no objection is raised.

## **7.6.2 Natural environment conclusion**

79 Subject to a condition securing the detailed design and siting of the boundary treatments and retention of the trees, the works would not affect the natural environment.

## **8 LOCAL FINANCE CONSIDERATIONS**

80 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).

81 The weight to be attached to a local finance consideration remains a matter for the decision maker. In this case there is no local finance consideration.

## **9 EQUALITIES CONSIDERATIONS**

82 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.

83 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.

84 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.

- 85 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/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 86 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

- 87 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>

- 88 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 HUMAN RIGHTS IMPLICATIONS

- 89 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

90 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.

91 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.

92 This application has the legitimate aim of providing a new residential accommodation. The rights potentially engaged by this application, including Article 8 and Protocol 1 Article 1 are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

94 The proposed development would provide two additional residential units, which make a modest contribution to local housing targets and provide a high standard of residential accommodation. The external alterations are sensitive to the character and appearance of the property and locality and as such are considered to preserve the character of the Brockley Conservation Area. Moreover, the development would not result in any adverse impacts to neighbouring amenity or the local transport network.

95 Therefore, the proposed development is considered compliant with the relevant national and local policies and is recommended for approval.

## 12 RECOMMENDATION

96 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) APPROVED PLANS

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

1.00 (OS Location Plan); 1.00 (Site Images); 1.01; 1.02; 1.03; 1.04; 1.05; 1.06; 1.07; 1.08; 1.09; 1.10; 1.11; 1.12; 1.13; 1.14 received 10 April 2019;

1.20 Rev A; 1.20 Rev A; 1.21 Rev B; 1.22; 1.23; 1.24; 1.26; 1.27 Rev B; 1.28 Rev A; 1.29 Rev A; 1.30 Rev A; 1.32; 1.36; 1.37; 1.39 Rev A received 20 January 2020;

**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) MATERIALS

(a) No development shall commence on site until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) hard landscaping;
- ii) rooflights and external doors;
- iii) boundary treatments;
- iv) gates;
- v) front steps and handrail

has been submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details, and retained thereafter.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and 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 of the Development Management Local Plan (November 2014).

### 4) REFUSE STORAGE

(a) Prior to first occupation, full design details of the refuse and recycling facilities 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).

### 5) CYCLE PARKING

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

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**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).

6) SOFT LANDSCAPING

(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and in particular to secure how the communal garden will be laid out and planted and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham 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).

## 12.2 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, positive discussions took place which resulted in further information being submitted.
- 2) 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) 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.