

Committee	PLANNING COMMITTEE – LEWISHAM DEPTFORD		Item No. 5
Report Title	REAR GARDEN OF 170 LEWISHAM WAY SE4		
Ward	Brockley		
Contributors	Jan Mondrzejewski		
Class	PART 1	Date	13 NOVEMBER 2003

<u>Reg. Nos.</u>	(A) CAC DC/02/50629 (B) TP DC/02/50501B
<u>Applications dated</u>	(A) CAC 6.2.02 (B) TP 18.1.02 revised 30.12.02
<u>Applicant</u>	Alexander:Sedgley on behalf of Miss D Walker
<u>Proposals</u>	(A) Conservation Area Consent for the demolition of walls and gates at the rear. (B) Planning permission for the construction of a part one/part two storey three bedroom dwelling house in the rear garden.
<u>Applicant's Plan Nos.</u>	601/PL-EX-01, GA-08/P1, PL-GA-12/P1, 11/P1, 14
<u>Background Papers</u>	(1) Case Files DE/110/170/TP, DE/110/168/TP & DE/110/186/TP (2) Adopted Unitary Development Plan (3) Revised Deposit Draft UDP (4) PPG: 15 Planning and the Historic Environment
<u>Zoning</u>	Adopted UDP - Existing Use Revised UDP - Existing Use

CONSULTATIONS AND REPLIES

English Heritage No observations.

Neighbours & Local Amenity Societies etc

The Brockley Society
All Flats 168, GFF, FFF, TF 170, 170A & B, LF, UF 172 Lewisham Way
BF, GFF FFF 1, 4, 6A & B, 8A & B Manor Avenue
Notice on Site and Press Notice

The Brockley Society has objected on the following grounds:-

- (1) Insufficient garden area retained for occupiers of the flats at No. 170.

- (2) Once developed as a new house the possibility of reinstating a garden at the rear of this property will be gone forever.
- (3) The proposal will not preserve or enhance the character of the conservation area for similar reasons, which led to the rejection at appeal in 1991 for a development proposal at the rear of No. 168 Lewisham Way.
- (4) The proposal would remove the possibility of off-street parking being provided to the occupiers of No. 170.
- (5) The application is lacking in design detail.
- (6) There is no precedent within the conservation area for three storey mews houses.

Four replies have been received from the occupiers of Nos. 166 (3 letters) and 172 Lewisham Way objecting to the proposal on the following grounds:-

- (1) The site notices for this development and No. 170 have been displayed on the mews frontages where they're unlikely to be seen due to the lack of foot traffic along this un-made road.
- (2) The building will block light to the garden of No 172.
- (3) The development will lead to increased noise and parking pressure.
- (4) The development will devalue adjoining properties.
- (5) An isolated building at the end of the garden would be at variance with the building line in Manor Avenue and look incongruous when seen in conjunction with the opposite side garden wall at the rear of 168 Lewisham Way.
- (6) At the moment the site contains only mobile buildings and there are no permanent structures remaining.
- (7) The conservation area would best be enhanced by the reinstatement of this area as a garden for 170 Lewisham Way.

(Letters are available to Members)

Design & Conservation Panel

Panel considered application incomplete in terms of information on context, materials and design details. As the application stands, the Panel did not consider that it preserves or enhances the character of the conservation area, and doubted whether any development such as this on such a prominent site would do so. The development may involve the loss of significant trees and no details were provided with the application.

Highways & Transportation

Unobjectionable in principle.

Environmental Health

Unobjectionable in principle subject to standard condition on soil investigation and informative on construction sites.

OBSERVATIONS**Property/Site Description**

The application site comprises part of the original rear garden of a Grade II listed Victorian end terraced house of circa 1850, located at the junction of Lewisham Way and Manor Avenue and situated within the Brockley Conservation Area. The Conservation Area was designated in 1976.

The house forms part of a Grade II listed group comprising Nos. 160-186 Lewisham Way.

The application site comprises land, which originally formed part of the rear garden of the property and is accessed by an unmade mews road leading between Manor Avenue and Wickham Road. A large area of the rear garden of the property was previously used for many years as a builders yard accessed from the mews and was therefore not available to the occupiers of the property for either amenity space or off-street parking.

Planning History

In 1955 planning permission was granted for the erection of a timber and corrugated asbestos garage in the rear garden of the property.

In 1973 the rear garden was evidently in use as a builders yard and probably for some considerable period of time prior to that date. Planning permission was refused in that year for the erection of a single storey workshop and office building for the reason that it represented a consolidation of a non-conforming builders yard in a predominantly residential area. The proposal was also considered premature pending a decision on the backland areas of the adjoining mews within the Manor Avenue General Improvement Area and the Brockley Conservation Area.

In the same year, Nos. 160-186 Lewisham Way were added to the statutory list of buildings of architectural and historic interest.

In 1981, planning permission was granted for the retention of a single storey office building at the rear of the application site. In about 1990 the brick wall adjoining the street became dangerous and had to be removed. The boundary was secured by temporary wooden hoardings for a number of years until planning permission and listed building consent for the removal and rebuilding of the wall were formally approved in 1993.

Throughout the period of use of the garden as a builders yard, the house at No. 170 remained in residential use with little or no rear garden available. No planning permission for conversion to flats exists. The 2000 electoral register shows three flats at the property, one numbered 170B, one described as the first floor flat and one described as the top floor flat.

Present Applications

The present application is for planning permission for the construction of a part one and part two storey, three-bedroom house in the rear part of the garden. Since submission, the design has been revised to greatly reduce the size of the first floor element of the building.

The house would be of contemporary design with the single storey element aligned along the boundary wall fronting Manor Avenue. The two-storey element would extend across the full width of the property and would be located close to the end of the garden. A courtyard with a water feature is shown on the drawings between the rear part of the proposed house and the boundary with 172 Lewisham Way. The elevations would be predominantly cedar boarding with facing brickwork.

The proposed development would not encroach onto the existing garden at the rear of No. 170.

Application is also made for Conservation Area Consent for the demolition of boundary walls and gates in connection with the proposed development.

Policy Context

Adopted Unitary Development Plan

The relevant policies of the adopted Plan are BLT.ENV 13: Listed Buildings and BLT.ENV 12: Development in Conservation Areas. PPG 15: Planning and the Historic Environment is also relevant.

BLT.ENV 13 states that the Council will pay special attention to the desirability of preserving the settings of listed buildings in considering any application in their vicinity through the application of policies BLT.ENV 1, 3 and 19. Policy BLT.ENV 12 states that the Council will ensure that new development complies with Policies BLT.ENV 1 and 3 and is compatible with the special characteristics of the area.

Policy BLT. ENV.1 establishes the Council's commitment to a high standard of urban design while Policy BLT.ENV 3 deals specifically with Landscape. Council policy with respect to residential development is set out in chapter 6 of the UDP. Policies HSG 19 and 20 deal respectively with layout/design and residential density of new development. HSG 11 deals with dwelling mix and states that the Council will encourage developers to provide a substantial proportion of small family units (with two or more bedrooms). HSG 20 states that the density range for new residential development should be in the range of 173-198 hrh (70-80 hra). For development at higher densities, mainly in Lewisham town centre and comprising mainly non-family accommodation, the Plan suggests a guideline figure of 272 hrh (110 hra). Policy HSG 21 deals with 'Backland Development' and states that the Council will normally resist the development of former garden land, although a number of criteria are given for determining the appropriateness of such proposals.

More detailed guidance on parking and the design of new residential development can be found in SPAN 1, 3 and 4 of the current Plan. SPAN 1 deals with Daylight and Sunlight and states that the Council will apply the standards set out in 'Daylight and Sunlight a Guide to Good Practice'. According to SPAN 3, the recommended level of parking

provision is one space per unit plus 10% for visitors. Although this is a minimum provision in the adopted UDP, it is a maximum standard in the Revised Deposit Draft of the Plan. SPAN 4 deals specifically with new residential development in respect of matters such as internal standards, soil contamination, noise pollution and energy conservation.

Revised Deposit Draft Unitary Development Plan

The equivalent policies in the Revised Deposit Draft are URB 15 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, URB 17: Preserving Listed Buildings and URB 18: Listed Buildings - Changes of Use. The main thrust of these policies is substantially the same as Policy BLT.ENV 13 in the adopted UDP. However, URB 15 cites buildings, spaces, settings and plot coverage scale, form and materials as components of the 'special characteristics' of a Conservation Area.

Policy URB 2 deals with urban design considerations and broadly equates to BLT.ENV 1 in the adopted Plan. Policy HSG 4 deals with the layout and design of new residential development and states that the Council expects all new residential development to be attractive and neighbourly. Policy HSG 4A deals with dwelling mix and states that this will be determined by reference to the housing needs of the area, the nature of the development and its proposed relationship to the surrounding area. Policy HSG 6 deals with backland development and no longer states that such development will be resisted in principle. However, development will still continue to be assessed according to relevant criteria on garden size, effect on the character of the area, parking, loss of privacy and amenity for adjoining occupiers, residential density and loss of wildlife habitat.

Planning Considerations

The main planning considerations are whether the proposed new building would be likely to preserve the character of the listed building and the Brockley Conservation Area, and to assess the impact of the proposed dwelling on the amenities of nearby residential occupiers.

In considering this application Members are advised that planning permission and listed building consent has recently been refused for residential development at the rear of two listed buildings in this group, both of which occupy corner plots. The properties in question are 186 and 168 Lewisham Way.

Both properties have existing coach houses, which could potentially be adapted and converted for residential use, subject to the submission of appropriate schemes. However, in the case of No. 168, it was considered that the scale of extension proposed to the coach house was excessive. In the case of No. 186, the conversion was linked to the erection of a new single storey unit, the footprint of which took up a significant area of the existing garden. Officers also considered that in both cases the development would have the effect of dividing up the large rear gardens, the maintenance of which were considered important to the preservation of the setting of the listed buildings in question.

In the case of the current application, the issues are rather different, in that from the time the property was listed, the rear part of the garden has been occupied as a builders yard and this remains the lawfully established use. Building materials were often stacked above the boundary walls and when in operation, the area would often accommodate visually intrusive plant and machinery, which would be visible from Manor Avenue as well

as from surrounding residential properties. In that context the development of part of the land with a single house of the size proposed, and the reinstatement of the remainder of the site as garden, could be considered to enhance the character of both the listed building and the conservation area.

The applicant has also amended the design so that the bulk of the new unit would be single storey with a flat roof and partially sunk into the garden. The single storey element would therefore be no higher than the existing brick boundary wall to Manor Avenue and should therefore not be visible from the street. The new first floor would not be over-large, given the depth of the site, and would accommodate two of the proposed bedrooms and a bathroom. The design of this element of the building would be contemporary, with a pitched roof and features timber cladding and modern fenestration, including a feature oriel window at the south east corner of the building. Being located on a plot adjoining the street, refuse collection would be unlikely to pose any difficulties.

As the site is reasonably close to good public transport facilities and there is reasonable availability of on-street space in the vicinity of the site, officers have not required the provision of off-street parking. This also enables more of the site to be reinstated as garden area.

It is not considered that the development would result in a precedent being set with regard to development of the gardens between this site and No. 186; the latter property already contains a two storey coach house, as none of these are subject to any non-conforming uses. Almost all have single storey residential garages adjoining the mews and many have mature trees close to the garaging.

In relation to physical and amenity impacts, officers do not consider that the proposal would result in significant loss of daylight or sunlight, or overlooking of adjoining properties. Officers do not consider that the proposal would have any adverse effect on trees in adjoining gardens. However, it is considered necessary to require the applicant to submit foundation details.

Conditions are suggested in relation to details of facing materials and landscaping. It is also proposed to impose conditions to remove permitted development rights and to prevent the use of the areas of flat roof as roof terraces.

There is no objection to demolition of those parts of the boundary walls that may be required in connection with the development.

Consultations

The concerns raised by objectors with respect to the impact of the proposed development on the character of the listed building and the character of the conservation area are shared by officers and have been addressed in the preceding section. Officers do not consider it likely that a refusal of the current application would result in the builders yard being returned to garden use. The same can be said of the use of the rear garden for garaging or parking for the occupiers of No. 170 Lewisham Way.

With regard to the comments of the Brockley Society on the merits of the proposed design and the 1991 Appeal decision in respect of No. 168 Lewisham Way, these have been addressed in the preceding section.

Conclusion

In view of above considerations it is recommended that conservation area consent and planning permission be granted subject to appropriate conditions.

RECOMMENDATION (A) GRANT CONSERVATION AREA CONSENT in respect of Application No. DC/02/50629

RECOMMENDATION (B) GRANT PERMISSION in respect of Application No. DC/02/50501B subject to the following conditions:-

- (1) B01 Facing Materials - New Buildings
- (2) B09 Plumbing or Pipes
- (3) B11 Flat-Roofed Extensions
- (4) L01 Planting, Paving, Walls etc
- (5) PD1 No Extensions
- (6) Details of the design and methods of construction of the foundation type to be used in connection with the dwelling hereby approved (including any associated boundary treatment) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved.
- (7) C10 Site Contamination

Reason

- (6) To ensure that the tree in the neighbouring garden is adequately protected following the completion of the development, in compliance with Policies BLT.ENV 4: Trees in the Council's adopted Unitary Development Plan and URB 12 Trees of the Revised Deposit Draft Unitary Development Plan (August 2001).

Informative

Construction Code of Practice

MINUTES

The Committee received verbal representations from Mrs G Heywood on behalf of the Brockley Society objecting to the proposal.

The Planning Officer reported that a further letter had been received from the Brockley Society reiterating previous objections.

Members considered that the principle of residential development of the site was acceptable but that the design was inappropriate in the context of the Grade II Listed Building and the Conservation Area.

RESOLVED that consideration of Application No. DC/02/50501B be deferred for further negotiations to secure an improved design.