

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 2 JULY 2015 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Paul Bell (Chair)  
Olurotimi Ogunbadewa (Vice-Chair)  
Brenda Dacres  
Suzannah Clarke  
Maja Hilton  
Simon Hooks  
Ami Ibitson  
Helen Klier  
John Paschoud  
Jonathan Slater**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: Tuesday, 23 June 2015**

**For further information please contact:  
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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 02 JULY 2015

Members are asked to declare any personal interest they have in any item on the agenda.

**(1) Personal interests**

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

**(2) Disclosable pecuniary interests** are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### (3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### (4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### (5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

**(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

**(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 02 JULY, 2015

### MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 21<sup>st</sup> May, 2015.

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Committee	PLANNING COMMITTEE C	
Report Title	5-9 DEPTFORD HIGH STREET, SE8 4AD	
Ward	New Cross	
Contributors	Jan Mondrzejewski	
Class	PART 1	2 JULY 2015

<u>Reg. Nos.</u>	DC/15/91674 & DC/15/91681
<u>Applications dated</u>	02.04.15 [revised on 18.05.15 and 29.05.15]
<u>Applicant</u>	DC/15/91674: HGP Architects DC/15/91681: Pegasus Group obo Asda Stores Ltd.
<u>Proposal</u>	DC/15/91674 The installation of a new shop front and an automated teller machine in the front elevation at 5-9 Deptford High Street SE8, together with the installation of air conditioning/refrigeration plant, fire exit gates and access gate to the rear.  DC/15/91681 The display of one externally illuminated fascia sign displaying the Asda logo, one externally illuminated projecting sign; 1 internally LED illuminated ATM sign and one externally applied vinyl sign (transparent with white lettering) at 5-9 Deptford High Street SE8.
<u>Applicant's Plan Nos.</u>	DC/15/91674 14.157.A (00) 04 Revision A, 14.157.A (00) 05 Revision C, A (00) 07 Rev C, A (90) 00_01 Rev F, Site Location Plan, Environmental Noise Survey Report and Noise Impact Assessment for Fixed Plant Revision B dated 18.05.2015 & External Lighting Revision dated 29.05.2015.  DC/15/91681 14.157.A(00)00_03 Existing Elevation, 22564v01 Comprising Proposed Shopfront Elevation, Proposed Ground Floor Plan, Details of Proposed Signs, Location Plan
<u>Background Papers</u>	(1) Case File DE/156/1/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (Nov. 2014) (4) The London Plan (March 2015)
<u>Designation</u>	Existing Use

**OBSERVATIONS**

## **1.0 Property/Site Description**

- 1.1 The application site is located at Nos 5-9 Deptford High Street and comprises a two storey shop unit with B1 offices above, constructed in the early 1960s. This originally formed part of a redevelopment of the sites of No 505 New Cross Road and Nos 1-9 Deptford High Street. No 505 New Cross Road and Nos 5-9 Deptford high Street still retain their original 1960s first floor street elevations, comprising steel framed curtain walling, with a horizontal band of glazing over a horizontal band of solid panels (which in the case of 5-9 have been painted white). The adjoining corner unit at 1-3 Deptford High Street would originally have had the same first floor elevation but this was replaced with London stock brickwork with timber framed sash windows in the mid 1990s. This make-over, partly funded by Deptford City Challenge, was intended to bring the upper floor of the building into use as residential accommodation.
- 1.2 The application premises is the largest of the three units having a large single storey extension which on its north side, adjoins the rear garden of a terrace of Victorian two storey terraced houses at Nos 82-88 Speedwell Street. At the western end of this unit is a service yard, accessed from Speedwell Street. This is separated from the gable end of Theatre place, a three storey Victorian factory building which has been recently converted to flats, by a pedestrian access. This pedestrian access extends to the south of the single storey rear extension to 5-9 Deptford High Street and serves the ground floor commercial accommodation at Nos 491-505 New Cross Road.
- 1.3 The first use of the unit at No 5-9 Deptford High Street was as a Co-op supermarket. This was followed in the early 1980s by use as an indoor market which featured a café. This was followed in 2000 by use as a store for the Peacock chain. This use ceased a few years ago, since which time the premises have operated as a 99p store. The established use of the premises is therefore an A1 retail unit.
- 1.4 The property is located within the Deptford High Street Conservation Area and forms part of a Primary Shopping Frontage within the Deptford District Centre. The site is close to 13 Deptford High Street which is a locally listed building of early to mid 19<sup>th</sup> Century date and lies with an archaeological priority area.

## **2.0 Planning History**

- 2.1 The process of developing the site of Nos 505–511 New Cross Road, 1-9 Deptford High street and 78-80 Speedwell Street dates back to 1949, with planning permission for the current scheme comprising shops on the ground floor and offices and showrooms on the first floor, being granted in February 1957.
- 2.2 Planning permission for a shopfront was granted in October 1958.
- 2.3 In December 1999 planning permission was granted (DC/99/45733) for the installation of a new shopfront and air conditioning units at 5-9 Deptford High Street. Details of air conditioning and white perforated roller shutters in compliance with conditions (2) and (3) of this permission were approved in October 2002.

- 2.4 Consent was also granted in December 1999 (DC/99/45732) for the display of an internally illuminated shop fascia sign at 1-9 Deptford High Street, together with the erection of two internally illuminated double sided projecting box signs.

### **3.0 Current Applications**

*DC/15/91674*

*Planning permission for the installation of a new shop front and an automated teller machine in the front elevation at 5-9 Deptford High Street SE8, together with the installation of air conditioning/refrigeration plant, fire exit gates and access gate to the rear.*

- 3.1 This application comprises a new shopfront and the installation of new plant and equipment to the rear of the building. As a result of consultation with residents and discussion officers the following aspects of the proposal have been revised:-

#### Proposed Shopfront

- a) The proposed shopfront has been restored to its originally designed height of 1957 which extends to the underside of the original shop fascia. The latter comprises a painted cement rendered panel on a wooden and galvanised steel mesh armature. This removes the much later box fascia located below the original which was a feature of the Peacock and 99p stores which formerly occupied the premises.
- b) In the scheme as originally submitted the vertical elements of the proposed shopfront were not symmetrical and did not relate to the first floor curtain wall. The shop windows have been redesigned to reflect the proportions of the first floor curtain walling of the original 1957 design and to form two symmetrical modules either side of an existing central structural column. One of these modules is entirely given over to window display space, while the other accommodates the entrance doors to the shop and the proposed ATM.
- c) Given the extra height of the shop unit, a transom has been introduced to accommodate non-see-through glazing to conceal the ceiling void of the proposed store which extends below the under side of the original fascia. The proposed ATM will be set within the same non-see-through glazing rather than a solid panel as originally proposed.
- d) A low stall riser in powder coated aluminium to match the proposed window frames and doors has been introduced.
- e) Security shutters and any associated housing to the new shopfront will be internal and do not require planning permission.

#### Works to the Rear of the premises:

- a) The proposed air conditioning units have been moved further to the south so as not to obstruct a window in the ground floor side elevation of Theatre Place. The height of the enclosing acoustic timber cladding to the units has also been reduced from 3 to 2 metres making the structure less visually obtrusive.

- b) Timber slats will be fitted to the existing galvanised paling fence at the rear of the proposed refrigeration condenser unit to act as both a visual screen and to improve sound attenuation.
- c) A revised acoustic report has been submitted to demonstrate that the new arrangements will still achieve a good level of sound attenuation for all residential properties surrounding the site.
- d) An external lighting report has been submitted to demonstrate that the proposed lighting to the rear yard, comprising 4 wall lights, will, when activated, not result in excessive spillage onto surrounding sites.
- e) A screened refuse bin store has been provided at the rear of the building which is as far as possible out of the line of sight of the first floor rear windows on the adjoining properties in Speedwell Street.
- f) The applicant has confirmed that it is proposed to place a small bakery oven in the premises. However, this will be a larger scale version of a domestic electric oven but with an air intake and outlet comprising louvered vents, each 200mm square and spaced several metres apart. Although mounted externally, these would normally be held to be de minimis in terms of impact on the appearance of the building. The air intake and outlet is required to avoid overloading the store's air conditioning system and not to expel smells and odours to the outside of the building.

3.2 It is not proposed that the rear access and service yard will be used as a general delivery access. This, as with most businesses in the Deptford High Street, will continue to take place from the High Street. To further protect the amenities of local residents from noise and disturbance associated with delivery and service vehicles, the applicant has suggested a delivery and servicing management plan. However, as the use of the premises for retail purposes is lawful and the application relates only to the installation of a new shopfront and external plant, a planning condition which sought to enforce such a plan would be unreasonable.

*DC/15/91681*

*Express consent for the display of one externally illuminated fascia sign displaying the Asda logo, one externally illuminated projecting sign; 1 internally LED illuminated ATM sign and one externally applied vinyl sign (transparent with white lettering) at 5-9 Deptford High Street SE8.*

3.3 This application has been amended following consultation with residents and officers to feature the following changes:-

- a) The signage above the entrance doors displaying the Asda logo (which was initially proposed as an internally illuminated box sign) will now be externally illuminated by a trough light mounted above the sign. This means that the depth of the sign can be considerably reduced. The sign will also not project below the fascia as originally proposed.
- b) A non-illuminated sign displaying shop opening hours has now been added to the fascia to the side of the Asda logo. On its own this sign would have the benefit of deemed consent.

- c) The proposed projecting sign, originally intended to be internally illuminated, has now been altered to an externally illuminated one with much narrower section.
- d) Initial proposals to place vinyl overlays depicting produce on the windows of the store have now been removed from the proposal. Only one such overlay is now proposed to the left of the new entrance to the store. This will be transparent with white lettering and display the opening hours of the store. This means that the new shopfront will allow the interior of the store to be seen from the street.
- e) The only remaining internally illuminated sign is the comparatively small one associated with the proposed ATM

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area, the relevant ward Councillors and the Deptford High Street Association.

#### Written Responses received from Local Residents and Organisations

##### *Planning Application DC/15/91674*

- 4.3 Eight replies from the occupiers of Flats 1, 7 & 13 Theatre Place, 489A New Cross Road, 448 New Cross Road, 12 Flamingo Court, Hamilton Street, 4 Tavern Apartments, 105 Tanner's Hill and 82 & 84 Speedwell Street, plus the occupier of Shop Unit at No 1-3 Deptford High Street who sent in a response to the planning application under the reference for the advertisement application. The respondents have objected to the proposal on the following grounds;-
  - 1) The quality of design does not reach an appropriate standard for such a large shopfront within a Conservation Area.
  - 2) As the applicant has removed the existing shopfront, the Council should insist on the provision of one of similar quality.
  - 3) The proposed shopfront is to be flat across its whole extent - an inset door would be more appropriate to the scale of the High Street and would present a more interesting facade.
  - 4) The aluminium framing is too thick and impacts negatively on the visual appearance of the shopfront. Since it only needs to be single glazed a frameless proposal should be considered.
  - 5) The occupier of 1-3 Deptford High Street (which was built at the same time as the application premises) was advised by planning officers that aluminium was an unsuitable material for a shopfront in a Conservation Area and would not be granted planning permission. If an aluminium shopfront is unacceptable for a small independent operator it should also be unacceptable for a large company, occupying a very similar building.

- 6) The vertical framing which carries down through the stallriser is inappropriate.
- 7) No treatment for the first floor windows is proposed - the proposal needs to encompass the whole facade.
- 8) The glazing grid to the shopfront is wholly inappropriate.
- 9) No details of the signage are given, so it is unclear whether the sign is to be internally lit.
- 10) Backlit signage is not acceptable in the Conservation Area.
- 11) This is a large shopfront (which has already previously been blighted by ugly signage) and getting a good standard of design on this property will be very helpful in setting the standard for other units.
- 12) There are currently no external lights in the yard and the introduction of either movement activated or permanent electric lighting would give rise to light pollution to occupiers in Speedwell Street and the ground floor flat of theatre place.
- 13) The proposed siting of 10 A/C units as originally proposed ignores the presence of an existing living room window in the gable wall of Theatre Place which is within 1m of, and directly opposite, the site of the proposed units.
- 14) The proposed acoustic enclosure will adversely affect the amenity of the ground floor flat at Theatre Place reducing daylighting, the perceived sky component and creating a greater sense of enclosure and loss of outlook.
- 15) The acoustic enclosure features an open side and top (through which the units will be seen as well as heard) from the nearby residential accommodation
- 16) The acoustic report recognises the very low levels of ambient noise in the area particularly at night but fails to stipulate at what time of night most of the nearby condensers are switched off. However, the hours of trading in the licence application suggest the proposed store will be open until midnight.
- 17) In the summer, it is typical for windows of nearby properties which have no A/C units to be left open for ventilation. So, unless the proposed A/C system is shut down early in the evening, the additional noise would adversely effect nearby residential properties.
- 18) The proposed units and enclosure should be relocated closer to the proposed refrigeration condenser so that loss of daylight to the ground floor flat at Theatre Place can be mitigated (sketch provided to show the suggested location).
- 19) It would also be necessary to apply acoustically absorbent panels to the external wall opposite the A/C units to mitigate the effect of sound which could otherwise be reflected.
- 20) Residents have concerns about noise emission as well as smells and odours from the proposed bakery extract (not shown on the submitted plans).
- 21) Residents note that the extracts from the switch room and plant room are not shown on the submitted plans and could be a source of noise nuisance.



- 22) The repositioning of the plant along with the addition of acoustic panels closer to the rear of the buildings of New Cross Road (which are predominantly commercial) would reduce the potential for nuisance to residential occupiers.
- 23) The noise coming from the current construction works is unacceptable, and while they are not using machinery until 8am, the workforce are shouting, loading/unloading and reversing large vehicles from 6am including Saturdays.
- 24) The location of refuse bins close to the yard gates and residential properties is unacceptable, being unsightly and a potential source of noise nuisance.
- 25) The opening and closing of the yard gates would also lead to additional noise nuisance and is already being generated by the building work underway at the premises. This is currently restricted to between 6am and 7pm but there is concern that this could potentially be increased once the store is opened.
- 26) Noise from the proposed condenser unit is also a concern despite the recent addition of an acoustic screen.

*Advertisement Application DC/15/91681*

4.4 Two replies from the occupiers of 12 Flamingo Court, Hamilton Street and 4 Tavern Apartments, 105 Tanner's Hill. The respondents have objected to the proposal on the following grounds;-

- 1) The use of internally illuminated box signs is not acceptable in the Conservation area.
- 2) The application proposes externally-applied vinyl signs on the front of the store. Considering the size of the shop window and the fact that it dominates the street at this location, the occupant should be encouraged to provide an active frontage that improves the high street, rather than static signage which will contribute nothing to the streetscape.
- 3) The proposed signage should not be larger or project further than the previously approved signage.

(Letters available to Members).

The Amenities Society Panel

4.5 The Panel notes the incomplete set of drawings. The Panel strongly objects to the loss of the entrance recess and the flattening of the shopfront. The Panel queries the material for the proposed shopfront which looks like white plastic. The Panel also objects to the change of pattern and subdivision of the shop windows, the loss of the picture windows and the loss of the stall riser. The Panel suggests that the opportunity should be taken to remove the shutter in front of the side entrance door. The Panel objects to the internal illumination of the signage.

Highways

- 4.6 No objection in principle to servicing being primarily carried out from Deptford High Street, given that the rear yard and access road leading to it are not suitable for large rigid or articulated delivery and service vehicles. A Delivery and Servicing Plan should also be required by condition. If this is not possible it should be provided as a unilateral undertaking. Employee cycle parking should also be provided.
- 4.7 Refuse bins must not be stored in the area shown on the submitted plans and shall not be left on the public highway. Trolleys must also be kept inside the store and not left on the public highway.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this

framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

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

#### London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 2.15 Town centres

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 4.1 Developing London's economy

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.9 Overheating and cooling

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

## London Plan Supplementary Planning Guidance (SPG)

5.7 The London Plan SPGs relevant to this application are:

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

## London Plan Best Practice Guidance

5.8 The London Plan Best Practice Guidance relevant to this application are:

Control of dust and emissions from construction and demolition (2006)

Health Issues in Planning (2007)

Managing the Night Time Economy (2007)

## Core Strategy

5.9 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

Spatial Policy 2 Regeneration and Growth Areas

Spatial Policy 3 District Hubs

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

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

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

## Development Management Local Plan

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 11 Other employment locations

DM Policy 13	Location of main town centre uses
DM Policy 14	District centres shopping frontages
DM Policy 19	Shopfronts, signs and hoardings
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

### Shopfront Design Guide Supplementary Planning Document (March 2006)

- 5.12 This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

## **6.0 Planning Considerations**

- 6.1 The use of the premises as a retail unit is clearly long established and no planning permission is required for this. The main planning considerations are therefore whether the proposed replacement shopfront and associated illuminated advertising would preserve or enhance the character and appearance of the Deptford High Street Conservation Area and whether the proposed external plant and equipment to be located at the rear of the property would have any detrimental impact on the amenities of adjoining residential occupiers.

### Impact on the character and appearance of the Deptford High Street Conservation Area.

- 6.2 The application was submitted without the benefit of pre-application advice. At the time of the case offices first site inspection on 7<sup>th</sup> May 2015 the previous shopfront had been entirely removed. However, images of the original shopfront are available on Google Street view and show the appearance of the unit in 2013. These suggest that the previous shopfront was the aluminium one approved for Peacocks in 1999 and more recently modified to for the 99p store.
- 6.3 Although this shopfront featured an inset doorway located towards the centre of the unit, this appears to have been a practical requirement to avoid a step. This is not required in the case of the proposed shopfront as it is located further to the south where pavement level and internal floor level more closely correspond. This allows full accessible access to be provided without the need for an inset. Although the proposed scheme could incorporate a recessed entrance, which would have to be secured for security reasons by shutters at night, they have opted for flush fitting automatic doors. Provided full wheelchair

accessible access is provided, officers do not consider that a convincing case could be made for the inclusion of a recessed entrance on purely aesthetic or Conservation grounds and that taken in its totality, the proposed shopfront and associated advertising, as revised, constitute an enhancement to the appearance and character of the Deptford High Street Conservation area.

- 6.4 With regard to the objection to the principle of aluminium as a material for a shopfront in the Conservation Area, account has to be taken of the period of construction of the building and the style used. In the case of No 5-9, the unit still retains the look of a modern movement inspired building of the 1950s/60s. During this period narrow sectioned steel was used to frame shop windows and in this case is even used for the first floor curtain wall elevation of the building fronting Deptford High Street. However, the adjoining building at Nos 1-3, although originally of the same design and period of construction as Nos 5-9, was subject to a Victorian make-over in the 1990s which removed many of the characteristically modern features of the building. A modern shopfront would therefore be at variance with the current style of this building. There is therefore no question of the Planning Service treating large retailers any differently from small retailers and the reason why timber as opposed to aluminium might be preferred in the case of Nos 1-3 is due entirely to the fact that the architectural context of the two shopfronts is totally different. It should also be noted that aluminium was the specified material for the shopfront previously granted planning permission at the premises in 1999 and although normally thicker in section than steel it is generally a more appropriate substitute for this material than timber or PVCu.
- 6.5 Similarly, officers do not consider that a wholly glazed shopfront without any vertical framing, as suggested by some of the objectors, would necessarily be more in keeping with the character of the building or the Deptford High Street Conservation Area. The shopfront as redesigned, following discussions with planning and conservation officers, now ties in with the first floor elevation of the building and is restored to its original height. Images of the previous shopfront show it to be exceptionally squat with a modern fascia set below the original cement rendered one. It is noted that the revised design now sits more comfortably with Nos 1-3 Deptford High Street where height of the shopfront and fascia remain as originally designed.
- 6.6 It will be noted that the proposed fascia signage is now externally illuminated and less bulky than the internally illuminated box signage originally proposed. The same applies to the proposed projecting sign. The provision of external overlays depicting produce has also been removed from the proposal. Only one such overlay is now proposed to the left of the new entrance to the store. This will be transparent with white lettering and display the opening hours of the store. The proposed shopfront will therefore allow the interior of the store to be seen from the street. These alterations were specifically requested by objectors, were fully supported by officers and have been accepted by the applicant.

#### Impact on adjoining residential properties

- 6.7 Although the 1999 permission for a new shopfront also included air conditioning units which were placed on the roof of the building, these do not appear to have given rise to complaints in respect of noise. The reasons for these now being placed at ground level is that;

- a) the equipment and any acoustic housing would be more visually prominent if placed on the roof of the building.
- b) The rear elevation of the building and the gable end of Theatre Place is better able to contain sound than a much more open roof top location.
- c) Health and safety requirements make the maintenance of units at ground level far easier.

6.8 In the application as originally submitted, the proposed A/C units were placed behind an acoustic screen against the boundary fence of the service yard which adjoins the pedestrian footpath between the boundary fence of the application site and the gable end of Theatre Place. However, the gable end in question has a single window belonging to a ground floor flat which would look directly onto the 3m high acoustic enclosure to the A/C units. The applicant was advised that this was unacceptable and the scheme was revised to relocate the units to the south and reduce the height of the enclosure from 3m to 2m (the same height as the existing galvanised steel paling fence surrounding the yard).

6.9 In terms of noise impact, this is likely to be reduced to the greatest number of nearby residential properties by locating the A/C units between the front and rear elevation of the gable end of Theatre Place. Moving the units to the south end of the site, on the basis that this would be closer to the rear of properties in New Cross Road which are predominantly commercial, as suggested by some objectors, ignores the fact that the upper parts of these properties are intensively occupied by residential accommodation. In the case of this accommodation, rear facing rooms will generally be a lot quieter than those facing New Cross Road (A2). While much of this accommodation comprises HMOs, residents are of course entitled to the same degree of protection from noise nuisance as residents in Theatre Place or Speedwell Street. Locating the units further towards the south end of the site than currently proposed would also expose more residents of the flats in Theatre Place to the possibility of increased levels of noise, although not necessarily outside the guidelines recommended in the latest relevant British Standard. The applicant's acoustic consultant has provided the following synopsis of his report with respect to the noise impact of the new position of the A/C units:-

*'The latest British Standard, BS4142:2014, came into force on 31st October 2014 when the original 1997 standard was withdrawn. The latest standard describes methods for rating and assessing sound of an industrial and/or commercial nature which includes sound from fixed installations which comprise mechanical and electrical plant and equipment. We have adopted the methodology in this standard for rating the cumulative noise effect of plant proposed for this site, including the 11no condensing units.*

*We have carried out 13hour continuous noise monitoring in the service yard at a position available to us which we consider representative of the existing pre-development noise climate at the nearest residential properties. As stated in the standard, we have adopted the typical background noise level for the late evening, night and early morning.*

*Based on the plant selections given to us by the mechanical consultants, we have undertaken a noise impact assessment to determine the cumulative noise for the day and night operating periods taking into account that some plant items do not run at night and others are 24/7 operation.*

*The standard requires us to consider acoustic features which can increase the significance of impact. For this site, the standard confirms that it is appropriate to establish a rating penalty for sound based on a subjective assessment as the new sources cannot be measured because they are only proposed at this time. As the specific designed plant does not feature characteristics that are either tonal or impulsive, a penalty of 3dB can be applied and we have done so within our calculations. This means the cumulative rating level of the plant, including the penalty, is controlled to not exceed the pre development typical background noise level during the operating periods of the plant items. In effect the plant noise is designed to be 3dB below the background level.*

*BS4142:2014 states "where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on context".*

*Considering context, in the close surrounding area to the store there are various plant in operation from adjacent commercial and retail premises that are controlling the noise climate of the area.*

*We are satisfied we have provided a robust assessment in line with the latest British Standard and the inclusion of mitigation measures to various plant items, including the condensers, ensures the aims of the Standard have been achieved.*

*Finally, considerable discussions have taken place regarding the location of the condensing units and the finalised location in the service yard is considered the best option as it enables effective screening, to be incorporated within the scheme to shield the units from the nearest residential windows. The re-location of the units onto the store facade facing the properties backing onto New Cross Road is not suitable as these units would still require screening but there is not sufficient space to provide a 1.5m gap, as required by the manufacturers, between the front of the units and the rear of the screen to enable the units to operate effectively with sufficient space for airflow.'*

- 6.10 With regard to the proposed external lighting to the rear yard, these comprise 4 wall lights (the one closest to Speedwell Street to be fitted with a deflector). An External Lighting report has been submitted to demonstrate that the proposed lighting, will, when activated, not result in spillage onto surrounding sites.
- 6.11 In terms of the proposed bakery oven this is a comparatively small piece of equipment which could be installed without planning permission as it is located inside the building and the proposed external vents are regarded as de minimis in planning terms. As with noise nuisance, residents will still have the benefit of the protection afforded by environmental health legislation should there be problems of smells from the oven. Abatement of nuisance could require the cessation of the use of the equipment in question until the problem with odours has been resolved.
- 6.12 The application has provided a screened bin store in the rear yard of the property which is as far as possible out of the line of sight of nearby residential occupiers. Bins will be taken through the store to be collected from Deptford High Street. However, Members are advised that as this application does not require a change of use, the Council would only normally only have a limited ability to influence the servicing and delivery arrangements of a business



occupying a unit in established retail use. Although the applicant has therefore offered to provide a delivery and servicing plan to demonstrate that their operation would be no adverse impact on existing residential occupiers, this could not be required by a planning condition and nor its provisions be enforced. Any delivery and servicing management plan which might be prepared is therefore for information purposes only.

### Regeneration Considerations

- 6.13 In terms of the regeneration benefits of the proposed development, the applicant states that the proposed store is one of a new range of small to medium size Asda Stores which can be introduced into existing town centres. With regard to employment, the applicant states that:-

*The new store will employ 48 people in total, including the General Store Manager and seven Section Leaders. There will be a mix of Full Time and Part Time employees with the vast majority new to Asda, rather than transfers from existing stores. The new employees have mostly been recruited via initial contact through the Asda recruitment website and then interview, or through links which Asda has established with the Job Centre at Lewisham. The youngest new employee is 16 years old and the oldest is 55 years old, which the company state is an indication of the diversity of age, background and experience of the people who will be joining the new store. The applicant has provided a copy of Asda's Employment brochure, which highlights the benefits of employment with Asda, including training, diversity and possibilities of career progression has been provided by the applicant and identifies how Asda integrates with the local community.*

### **7.0 Consultations**

- 7.1 The objections to the development, including those citing instances of nuisance and expressing views on the design of the proposed shopfront have been addressed in the preceding section of this report.

### **8.0 Local Finance Considerations**

- 8.1 The development will not be CIL liable if planning permission is granted as no new floorspace is created.

### **9.0 Conclusion**

- 9.1 In terms of regeneration, securing the continued use for retail purposes of a vacant store of this size in a primary shopping frontage within a District Centre is clearly welcome. However, securing this reuse is dependent on the provision of a shopfront, signage and associated plant and equipment which both allows the retailer to make use of the premises while preserving or enhancing the character and appearance of the Conservation Area and not causing any harm to the amenities of nearby residential occupiers.
- 9.2 Officers consider that this proposal as revised fulfils all these objectives and, subject to appropriate planning conditions, the application for planning permission and express consent are recommended for approval.

**10.0 RECOMMENDATION A: GRANT PERMISSION in respect of application DC/15/91674 Subject to the following conditions:-**

**Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

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

14.157.A (00) 04 Revision A, 14.157.A (00) 05 Revision C, A (00) 07 Rev C, A (90) 00\_01 Rev F, Site Location Plan, Environmental Noise Survey Report and Noise Impact Assessment for Fixed Plant Revision B dated 18.05.2015 & External Lighting Revision dated 29.05.2015.

**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. (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

**Informatives**

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

**11.0 RECOMMENDATION B: GRANT CONSENT in respect of application DC/15/91681 Subject to the following conditions:-**

**Conditions**

1. (a) This consent is granted for a fixed period expiring 5 years from the date of consent.
- (b) No advertisement is to be displayed without the permission of the owner of the

site or any other person with an interest in the site entitled to grant permission.

- (c) No advertisement shall be sited or displayed so as to:-
  - (i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
  - (ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
  - (iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (f) Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

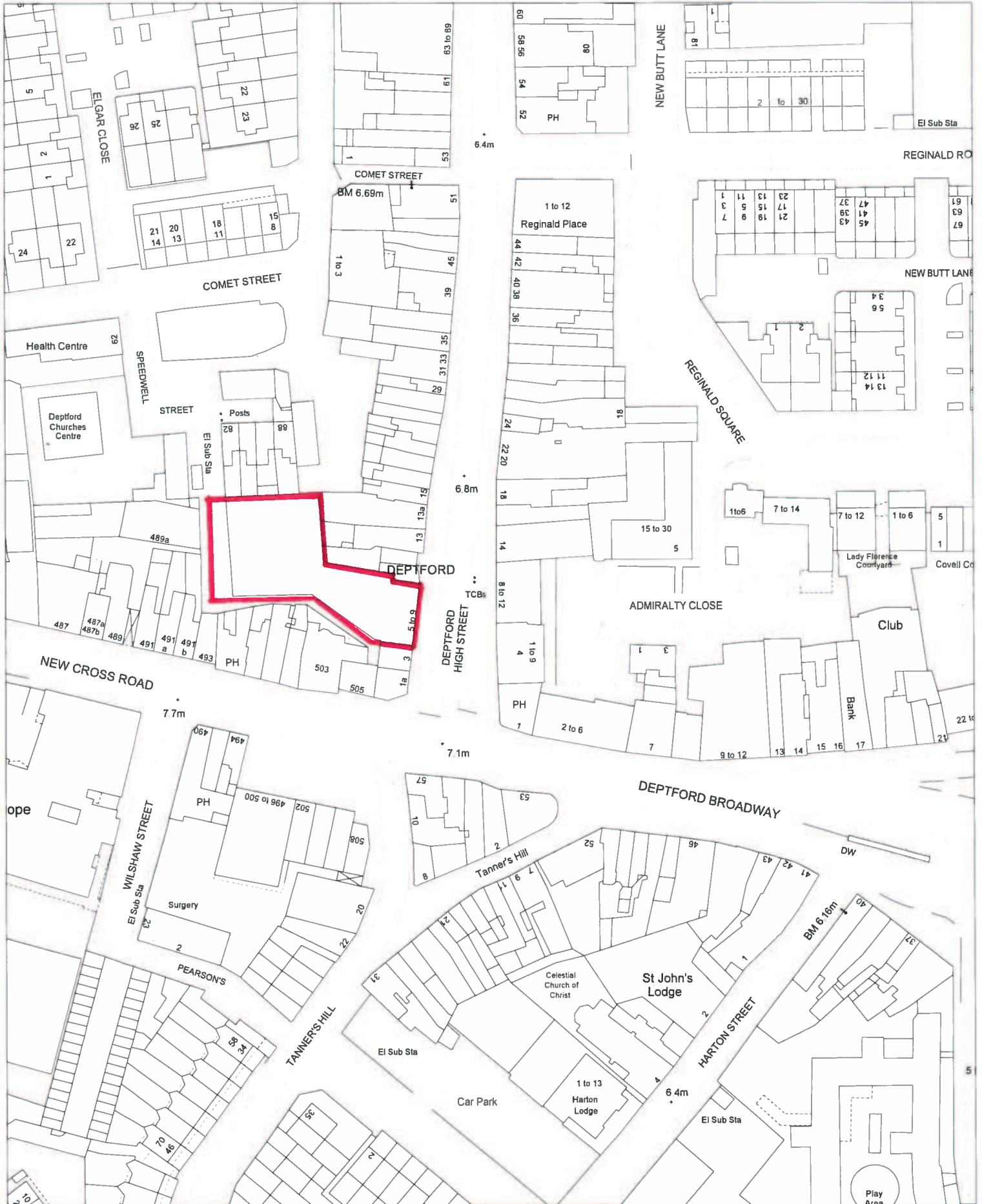
**Reason:** In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 2. The illuminated advertisements hereby granted consent shall not be displayed otherwise than in complete accordance with the approved plans, unless previously agreed in writing by the local planning authority.

**Reason:** To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings of the Development Management Local Plan (November 2014).

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# 5 - 9 DEPTFORD HIGH ST, SE8



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Committee	PLANNING COMMITTEE	
Report Title	178 LEAHURST ROAD, LONDON, SE13 5NL	
Ward	LEE GREEN	
Contributors	Karl Fetterplace	
Class	PART 1	02 JULY 2015

<u>Reg. Nos.</u>	DC/15/90948
<u>Application dated</u>	10.02.2015
<u>Applicant</u>	Mr G Verma
<u>Proposal</u>	The construction of a single-storey rear extension and roof extension to the rear roof slope of 178 Leahurst Road SE13, together with the installation of roof lights in the front roof slope.
<u>Applicant's Plan Nos.</u>	1012-10 A; 1012-20 A; 1012-100 A; 1012-110 A; 1012-200 A; 1012-210 A; 1012-220 and the Flood Risk Assessment (February 2015, First Abode)
<u>Background Papers</u>	(1) Case File LE/769/178/TP (2) Core Strategy (2011) (3) Development Management Local Plan (2014) (4) The London Plan (2015, as amended)
<u>Designation</u>	PTAL 3 Local Open Space Deficiency Flood Risk Zone 2 Flood Risk Zone 3 Not in a Conservation Area Not a Listed Building Unclassified Road
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application relates to a two-storey mid terrace house which is located on the southern side of Leahurst Road. The existing property has living, kitchen and dining areas and a store area at ground floor level and four bedrooms and a bathroom at first floor level. The rear garden is approximately 7.8m long and has an area of 125sqm. The house has an existing total internal floor area of 106.45sqm.
- 1.2 The surrounding area is residential in character and mainly comprised of similar terraced residences. The property is identified as being located within Flood Risk Zone 2/3 and is also located within 3 metres of a public sewer. The dwelling is not a listed building and it is not located within or adjacent to a conservation area.

## **2.0 Planning History**

### The Application Property

2.1 DC/14/88844: Planning application for the alteration and conversion of 178 Leahurst Road SE13 into 2 two-bedroom self-contained flats, together with the construction of a single-storey rear extension, roof extension to the rear roof slope and installation of roof lights in the front roof slope. Refused on the grounds that:

- the existing building had a net original internal floor space of less than 130m<sup>2</sup> and the conversion would result in the loss of a single family house which would be detrimental to identified housing need and contrary to the relevant policies in this regards; and
- the development would result in a substandard living environment for future occupiers by way of an undersized ground floor unit, and lack of outlook afforded to the Bedroom 2 within Flat 1.

Decision on appeal not yet reached.

2.2 There is no planning history for the existing lean-to.

## **3.0 Current Planning Application**

### The Proposal

3.1 The construction of a single-storey rear extension and a loft conversion, involving a full width extension to the rear roof slope at 178 Leahurst Road SE13, together with the installation of two roof lights in the front roof slope. The proposed single storey extension would involve infilling the side return with a flat roofed extension to replace the existing lean-to extension. The side infill extension includes four rooflights. This proposal is the same as DC/14/88844, without the conversion of the dwelling into two flats, and some minor changes to the positioning of the rooflights on the rear extension.

3.2 The front rooflights measure 0.7m by 0.7m. The dormer is setback 0.3m from the rear eaves. A triple set of windows in the rear dormer measure 1.8m wide by 1.2m high, and the single window measures 0.9m wide by 1m high. A single ply membrane grey flat roof is proposed for the rear roof slope extension.

3.3 The proposed extension replaces the existing lean-to extension and would therefore not result in an additional encroachment into the rear garden area of the property. However, the height of the extension would increase. The current height of the lean-to roof at the boundary is 1.8m. The proposed height above ground level of the infill extension increases to 2.3m. Four rooflights are proposed in the infill extension that would measure 0.8m by 0.5m. The rear extension walls are to be London stock brick to match the existing. The door is proposed to be double glazed uPVC to match the existing, as are the windows for both the ground floor extension and the dormer.

## **4.0 Consultation**

4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.



4.2 A site notice was displayed and letters were sent to residents in the surrounding area.

#### Written Responses received from Local Residents

4.3 Three objections were received from residents in the surrounding area at nos. 172, 174 & 176 Leahurst Road. The issues raised are summarised as follows:

- The proposed rear extension would impact on the rear private open space area of 178 Leahurst Road (subject site) and render it unusable;
- The proposal would have a detrimental effect on the character of the neighbourhood and would not be in keeping, architecturally, with the other houses in the area;
- The proposal would result in a loss of existing views for neighbouring properties;
- The development is of too large and scale & out of character for the area and building right to the boundary would adversely affect the amenity of neighbouring owners in terms of privacy, noise, light spill & overshadowing;
- The approval of this development would set a precedent for future development of this nature in this area; and
- There are existing issues with the drainage system work between nos. 176 & 178, as there is currently a damp problem caused by water pouring from the damaged guttering at 178 and this needs to be addressed

4.4 In addition to the above objections, one resident raised concerns that the site notice was not displayed adequately, as it was located in the window but partly hidden behind the garbage bins. Consequently, the applicant was asked to move the notice and it was then placed centrally in the window. Photographic evidence of this was provided.

4.5 This resident has also raised concerns that because the consultation period closed on 3 April and the notice was only moved at the end of March, other residents may not have had the chance to see the notice and comment.

#### Environment Agency

4.6 This application has been assessed as having a low environmental risk and therefore no comments were made. An informative is proposed to be included regarding any non-planning consents.

#### Thames Water

4.7 No objection subject to informatives.

### **5.0 Policy Context**

#### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,

- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

### Other National Guidance

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

### London Plan (March 2015)

5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

### Core Strategy

- 5.6 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together 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:

Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Plan

- 5.7 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 30 Urban design and local character  
DM Policy 31 Alterations/extensions to existing buildings

#### Residential Standards Supplementary Planning Document (August 2006)

- 5.8 Paragraph 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:

- a) How the extension relates to the house;
- b) The effect on the character of the area - the street scene and the wider area;
- c) The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
- d) A suitably sized garden should be maintained.

- 5.9 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building.

- 5.10 Paragraph 6.4 (Bulk and size) states that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.

### **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are the impact on the design and appearance of the existing building and whether the amenity of neighbouring properties is affected.

#### Design & Appearance

- 6.2 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the

desirability of new development making positive contribution to local character and distinctiveness.

- 6.3 Core Strategy Policy 8 states that the Council supports and encourages the retrofitting of energy saving and other sustainable design measures in existing housing and other development.
- 6.4 Core Strategy Policy 15 states that 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.
- 6.5 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place.
- 6.6 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.7 With regards to the proposed rear roof extension, Council's Residential Standards SDP states that rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary. The proposed extension has a nil setback along both party wall boundaries (adjoining 176 Leahurst Road and 180 Leahurst Road), and a 0.3m rear eaves line set back is proposed for the rear roof extension. The rear roof extension would be finished using materials matching the existing building.
- 6.8 While the proposed rear roof extension does not comply with the design requirements contained within Council's Residential Standards SDP, due to location of the proposed roof conversion and considering that it would not be visible from the street, and also that it would not result in any additional impact upon privacy or solar access, it is considered to be acceptable. The front rooflights would not be considered to have an unacceptable visual impact on the streetscape.
- 6.9 The rear ground floor extension would infill the side return. This area on the north-western side boundary adjacent to 176 Leahurst Road is currently enclosed and has a plastic lean-to roof. The proposed extension would not result in an additional encroachment into the rear garden area of the property, and no significant reduction to the rear amenity space would result, despite the concerns raised in the resident submissions. The proposed extension would be finished using matching brickwork and a flat roof design, which would replace the existing pitched roof of the rear storage area. Solar access and ventilation would be provided via four skylight windows. The proposed materials are considered acceptable as they would match those of the existing dwelling and also particularly given that the extension would represent an improvement upon the design of the existing lean-to. Further to this, these materials would improve

energy saving, in accordance with Core Strategy Policy 8. Therefore, it is also not considered that the development would have a detrimental effect on the character of the neighbourhood, despite concerns raised by residents.

- 6.10 Further to this, it is relevant to consider that the application for conversion of this dwelling into two flats that was refused did not raise any objection to the proposed extensions. As previously discussed, the extension works proposed in this application are the same as those proposed in the refused application and therefore, it would not be considered appropriate to raise objection at this point in time. Of further relevance is that the rear of the dwelling is not considered to have great architectural merit due to the existing extension, and the proposed works would result in an improvement in this regard. Additionally, the extensions would not be visible from the public realm and therefore, it could not be argued that there would be any impact on the architectural quality of the surrounding area.
- 6.11 It is not considered that approval of this development would set a precedent for future development in this area, as there are several rear ground floor extensions and also examples of rear roof slope extensions in the surrounding area. It is also acknowledged that the rear roof slope component of the development would qualify on its own as permitted development.
- 6.12 The proposal is located in flood zones 2 and 3. Run off would not be increased as the building footprint is not increasing. It is proposed that potential flood impacts would be mitigated by the use of permeable block paving in the rear garden. This development is therefore considered acceptable with regards to flood mitigation. Further to the drainage issue raised in the resident submissions, it is considered that the new construction would be likely to resolve any current drainage issues.

#### Impact on Adjoining Properties

- 6.13 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 6.14 DM Policy 30 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.15 The proposed rear extension includes a parapet wall element, with a maximum height of 2.65 metres from natural ground level. This is not considered likely to impact on the privacy or solar access of the adjoining residential dwelling due to the proximity of the existing rear two storey element of the subject property, despite concerns raised in submissions. The side return is already enclosed and while the height would be increased on the boundary from 1.8m to 2.3m, it is not considered that this increase would result in significant loss of amenity. Further, despite concerns raised by residents, it is not considered that there would be a loss of visual amenity for neighbouring properties. Therefore, the proposed extensions are consistent with Core Strategy Policy 15 and DM Policy 30.

#### Other Issues

- 6.16 Regarding the concerns raised by one resident about other residents not having a chance to see the site notice and comment, the site notice was displayed in the

new central location and it was agreed that it would not be removed until a decision is made on the application to enable anyone who still wished to comment to do so up until a determination was made. Officers are satisfied that this addressed any issues regarding the consultation process.

### Equalities Considerations

- 6.17 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.
- 6.18 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.19 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.
- 6.20 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: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.21 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 6.22 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: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 6.23 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.

### Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015, as amended) and the National Planning Policy Framework (2012).

- 8.0 In summary, the proposed extensions are considered to be appropriate in its scale, form and materials and to preserve the character and appearance of the dwelling in accordance with DM policies 30 and 31 and Core Strategy Policies 8 and 15.

### **8.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: 1012-10 A; 1012-20 A; 1012-100 A; 1012-110 A; 1012-200 A; 1012-210 A; 1012-220 and the Flood Risk Assessment (February 2015, First Abode)

**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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

### **INFORMATIVES**

**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.

**Thames Water Advice:**

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

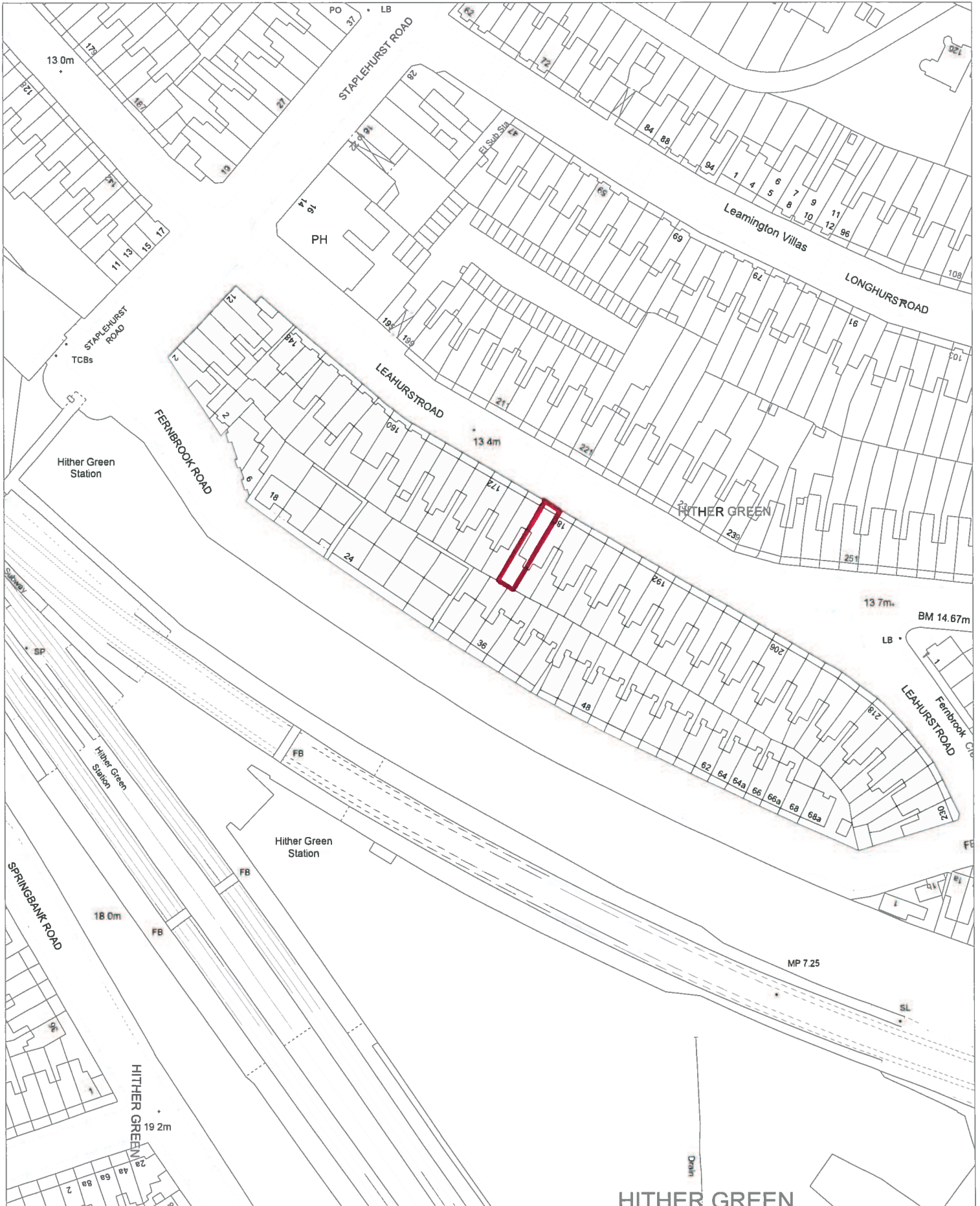
**Environment Agency Advice:**

Although the Environment Agency has no comments to make on this planning application, you may be required to apply for other consents. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream) that the Environment Agency has a regulatory role in issuing and monitoring.

You should contact 03708 506 506 or consult the Environment Agency's website to establish whether if a consent will be required: <https://www.gov.uk/environmental-management>.



# 178 LEAHURST RD, SE13



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Committee	PLANNING COMMITTEE B	
Report Title	4 Lamerock Road, BR1 5LZ	
Ward	Downham	
Contributors	Elizabeth Donnelly	
Class	PART 1	02 JULY 2015

<u>Reg. Nos.</u>	DC/14/90243
<u>Application dated</u>	15.12.15
<u>Applicant</u>	Ms C Greenland
<u>Proposal</u>	The retention of a single storey extension to the rear of 4 Lamerock Road BR1.
<u>Applicant's Plan Nos.</u>	DEC/14/0/LR/01A; Site Location Plan and Block Plan
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/637/4/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	N/A
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 This application relates to a two storey end of terrace single family dwelling house. It is located on the south eastern side of Lamerock Road.
- 1.2 The south western (side) boundary abuts the rear boundary with No.2 Lamerock Road which is located on the corner between Lamerock Road and Capstone Road.
- 1.3 The rear of this property has been extended by way of single storey extension. The extension has a depth of 4.3m with a mono-pitched roof. The structure has a maximum height of 2.8m and an eaves height of 2.4m. It is constructed from white PVCU horizontal cladding.
- 1.4 The rear of the property is not visible from the public highway.
- 1.5 The surrounding area is residential in nature and is demonstrative of a suburban terrace.
- 1.6 The site is not located within a conservation area, nor is it subject to an Article 4 direction. It is not a listed building.

## **2.0 Planning History**

- 2.1 In 2014, an enforcement complaint was received regarding the alleged unauthorised large structure in the rear garden at 4 Lamerock Road (EC/14/00237).
- 2.2 Enforcement officers visited the site and advised the occupier to submit a retrospective planning application.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 This application is for the retention of a single storey extension to the rear at 4 Lamerock Road BR1.
- 3.2 The extension extends 4.3m from the rear wall of the main house. It has a pitched roof with a maximum height of 2.8m and an eaves height of 2.4m.
- 3.3 It extends the full width of the rear of the host building. The extension abuts the boundary with No.6 Lamerock Road and is set approximately 1.5m from the rear boundary with No.2 Lamerock Road.
- 3.4 The extension is constructed with a felt covered roof with white PVCU horizontal cladding, white PVCU rainwater guttering and white PVCU glazing.

## **4.0 Consultation**

- 4.1 Six neighbouring occupiers and the Councillors for Downham were consulted. A site notice was also displayed on site.
- 4.2 Three neighbouring occupiers objected to the proposal. The objections are outlined below.
- 4.3 The neighbouring occupiers at No.2 Lamerock Road raised the following concerns:
- the size of the extension
  - the extension is in the main view from our kitchen
  - the extension does not match any of the houses
  - there was no notice of the extension being built
- 4.4 The neighbouring occupiers at No.84 Capstone Road raised the following concerns:
- the extension is far too big
  - fire risk
  - blocked light for neighbouring occupiers

- neighbours have to look out of window at it

4.5 The neighbouring occupiers at No.82 Capstone Road raised the following concerns:

- concerns about size and material

- the building is so large that it is closing in on the occupier

- not fire proof

- was unable to sit in garden as a result of the construction

## **5.0 Policy Context**

### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

(a) the provisions of the development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

A local finance consideration means:

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At

paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

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

#### London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.1 Lifetime neighbourhoods  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

#### Core Strategy

- 5.7 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:

Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan

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

- 5.9 The following policies are considered to be relevant to this application:

DM Policy 30 Urban design and local character  
DM Policy 31 Alterations/extensions to existing buildings

- 5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

## **6.0 Planning Considerations**

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

- a) Design
- b) Impact on Adjoining Properties

### Design

- 6.2 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.3 The NPPF requires local planning authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term, but over the lifetime of a development.
- 6.4 The London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, apply these principles. The Council's Residential standards SPD provides further detailed guidance to apply such residential principles.
- 6.5 The extension that this application relates to is not visible from the public highway and is therefore not considered to be detrimental to the surrounding streetscene.
- 6.6 The extension gives rise to a 4.3m deep structure to the rear of this terraced house that has a garden of approximately 10m in depth and a width of 6.5m at its narrowest point and 10m at its widest.
- 6.7 Neighbouring occupiers have raised objections in relation to this proposal, expressing concern about the size, design and appearance of the extension.
- 6.8 Due to the size of the host building, the extension is considered to give rise to a bulky addition to the rear of the house. Nevertheless, due to the height and single storey massing of the extension, it is considered to maintain its subservience to the host building.

- 6.9 Whilst the extension alters the host building at ground floor level, the original form, character and appearance of the dwelling is maintained at first floor and roof level.
- 6.10 The materials do not match the existing, rather there is a clear contrast between the host building and extension. As the extension is located to the rear of the property and not visible from the street, officers are satisfied that the appearance of the extension would not give rise to a significant level of harm.
- 6.11 Officers appreciate that the design of this addition does not complement the host building, but it does not affect the character and appearance of the existing streetscene or the host building as viewed from the street.
- 6.12 Therefore, on balance, the extension is considered to be acceptable with regards to design.

#### Impact on Adjoining Properties

- 6.13 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential extensions should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed extensions are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of privacy or general noise and disturbance.
- 6.14 Further objections received from neighbouring occupiers highlighted issues relating to the size of the extension and the resultant impact that it has with regards to outlook, sense of enclosure and light.
- 6.15 The extension runs 4.3m along the boundary with No.6 Lamerock Road. Whilst it is felt that the neighbouring occupiers at No.6 would feel the presence of the extension, it is not considered to give rise to a significant level of harm that would justify a refusal.
- 6.16 Whilst not favoured by officers in design terms, the white PVCU cladding provides an element of lightness and reflectivity that works to reduce any loss of daylight and overbearing impact that a structure of this size may give rise to.
- 6.17 Objections were received from No.2 Lamerock Road and referred to a loss of outlook.
- 6.18 As the property at No.2 has a different orientation from the host building, the extension is not considered to affect the first part of this neighbouring garden.
- 6.19 The rear windows of this neighbouring property do however look out onto the side elevation of the extension. Officers acknowledge that the extension does give rise to a change in the outlook experienced by the neighbours at No.2, but, due to the separation distance of approximately 8m between these windows and the side elevation of the extension, the extension is not considered to give rise to a significant loss of amenity and outlook.
- 6.20 There is a window on the side elevation of the extension. Due to the boundary treatment which exists, as in the form of a timber boarded fence, the development does not give rise to an increased overlooking nor a loss of privacy.



- 6.21 Objections were also received from neighbouring occupiers at No.82 and 84 Capstone Road.
- 6.22 It is acknowledged that these neighbours could have been affected during the constructed phase by noise and disturbance as outlined in their objections. This is however not a planning consideration in the consideration of this application.
- 6.23 Due to No82 and 84 location to the rear of the application site, officers are satisfied that the neighbouring occupiers at these addresses are not directly impacted by the extension in its built state.
- 6.24 In light of the points above, the extension is not considered to give rise to impacts upon the amenities of neighbouring occupiers resulting in demonstrable harm to justify a refusal.

#### Other

- 6.25 Further to the objections addressed above, concerns relating to fire risk were also received. This is not a material planning consideration. Enforcement officers have notified the Council's Building Control team of these concerns.

### **7.0 Equalities Considerations**

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

### **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 On balance, officers consider that the scheme is acceptable with regards to design and neighbouring amenity.

### **9.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

- (1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

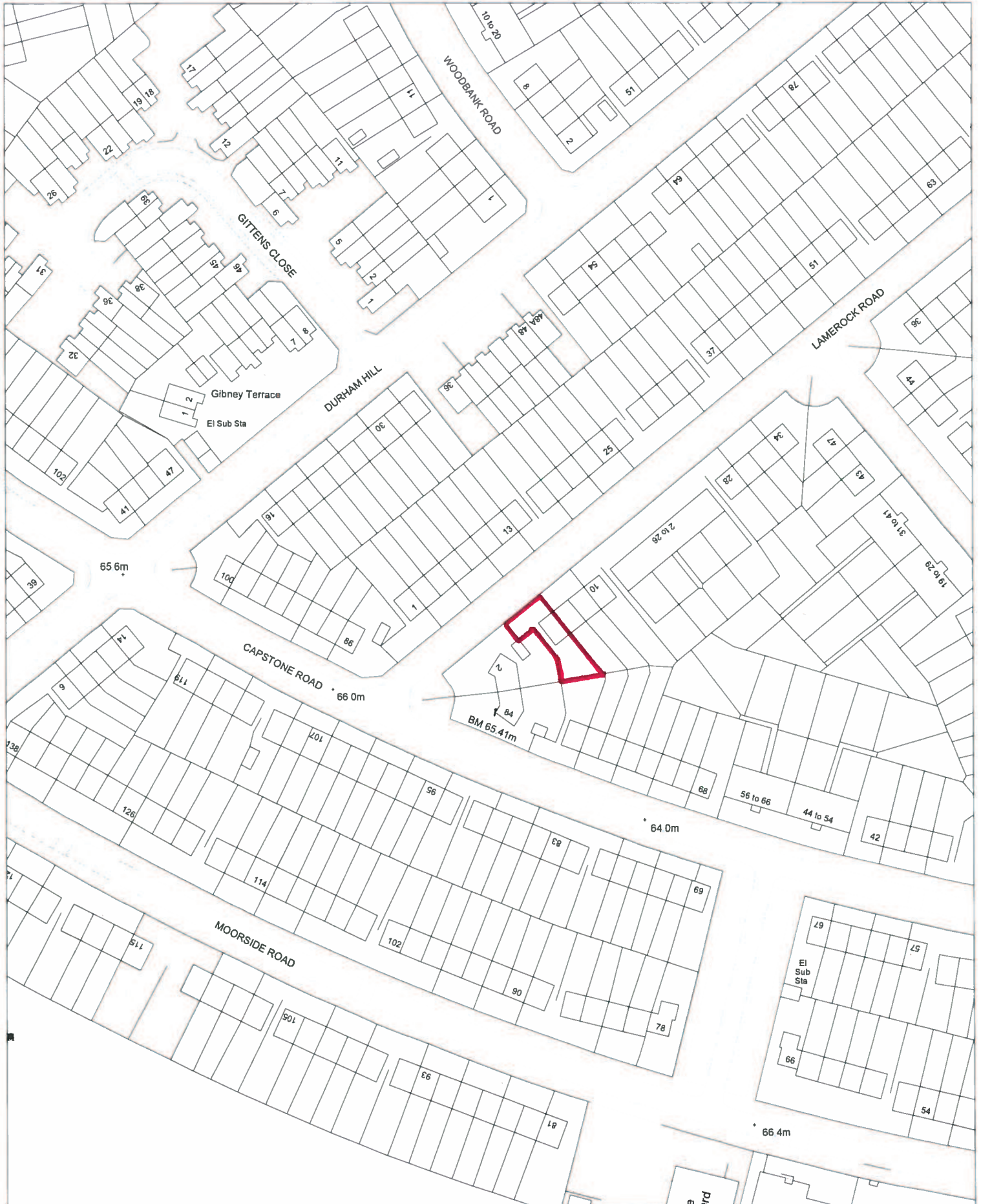
DEC/14/0/LR/01A; Site Location Plan and Block Plan

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

### **INFORMATIVES**

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought and the development was carried out prior to planning permission being applied for. Nevertheless, the proposal was considered to be in accordance with the Development Plan and therefore permission could be granted retrospectively without any further discussion.

# 4 LAMEROCK ROAD, BR1



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Committee	PLANNING COMMITTEE A	
Report Title	32 Mount Ash Gardens, London SE26 6LY	
Ward	Sydenham	
Contributors	Nathan Keenan	
Class		02 JULY 2015

<u>Reg. Nos.</u>	DC/14/90313
<u>Application dated</u>	7 December 2014 [as revised on 9 March 2015]
<u>Applicant</u>	Don Orike Architects Limited as agent for Ms Barr.
<u>Proposal</u>	The demolition of an existing single storey rear extension, construction of a new part one/part two storey extension to the rear together with the partial excavation of the back garden to provide a new lowered patio area.
<u>Applicant's Plan Nos.</u>	TS 01 PP Rev 00, TS 02 PP Rev 01, TS 03 PP Rev 01, OS Map
<u>Background Papers</u>	(1) Case File LE/91/32/TP (2) Local Development Framework Documents (3) The London Plan

## 1.0 **Property/Site Description**

- 1.1 The application relates to a three-storey mid-terrace residential property which is situated on the western side of Mount Ash Road.
- 1.2 The property is located within the Sydenham/Kirkdale Conservation Area which contains a mix of 19th buildings and a 20th century housing estate, all of distinctive form and style and good quality. There is an Article 4 Direction. The building is not listed.
- 1.3 Numbers 24 to 49, despite their height, have a shallow footprint. This has resulted in a trend for two storey rear extensions. Many of the houses at the south west end of the terrace (from Number 31 onwards) have some kind of extension. These vary in date and quality and many pre-date the designation as a Conservation Area and the introduction of the Mount Ash Road Article 4 Directions, which removes permitted development rights for rear extensions in this street.
- 1.4 Rear gardens are short and steeply sloping to the north east. The rear of the houses are visible at first and second floor level from Mount Gardens, which is an adopted public highway.

## 2.0 **Planning History**

- 2.1 Planning application DC/13/83398 was received on 2 May 2013 to undertake re-roofing of 32 Mount Ash Road SE26 with Contessa Spanish natural slate. The application was approved on 27 June 2013.
- 2.2 Planning application DC/13/83399 was received on 2 May 2013 to undertake alterations to the roof. This application was withdrawn on 23 May 2013.

### 3.0 **Current Planning Applications**

#### The Proposals

- 3.1 The current application seeks to demolish an existing single storey rear extension, construct a new part one/part two storey extension to the rear together with the partial excavation of the back garden to provide a new lowered patio area.
- 3.2 The existing single floor extension to be demolished measures 3m by 3.1m (9.3m<sup>2</sup>) and is built to a height of 3.1m.
- 3.3 The proposed single floor element of the extension measures 3.6m by 5.2 (18.72m<sup>2</sup>) and constructed to a height of 3.1m. This amounts to an increase of 9.42m<sup>2</sup> in floor area at ground level. A aluminium framed bi-fold door and graphic zinc cladding is proposed along the rear of the extension. Yellow stock brick is proposed for the side elevation cladding. A flat roof light and single ply membrane roof is proposed.
- 3.4 The proposed first floor element of the extension measures 2.1m by 2.6m (5.46m<sup>2</sup>) and constructed to a height of 2.6m (above the ground floor level extension). An existing timber sash window is to be reused on the rear of the extension with the yellow stock brick the external cladding material to match that on the parent building. A flat roof light and single ply membrane roof is also proposed.
- 3.5 Overall the extension would total (24.18m<sup>2</sup>) in floor area and have a total height of 5.7 metres.
- 3.6 Excavation is proposed within the rear garden in order to create a flat patio area. The patio will measure 5.2m by 4.9 (25.4m<sup>2</sup>) and will be formed with stone pavers.
- 3.7 The application was amended through the planning process with the first floor element being reduced in size and a change in window design.

#### Supporting Documents

- 3.8 The applicant has submitted a Design and Access Statement & Heritage Statement in support of the application.

#### *Design and Access Statement*

- 3.9 This report sets out an overview on the design rationale for the proposed development and details and how it relates to the locality. In essence, the statement concludes that through the design, materials and landscaping; the development will provide a high quality contemporary but sympathetic development that relates well to its surroundings.

#### *Heritage Statement*

- 3.10 This statement sets out the heritage asset and setting and assesses the potential impact that the proposal will have on heritage. The statement concludes that through the design, materials and position of the works, no significant impact on heritage will result.

### 4.0 **Consultation**

- 4.1 Site notices were displayed and letters sent to residents in the surrounding area and the relevant ward Councillors. Three objection letters were received from the residents of Oak House Mount Gardens, 17 Denham Court and from the Sydenham Society.

#### Written Responses received from Local Residents

- Concern about excavation into back garden - history of land stability issues/slippage
- References to Mount Ash Gardens should be Mount Gardens
- The site is located within the Sydenham Hill conservation area contrary to that stated within the application.
- Mount Gardens is not an unmade road; it is surfaced and an adopted road within Lewisham.
- The site is north facing therefore a high amount of sunshine is not likely.
- Concern about precedent being followed.
- The works will undermine the visual appearance of the building to the rear and are historically important.
- A window is shown on the side wall of the extension facing 31 Mount Ash Road looking over the proposed first floor level causing privacy concerns.
- Mount Gardens is the only vehicular access to the proposed construction site. Deliveries of materials and removal of debris have the potential to block access, and result in subsidence
- Land stability issues
- Overdevelopment of small site.

#### Written Response received from the Sydenham Society

- No provision of rainwater and soil stacks
- Zinc is inappropriate and does not complement the existing building materials.
- Second storey results in plain brick walls facing neighbouring properties and enclosing residents.
- The second storey will destroy the character of the rear of the building - referred to as a charmless brick box
- Frameless plate glass panel windows and aluminium concerina style doors are not in keeping with the rest of the house and will result in adverse effects on terms of noise and noise pollution.
- Proposal will potentially result in an increase in groundwater and drainage issues.
- Light and noise pollution on the character of the vicinity
- A V2 rocket exploded in the vicinity during World War 2 resulting in fragments embedding themselves in the ground prior to exploding therefore resulting in ground movement.
- Rear of house is historically important
- The back of the houses are highly visible within Mount Gardens
- Many of the precedents highlighted did not receive planning permission. Allowing similar development would result in cumulative effects.
- The plans do not respect the topography of the area nor the appearance of the building.
- The extension by reason of its size and siting would have an adverse impact on the scale, character and amenity of the dwelling, and its neighbouring properties.
- The plans threaten the integrity of the sweep of the terrace.
- Question the applicants' commitment to undertake the work given previous planning applications

#### Highways and Transportation

- Concern regarding the excavation of land in proximity to the highway (Mount Gardens)
- Requirement for investigations into ground/geotechnical conditions along with full structural design (to be approved by the Highway Authority and Building Control).
- Need for retaining structure to be constructed of suitable materials with an appropriate maintenance regime.
- Need for the applicant to accept liability for any future damage to the highway resulting from the failure of the structure or failure to maintain the structure.

Discussions were subsequently undertaken with Highways as to whether these concerns could be addressed through the imposition of conditions. Highways initially sought a suite of measures via a legal agreement to secure stability works and limiting liability however following discussions with Highways, it is agreed that the requirement for the approval of any retaining and a construction management plan protecting the adjoining highway by ways of conditions will largely resolve these issues.

### The Environment Agency

No response received

## 5.0 **Policy Context**

### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.



### Other National Guidance

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

### London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 5.3 Sustainable design and construction

Policy 6.3 Assessing effects of development on transport capacity

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.14 Improving air quality

### London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Sustainable Design and Construction (2006)

### Core Strategy

- 5.7 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:

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

### Development Management Local Plan

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

- 5.9 The following policies are considered to be relevant to this application:

DM Policy 22 Sustainable design and construction

DM Policy 26 Noise and vibration

DM Policy 27 Lighting

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

DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas,

listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (August 2006)

5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 **Planning Considerations**

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

- a) Principle of Development
- b) Design
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties

Principle of Development

6.2 The demolition of the existing rear extension is considered acceptable as it is modern and not highly visible from the adjoining Mount Gardens.

6.3 While the Article 4 direction removes permitted development rights, it does not preclude development. Planning Permission is required which enables the Council to assess each case on its merits which in turn also takes into account the sensitivities of the Conservation Area.

6.4 A number of similar first floor extensions exist to the rear of the north-west section of the terraced buildings with the last known permitted at Number 31 (under reference DC/02/50631). Planning Policy however has changed since that date with particular regard being given to the cumulative attrition of Conservation Areas in terms of character and appearance. DM Policy 36 for instance states; "the Council will not grant planning permission where development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area".

6.5 In assessing the potential cumulative impact it must be noted that there are no first floor rear extensions to the north east of the terrace block. As such, there is the potential for this proposal to add to the creep of rear extensions in this direction. Notwithstanding that, the applicant has responded by reducing the mass of the extension which limits its visibility while materials similar to the host building (first floor level) assists in blending the development in with the host building and development adjoining. Council's Conservation Officer considers these elements to mitigate any cumulative impact on the conservation area by limiting visibility and ensuring the design preserves the character of the area.

6.6 The proposed extension enables the levelling of the rear garden area which enables a greater amount of useable outdoor living areas. This is seen as positive as it creates usable amenity space.

6.7 As the proposal replaces existing built form (although slightly larger), cumulative effects of the proposal (in terms of character and appearance) would be small and that the proposal provides a greater usable outdoor living space; it is considered that the proposal is acceptable in principal.

## Design

### *Rear extension*

- 6.8 The proposed rear extension will largely follow the footprint of the existing extension although slightly larger (18.72m<sup>2</sup> compared to 9.3m<sup>2</sup> existing). The height of the ground floor extension will remain at 3.1m while the first floor level will add an additional 2.6m to the overall height (5.7m total). Given the topography of the site and the presence of a 2m high fence bordering the site, visibility of the building will be limited to the proposed first floor extension. The ground floor extension would not be visible from Mount Gardens.
- 6.9 The proposed extension effectively replaces a relatively modern building element at the ground floor therefore the use of modern material such as zinc cladding will not significantly affect the character of the building as it will continue to provide a contrasting but complimentary element to the built form adjoining. The first floor element however due to its visibility has been designed more in keeping with the host building through the use of London Stock Brick and timber sash windows.
- 6.10 DM Policy 36 of the Development Management Local Plan states that alterations or extensions should be compatible with the special characteristics of the area, its buildings, spaces, settings, scale and form of materials while not resulting in substantial harm to the building or area in terms of character and appearance.
- 6.11 The proposed extension is considered to positively respond to that listed in DM Policy 36 through the reduction in its mass, consistency in design through materials, window type, architectural symmetry and subordination with the parent building. While the first floor extension will be visible from Mount Gardens; the design and scale is acceptable in principle and will ensure that no significant impact results on the conservation area and the terraced block adjoining. The Council's Conservation Officer has reviewed the revised drawings and considers the proposal acceptable due to the reduced scale, visibility of development and materials complimentary to the host building.

### *Excavation/patio area*

- 6.12 The proposed excavation and formation of the terrace is seen as positive from a design perspective as it creates more usable space. Similar patios have been created on other properties adjoining.
- 6.13 The use of stone pavers ensures a complimentary element to the zinc and brick cladding of the building extension while drainage channels are to be provided to the north and west of this area.
- 6.14 Due to topography, fencing, landscaping screening and positive influence by providing useable space; it is considered that the patio area is acceptable.

## Highways and Traffic Issues

- 6.15 Mount Gardens is an adopted highway and borders the site to the rear. Given the narrow width of the road, there is potential for conflict to arise during construction from the removal of earth or deliveries to the site. These effects are however temporary and given the scale of the proposal, not expected to last a long time. To mitigate any potential conflict it is recommended that a condition be imposed requiring a construction management plan be approved prior to construction. This plan is to detail specifically how construction traffic will be managed and methods to be taken to mitigate adverse effects of construction activities on neighbouring properties. Through the imposition of this condition, it is considered that effects on the highway can be managed during the construction phase.

- 6.16 Historic slippage/land stability issues were identified within the objection letters received where legal action was taken in the 1980's when a slip caused instability of Mount Gardens road. Notwithstanding that, the Council's Planning Department does not hold any current records of instability.
- 6.17 As identified above, Highways have expressed concerns regarding the proposed construction works. No direct objection was made however a suite of recommendations were made in order to ensure that the Highway is not adversely impacted. The applicant has been subsequently made aware of these recommendations.
- 6.18 Although Council's planning department does not hold any records of instability within the site, objectors have raised this as a concern. Given these comments made by Highways and the objectors and to ensure site stability, it is therefore recommended that a condition be imposed requiring detailed design plans of the structural retaining be submitted to the Council for approval prior to any works commencing - the Council's Building Team and Highways will be consulted on the acceptability of the document for approval. Through the imposition of this condition it is considered that land stability through appropriate engineered retaining can be assured. In addition, Highways have powers under the Highways Act should any damage result to the adjoining highway to be made good. Through these mechanisms, it is considered that any potential land stability issues can be mitigated.
- 6.19 Overall, given the temporary nature of construction activities and ability to manage land stability through specific engineering designs assessed by Building Control; it is considered that no significant impact on Mount Gardens would result. The responsibility to discharge the condition will principally lay with the Local Planning Authority.

#### Effects on Adjoining Properties

- 6.20 The proposed ground floor extension will be consistent with the building line adjoining while the first floor extension and alignment with the symmetry of the parent building. As such, daylight/dominance on neighbouring properties is not anticipated.
- 6.21 Adverse effects such as construction related activities, land stability issues, traffic management can be addressed through recommended conditions therefore no significant effects on neighbouring properties are anticipated.

Due to the proposal being of a scale that does not adversely affect neighbouring properties and conditions recommended mitigate construction related effects; it is considered that an acceptable level of impact would result on adjoining properties.

- 6.22 Land stability issues have been identified by objectors and Highways as a matter needing addressing. Initially, to mitigate potential land stability issues, Highways recommended a series of planning obligations. However, following discussions with the applicant and Highways Officers, it was agreed that a series of conditions would be sufficient. Furthermore, Highways have the ability to require remediation works under the Highways Act should any damage occur to its asset. As such, officers consider that conditions and existing Highways powers are capable of resolving any issues.
- 6.23 Notwithstanding Council's planning department not holding any record of instability onsite; the ability to assess retaining/excavation at detailed design stage (through building control) is seen as the most appropriate mechanism to ensure no slippage occurs. The applicant furthermore has advised that a qualified engineer will undertake the structural design of proposed retaining. A condition requiring these measures to be approved by Council prior to works commencing is also recommended (construction management plan).

7.0 **Community Infrastructure Levy**

7.1 The above development is not CIL liable.

8.0 **Conclusion**

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

8.2 The proposed development on balance is considered to acceptable and of no significant harm to residential amenity or the character of the wider area.

8.3 **Recommendation**

**GRANT PERMISSION** subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

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

TS 01 PP Rev 00, TS 02 PP Rev 01, TS 03 PP Rev 01, OS Map

**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) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not limited to the following:-

(a) Full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(b) Measures to deal with safe pedestrian and vehicular movement.

(c) Measures to mitigate effects on neighbours

(d) Dust mitigation measures

(e) Measures to deal with land stability

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

- (4) No development shall commence on site under a detailed structural assessment (including calculations) has been submitted and approved by the Local Planning

Authority with regards to any retaining walls proposed. Once approved and constructed, the all retaining shall be maintained to a high standard.

**Reason:** To ensure that land stability issues do not arise and that the proposed retaining is of a standard that will ensure that the adjoining Highway and adjoining properties are not affected by slippage in the future.

- (5) The development shall be constructed in those materials detailed in plan;

TS 02 PP Rev 01 namely; Yellow Stock Brick, Graphic Zinc Cladding, Aluminium framed bi-fold doors, Timber sash windows, Flat rooflights, Single ply membrane roof covering and Stone pavers

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (6) (a) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.
- (b) No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## **INFORMATIVES**

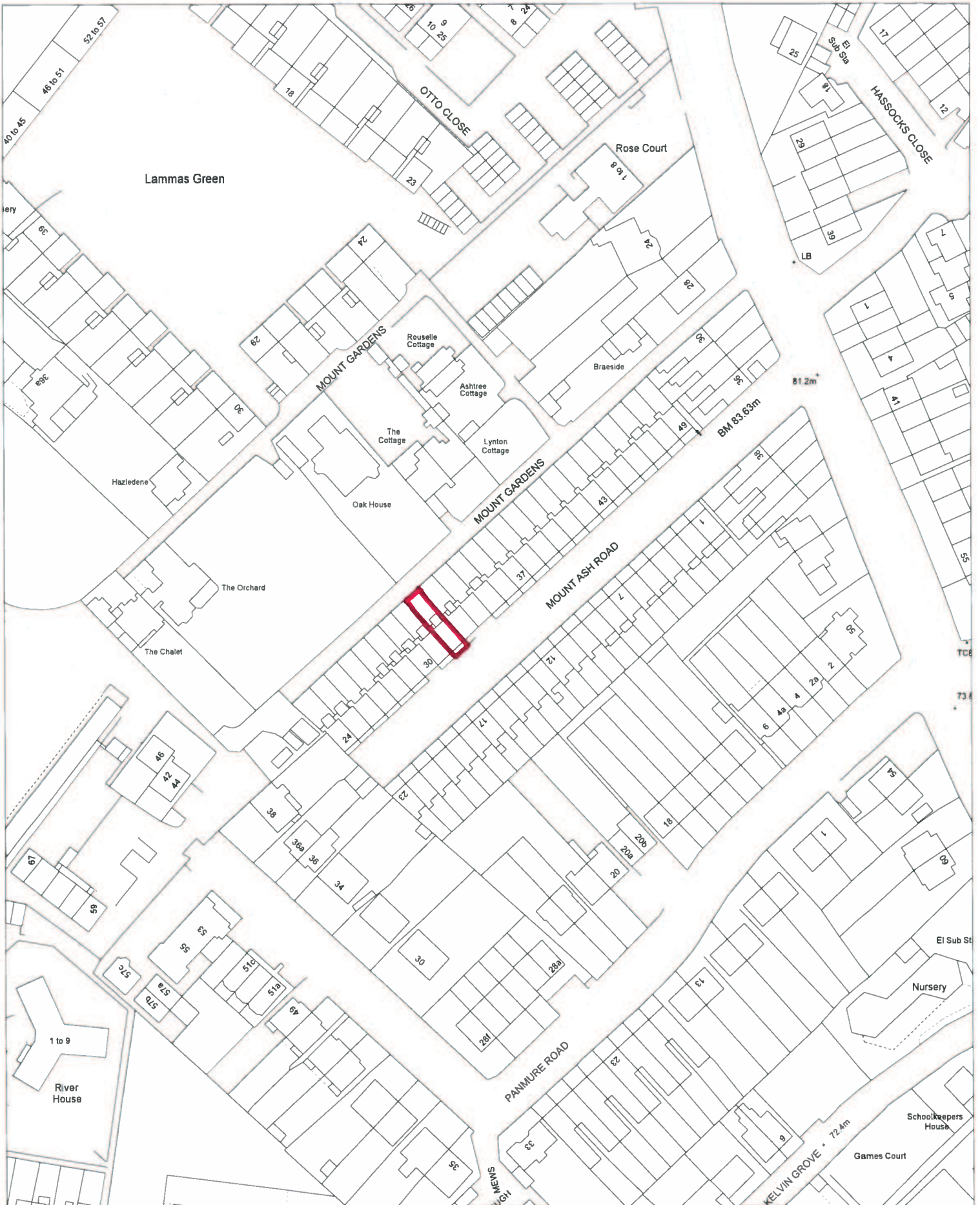
- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (2) The applicant is advised that historic land stability issues have been reported in the locality and that further investigations should be undertaken by the applicant prior to the detailed design of any retention structures. The approval of these structures must be made by Building Control.
- (3) Should any failure occur from the retaining occur due to a lack of maintenance or quality of construction that results in damage to the adjoining Highway, then the applicant shall be liable for costs of repair.
- (4) Any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.



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# 32 MT. ASH ROAD, SE26



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Committee	PLANNING COMMITTEE C	
Report Title	49A Drakefell Road, London, SE14 5SH	
Ward	Telegraph Hill	
Contributors	Colm Harte	
Class	PART 1	02 July 2015

<u>Reg. Nos.</u>	DC/14/89846
<u>Application dated</u>	16.11.2014 [as revised on 12.06.2015 and 15.06.2015]
<u>Applicant</u>	Mr. Bowden
<u>Proposal</u>	The construction of a single storey extension to the rear of 49A Drakefell Road SE 14
<u>Applicant's Plan Nos.</u>	1450-300;1450-350;1450-501;1450-502;1450-551;1450- 552; Site Plan; CIL form received 15 December 2014; 1450-553 received 12 June 2015; Design and Access Statement; Email from Mr. Bowden received 15 June 2015
<u>Background Papers</u>	(1) Case File DE/46/49A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 3 Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area Not a Listed Building Unclassified

## **1.0 Property/Site Description**

- 1.1 The application property is a ground floor flat, situated within a converted semi-detached Victorian dwelling house. The property, which has an original two storey rear projection, is located on the northern side of Drakefell Road and is bounded to the rear by Telegraph Hill Park, from which the rear of the property is partially visible.
- 1.2 The rear of the existing property has previously undergone considerable alterations including the rendering of the side and rear elevations at ground floor level along with the removal of the original side facing ground floor bay window and replacement of the ground floor sliding sash windows and rear door with white uPVC windows and door.
- 1.3 The existing ground floor unit currently provides a combined kitchen and living area along with one double bedroom and a bathroom. Direct access is provided from the kitchen to a large private open space area which has been partially decked.
- 1.4 The surrounding development is predominantly residential in nature and contain a mixture of single dwellings and flatted developments, similar to the subject

property. It is noted that there are a number of properties which are also located along the northern side of Drakefell Road that have similar ground floor infill side and rear extensions.

- 1.5 The application site is in the Telegraph Hill Conservation Area, is subject to an Article 4 direction but is not situated within the vicinity of any listed buildings.

## **2.0 Planning History**

- 2.1 DE/46/49/TP: Approval of an application for the subdivision of an existing single dwelling into two self contained flats. Decision dated 10 September 1969.
- 2.2 28 April 2000: Dismissal of an appeal against the refusal of an application for the retention of uPVC windows added to the front and side elevation of the ground floor flat. This appeal decision did not relate to the rear ground windows which remain of white uPVC casement type.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 The current planning application seeks permission for the construction of a single storey side and rear extension which would create an open plan living room/kitchen/dining area.
- 3.2 The proposed extension would infill the side set back of the existing two storey rear projection at ground floor only. The proposed development would align with the main flank elevation the existing property hence respecting the existing minimum side setback and maintaining the side boundary access between the host property and the adjoining dwelling at 51 Drakefell Road. The proposed addition would have a total length of 7.6 metres which includes the infilling of the existing side return and extending by 3 metres from the existing rear projection.
- 3.3 The proposed addition would have a sloping roof with a maximum height of 3.25 metres, reducing to 2.4 metres at eaves level and include four rooflights which the applicant has confirmed would be of a '*Conservation type*'.
- 3.4 It is proposed to utilise materials and finishes which would match or complement the host property and accordingly the proposed extension would be constructed in London Stock brick matching the existing brickwork of the host property and the roof would be finished using artificial "Eternit" slate. It is proposed to install two new double glazed wooden windows, one of which would replace the existing uPVC door, with the second replacing the existing uPVC bathroom window.
- 3.5 Following concerns raised by the Telegraph Hill Society, the applicant has confirmed that the bonding of the brickwork will be Flemish bond.

### Supporting Documents

- 3.6 Heritage Statement

## **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received.

4.2 Site notices were displayed and letters were sent to the adjoining residents and the relevant ward Councillors were also consulted.

#### Written Responses received from Local Residents and Organisations

4.3 One letter of objection was received from the Telegraph Hill Society. The following matters were raised:

- Concerned was raised by the significant number of applications within the Telegraph Hill Conservation Area which propose large side/rear extensions which often destroy large amounts of original fabric, particularly where visible from the public realm;
- The Telegraph Hill Conservation Area Appraisal highlights that the rear of properties in the conservation area are largely as uniform as the front. There is concern that this is being further eroded;
- DM Policy 36.4b states that development in the conservation area should be refused which in isolation would lead to less than substantial harm to the building or area but cumulatively would affect the character and appearance of the conservation area however it is considered that in this instance there would be significant loss of original fabric which would result in substantial harm to the building;
- The rear and side elevation, including the proposed windows, presents a flat uniform elevation which destroys the articulation of the original rear elements of the building;
- The proposed rear extension presents blank walls free of any detailing and will have an adverse effect on neighbouring amenity;
- The proposed quantum of glazing including the proposed roof lights would, by way of light spillage, impact the amenity of the adjoining property, the use of Telegraph Hill Park and impact upon local wildlife.
- No details of bonding or the specific types of roof tiles have been provided while specific objection is raised to the use of stainless steel profiles to connect the proposed extension to the existing building.

4.4 ASP:

The Panel objects to the poor quality of design and the principle of this development and the loss of the L-shaped plan of the building. The Panel also objects to the number of rooflights, which will cause neighbourly light pollution. The Panel notes that this infill will be visible from Telegraph Hill Park.

## **5.0 Policy Context**

### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

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

#### London Plan (March 2015)

On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

5.6 London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Core Strategy

5.7 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:

Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
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
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (August 2006)

5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix,

density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

#### Telegraph Hill conservation area character appraisal:

- 5.11 The Telegraph Hill Character Appraisal provides information on the special character of the conservation area. The Council has a duty to formulate and publish proposals for conservation areas and to pay special attention to the desirability of preserving or enhancing the character of such areas. Character appraisals are a material consideration in the planning process and are used when determining planning applications and appeals.

### **6.0 Planning Considerations**

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

- a) Design and Conservation
- b) Impact on Adjoining Properties
- c) Impact of associated light spillage upon the wildlife and biodiversity within the adjoining Telegraph Hill Park
- d) Sustainability and Energy

#### Design and Conservation

- 6.2 Development Management Local Plan DM Policy 31 'Alterations and extensions to existing buildings including residential extensions' states that "*alterations and extensions, including roof extensions will be required to be of high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.*"
- 6.3 DM Policy 36 states that the Council will not grant planning permission where development would be incompatible with the special characteristics of the area, its buildings, spaces, settings, form and materials.
- 6.4 The subject application was reviewed by Council's Conservation Officer who raised concerns regarding proposed development. In particular, the proposed rear extension was considered to be unacceptable in terms of design and plot coverage as the side return would be in filled and result in the excessive loss of the original fabric of the building. Concern was also raised that the proposed extension involves the introduction of uncharacteristic design elements such as wide, heavily glazed patio doors and large Velux rooflight windows.
- 6.5 Clarification was also sought as to the proposed materials to be used regarding proposed brickwork, rooflight windows and roofing material.
- 6.6 The applicant has provided clarification regarding the materials to be used as part of the proposed extension. In this regard, the proposed materials comprising



(brick, high quality artificial slate and aluminium framed window and doors) along with matching brick bonding would be in keeping with the existing materials of the host property.

- 6.7 It is noted that while the proposed extension, including the roof form, is contemporary in design, it would be complementary to the appearance of the host building. While the side return would be infilled at ground floor level the original set back of the rear projection from the main flank elevation would be retained at first floor level, which is significantly more visible from Telegraph Hill Park.
- 6.8 The Telegraph Hill Society have suggested that the proposed development is unacceptable due to the significant loss of the original building fabric. As stated in the report above, the rear and side elevations of the subject property have undergone significant alterations which have resulted in the loss of a several original details. These works include the rendering of the rear and side elevations, at ground floor only, installation of uPVC windows and doors and the removal of the side facing bay windows. In this instance, the proposed development would not result in the loss of significant original building fabric.
- 6.9 The proposed extension is of a modern design. There is no policy requirement that prevents the introduction of contemporary elements, provided that they complement the host building. The reintroduction of exposed brick is, as opposed to the existing rendered elevations, more suitable. The applicant has confirmed that London Stock brick would be used to match the existing brickwork, including the use of Flemish bonding, and the proposed roof would be finished using 'Eternit' slate. A condition has been recommended requiring the written approval of Council, prior to the commencement of development, for the proposed materials and finishes.
- 6.10 The applicant has proposed to install two new double glazed wooden windows, one of which would replace the existing uPVC door, with the second replacing the bathroom window. This would also be in keeping with the existing timber sliding sash windows located at upper floors of the host property.
- 6.11 The Telegraph Hill Conservation Area Character Appraisal identifies the subject property as a building that makes a positive contribution to the conservation area. The Appraisal states that "being in good condition and relatively unaltered externally, all of the 19th century buildings make a positive contribution to the special character and appearance of the conservation area". This is despite the fact that a large number of these properties on Drakefell Road include single storey rear extensions. This would imply that despite having rear extensions, these buildings continue to make a positive contribution to the special character of the conservation area.
- 6.12 The character appraisal goes on to discuss the condition of the conservation area (which is described as good) and list the type of small changes to the external appearance of individual houses which are beginning to erode the special interest of the area. These include the replacement of timber sash windows with uPVC or windows in a different style, enclosure of recessed front porches, obtrusive rooflights located in the front roofslope, unauthorised satellite dishes, replacement of slate with concrete tiles or poor quality artificial slate, incorrect bonding of new brickwork, rendering/ pebble-dashing of original brickwork, removal of small

architectural details such as tiled front paths, finials, ridge tiles and clay chimney pots. The list does not include additions to the rear of the property.

- 6.13 The Society state that the Conservation Area Appraisal makes reference to the rear of properties being as uniform as the front. However, on further examination, the Appraisal states that “there are good views of the backs of houses, as uniform in design as the fronts”. The appraisal refers to the original design of the buildings and remains silent on whether the properties are generally unaltered to the rear. An aerial view of this part of Drakefell Road reveals that many of the properties feature rear extensions including a similar extension, in relation to size and design located, at No. 57A Drakefell Road which was approved at a meeting of Council’s Planning Committee (DC/09/70702) on 02/09/2009. In addition, it is noted that the properties situated at 31 and 53 Drakefell Road which also back onto the Telegraph Hill Park present similar style extensions.
- 6.14 There are a number of extensions to the rear of the buildings on this part of Drakefell Road but these extensions are not overly visible from the public realm and therefore it is not accepted that they can be said to have an unacceptable impact either singly or cumulatively on the appearance of the conservation area. It is noted that the subject site currently has a significant level of planting along the rear boundary which would further conceal the potential impact of the proposed extension. The single storey extension is therefore considered to have an acceptable impact on the conservation area.

#### Impact on Adjoining Properties

- 6.15 DM Policy 31 states that residential extensions should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens. The policy also states that residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden area. The existing property has a large rear garden, and the proposed development would encroach by a 3 metres into this. Accordingly, in excess of 50% of the existing garden area would be retained. Concerns have been raised by the Telegraph Hill Society that the proposal would have a negative impact on the amenity of neighbouring occupier, located at 51 Drakefell Road, by way of the blank featureless side elevation. It should be noted that the adjoining property was notified but has not raised any objection to the proposed development.
- 6.16 The subject property, which is a ground floor flat situated within a former semi-detached dwelling, is separated from the adjoining property (No. 51 Drakefell Road), by a side access path. This path provides access to the rear gardens of the both properties which are separated by a side boundary fence which separates the rear gardens of both properties.
- 6.17 The proposed extension would, with the exception of the 2 metre x 2 metre lightwell, infill the existing side return at ground floor only and would have a maximum height of 3.25 metres reducing to 2.4 metres at eaves level. The proposed side extension would maintain the existing minimum set back to the shared boundary with the neighbouring property at 51 Drakefell Road. The proposed development would result in a slight increase to the sense of enclosure upon of the adjoining property, however considering that the extension would have a maximum height of 2.4 metres at eaves level, 400mm above the boundary

fence and would be set back 900 mm from the adjoining property boundary, the proposed addition is not considered to have an unacceptable impact on neighbouring amenity.

- 6.18 Concerns have been raised regarding the impact of light spillage from the proposed roof lights upon the adjoining property. The impact is considered not to be significant in a built-up location where existing windows of neighbouring properties are in close proximity.
- 6.19 It is therefore considered that the proposed development, by way of impact upon the adjoining property is not, on balance, deemed to be unacceptable and in this instance would not warrant the refusal of this application.
- 6.20 The proposed extension would not increase overlooking of the adjoining property as no additional windows side facing are proposed, further to this the existing boundary fencing will continue to provide screening between neighbouring properties. It is therefore considered that the subject application will not impact the visual privacy of the adjoining properties.

#### Impact of associated light spillage upon the adjoining Telegraph Hill Park

- 6.21 The Telegraph Hill Society has raised an objection on the basis that the proposed level of glazing which would be introduced as part of this application would impact upon the wildlife of the park and would also impact the enjoyment of the park by local residents. This application was reviewed by Council's Ecological Regeneration Manager who did not raise any objection to the proposed development and noted that any light spillage as a result of the proposed development would be negligible given the domestic and urban setting of the park. Considering the level of ambient lighting within the urban setting of the Telegraph Hill area, the proposed development is not considered impact upon the enjoyment of the park by local residents.

#### Sustainability and Energy

- 6.22 The proposal complies with the principle of extending an existing building and maximises the use of a site. For a development of this scale it is not considered appropriate or necessary to insist upon the inclusion of renewable energy facilities.

### **7.0 Community Infrastructure Levy**

- 7.1 The above development is not CIL liable.

### **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider that the proposed wrap around extension is of an acceptable design and would have an acceptable impact on neighbouring amenity. The replacement windows and extension would not adversely impact the character and appearance of the conservation area. The scheme is therefore considered acceptable.

## **RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

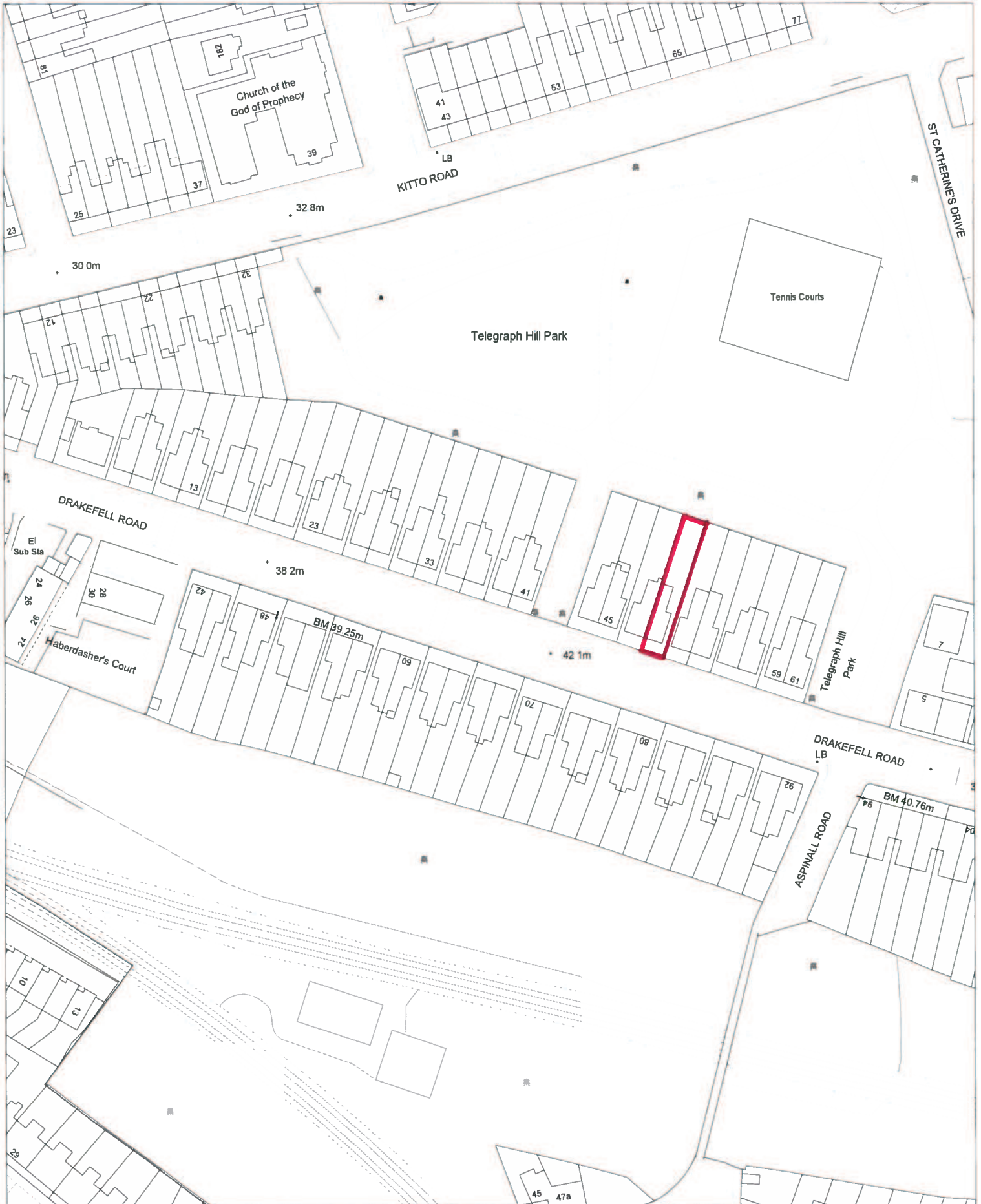
2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: 1450-300;1450-350;1450-501;1450-502;1450- 551;1450- 552; Site Plan; CIL form received 15 December 2014; 1450-553 received 12 June 2015; Design and Access Statement; Email from Mr. Bowden received 15 June 2015

**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. No development shall commence on site until a detailed schedule of all external materials and finishes including windows, external doors, roof coverings, roof lights and brick types (including bonding) to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

# 49A DRAKEFELL RD, SE14



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