

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 8 SEPTEMBER 2016 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:**

**Joan Reid (Chair)
Olurotimi Ogunbadewa (Vice-Chair)
Mark Ingleby
Alicia Kennedy
Jim Mallory
Hilary Moore
John Muldoon
Jacq Paschoud
Gareth Siddorn
Susan Wise**

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, 30 August 2016**

**For further information please contact:
Joshua Ogunleye Committee Co-ordinator
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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 08 September 2016

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 no 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 (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 08 September 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 28 July 2016.

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Committee	PLANNING COMMITTEE B	
Report Title	9 Seymour Gardens SE4	
Ward	Telegraph Hill	
Contributors	Maeve Wylie	
Class	PART 1	Date: 8 th September 2016

<u>Reg. Nos.</u>	DC/16/097042
<u>Application dated</u>	11.06.16
<u>Applicant</u>	Mrs Vollrath
<u>Proposal</u>	The construction of a two storey side extension and a single storey outbuilding in the rear garden of 9 Seymour Gardens, SE4.
<u>Applicant's Plan Nos.</u>	IV 1001 Existing Plans; IV 1002 Existing Elevations and section; IV 2001 Proposed Plans; IV 2002 Proposed elevations and section; IV 2003 Site plan/extension and summerhouse section; IV 1000 Location/ block plans
<u>Background Papers</u>	(1) Case File DE/109/A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	None

1.0 Property/Site Description

- 1.1 The site proposed for development is 9 Seymour Gardens, London, SE4.
- 1.2 A two-storey end of terrace building of relatively modern construction (c.1990's) is located on the plot. The property is located in a cul-de-sac which is situated to the east of Avignon Road. The rail line between Nunhead and Crofton Park/Lewisham runs to the north of the development.
- 1.3 The property is part of a wider development which consists of a combination of two storey terraced properties and 4 storey blocks of flats. The host property is an end of terrace with adjoining single storey garage to the side.
- 1.4 The site is not located within a Conservation Area, but is near to the Telegraph Hill Conservation Area.
- 1.5 The site is not within the vicinity of any Listed Buildings or subject to an Article 4 Direction.

2.0 Planning History

2.1 None

3.0 Current Planning Application

Side extension

- 3.1 The proposal involves the construction of a modern two-storey side extension for the existing two-storey end of terrace building at 9 Seymour gardens which would incorporate removing the garage. There is also a single storey outbuilding proposed to the rear.
- 3.2 The proposed two-storey side extension is to be constructed joining the property boundary with No 8 Seymour Gardens from the west flank elevation of the existing dwellinghouse. The extension is to be setback 0.9m from the front elevation of the dwellinghouse and would have a depth of 6.9m at both ground and first floor. To the rear the two storey side extension would be set back 0.25m from the rear building line.
- 3.3 The side extension would be set down 0.9m from the existing ridgeline with a total height of 6.9m and a pitched roof at a shallower slope than existing. The extension would have a width of 3.3m.
- 3.4 The materials are stated to be brown concrete pantile, red brick and double glazed uPVC all to match existing.

Outbuilding

- 3.5 In addition to the construction of the extension, a summerhouse is also proposed to be constructed in the rear garden.
- 3.6 The outbuilding would be 9.15m wide and 2.5m deep. The outbuilding would be 2.9m tall at its highest point with a mono pitch roof sloping down to 2.7m at the rear. There would only be windows placed on the front elevation and there would be a sedum green roof.

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 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Council's Licensing team were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 20 neighbours were consulted and Telegraph Hill Ward Councillors. 11 responses were received, 3 in support and 8 objections.
- 4.4 The points raised in the support letters included:
- Proposal would fit into the surrounding area

- Matches No.29 Seymour Gardens

4.5 The points raised in the objections included:

- Property seems to be operating a childminding service with a high level of noise from children
- The extension will result in a larger number of children on site further increasing noise and creates traffic issues in the development
- The proposed development will affect the original charm and character of neighbouring properties.
- The proposed development will encroach upon neighbouring privacy as the proposed summerhouse in the back garden will have bay windows which will allow looking directly into neighbouring common room.
- The summerhouse is completely disproportionate
- The proposed two storey building is actually going to be larger than the current garage which is against Seymour Garden master plan and will set a precedent in the street.
- Neighbouring property will no longer feel semi-detached
- The summerhouse is overdevelopment of the site

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.

5.2 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).

5.3 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

- 5.4 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)'.
- 5.5 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

London Plan (July 2015)

- 5.6 The London Plan policies relevant to this application are:-

Policy 7.4 Local Character

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 15 High quality design for Lewisham

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

Development Management Local Plan

- 5.5 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:-

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 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.
- 5.9 Paragraph 6.2 (Rear extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;
 - The effect on the character of the area - the street scene and the wider area;
 - The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
 - A suitably sized garden should be maintained.
- 5.10 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.
- 5.11 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.
- 5.12 Paragraph 6.5 (Side Extensions) states single-storey side extensions should be carefully designed having regard for the street scene of which they will be part. To ensure a side extension is subordinate to its host building extensions should be setback a minimum of 0.3m from the front elevation; larger setbacks may be required depending on the prominence of the building and streetscape.

6.0 Planning Considerations

- 6.1 The key planning considerations are the design quality of the proposed extension and any potential impacts on adjoining properties.

Design Quality

- 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 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.
- 6.4 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.
- 6.5 DM Policy 31 states Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions will be required to be of a 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.
- 6.6 The proposed extension would be located at the end of a terrace row and would be visible from the street, particularly in view towards the site from the north.
- 6.7 In addition to the appearance and compatibility with the streetscene the Council Residential Standards SPD requires side extensions to be subordinate to the building to which they relate. When viewed from the street this is unlikely to be a concern, given that the extension would comprise a width of 3.3m at the front elevation. The existing garage has a width of 2.6m and the main dwelling house has a 6.5m width. As this property is part of a three property terrace, that has a large width, the extension would not be a dominant structure to the end of row.
- 6.8 The extension is seen to be a subservient structure and it would be setback appropriately from the main structure. When viewed from the street its height would remain below the ridge of the host building roof.
- 6.9 Officers note that a similar two storey extension has been constructed at 29 Seymour Gardens (DC/94/93548) which is located to the east of 9 Seymour Gardens. With that proposal the height of the extension is closer to that of the host dwelling making it less subordinate. From the site visit it could be seen that this proposal is sympathetic to the building form of the host property and the neighbouring properties. The two storey side extension in this case does not deter or cause a negative impact. It is therefore considered that the similar style development at 9 Seymour gardens would be acceptable and not give rise to harm to the character of the area.
- 6.10 The proposed outbuilding to the rear is considered to be of a suitable scale given the dimensions of the garden. Adequate space would still remain for the enjoyment of the residents after the outbuilding was constructed. The design, although not matching with the host property, would be of a modern concept as a converted container with external treatment and a sedum green roof. There would be sliding doors to the front only and no other elevation would have openings. The outbuilding is therefore considered acceptable.
- 6.11 The proposal is anticipated to have a negligible impact on the nearby Telegraph Hill Conservation Area. From this area the visual impact of the extension would be limited and its appearance partially obscured by natural contours intervening

development and vegetation. It has also been stated in the plans that the side extension would be constructed in materials to match existing.

- 6.12 The proposed development is of good design, compatible with the streetscene and would not have a negative impact on the adjoining Conservation Area. The proposed extension is considered to be subservient to the host building as it would be appropriately setback and set down and occupy a limited area of the site's frontage. The proposal is therefore recognised to be consistent with the requirements of Core Strategy 16 DM Policy 30, 31 and 36 from a design perspective.

Amenity of neighbouring properties

- 6.13 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.
- 6.14 DM Policy 31 states that residential development including extensions should result in no significant loss of privacy or amenity to adjoining houses and their back gardens.
- 6.15 The site proposed for development is at the western end of a terrace row. Given its location the proposed side extension would not adversely affect properties to the east of the site given the position of the host dwelling.
- 6.16 The property most likely to be subject to any impact from the proposal is No 8 Seymour Gardens. This property is a two storey building immediately west of the site. The proposed side extension would be 0.3m from No.8's garage, at its narrowest point, and 2.35 from the main dwelling house. The flank elevations of the No 8 and the proposed development at No. 9 include no window openings. The current proposal is deeper and higher than the existing garage but has an adequate setback from the front elevation. Given the distance between the two properties, the scale of development and no windows orientated toward the site the proposal is not anticipated to cause issues of overlooking or significant sense of enclosure that would adversely affect the amenity of this property.
- 6.17 The extent of any overshadowing caused by the addition is also anticipated to be minor. Overshadowing would be limited to the side of the house at No 8 and would only occur during morning hours. Given the set back, it is expected that the two-storey side extension would not create a material increase in overshadowing compared with that already present from the taller two storey main building. Solar access during afternoon hours to this and other adjoining properties would be unaffected. A majority of the property at No 8 and its large garden areas would be unaffected by overshadowing caused by the development and therefore the impact of the development in this respect is deemed to be minor.
- 6.18 The proposal would create an additional first floor window to the rear but officers consider that the amount of overlooking onto the neighbouring garden at 8 would be limited because the direct eyeline from this window would be looking onto the host properties own garden.
- 6.19 With the proposed rear garden outbuilding some neighbours have objected stating that it would impact on their privacy and it would create further overlooking. Officers

consider that given the 2.1m height of the windows and the existing 1.9m high fence there would be limited opportunity for overlooking from the building. Given its modest height there is not expected to be a significant increase in loss of light and overshadowing.

- 6.20 Most of the objections received paid particular attention to the nursery use within the house. The applicant stated that they are a registered child minder and only deal with eight children or less which they insists is within the legal requirements set out by Ofsted. It is considered that this use is ancillary to the main use of the property as a single family dwellinghouse. However, to ensure that this use is not intensified a condition will be placed on the decision to restrict the use of C3 (residential).
- 6.21 It is concluded that the impacts of the proposed development on the amenity of adjoining properties would be minor and not contrary to the requirements of DM Policy 31.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.4 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:

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

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

8.6 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/>

8.7 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.

9.0 Conclusion

9.1 The proposed side extension and rear garden outbuilding are considered to be of a high quality consistent with Council Policy. They are unlikely to result in any significant impacts on the amenity of adjoining properties. It is therefore recommended that planning permission be granted to the scheme.

10.0 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:

IV 1001 Existing Plans; IV 1002 Existing Elevations and section; IV 2001 Proposed Plans; IV 2002 Proposed elevations and section; IV 2003 Site plan/extension and summerhouse section; IV 1000 Location/ block plans

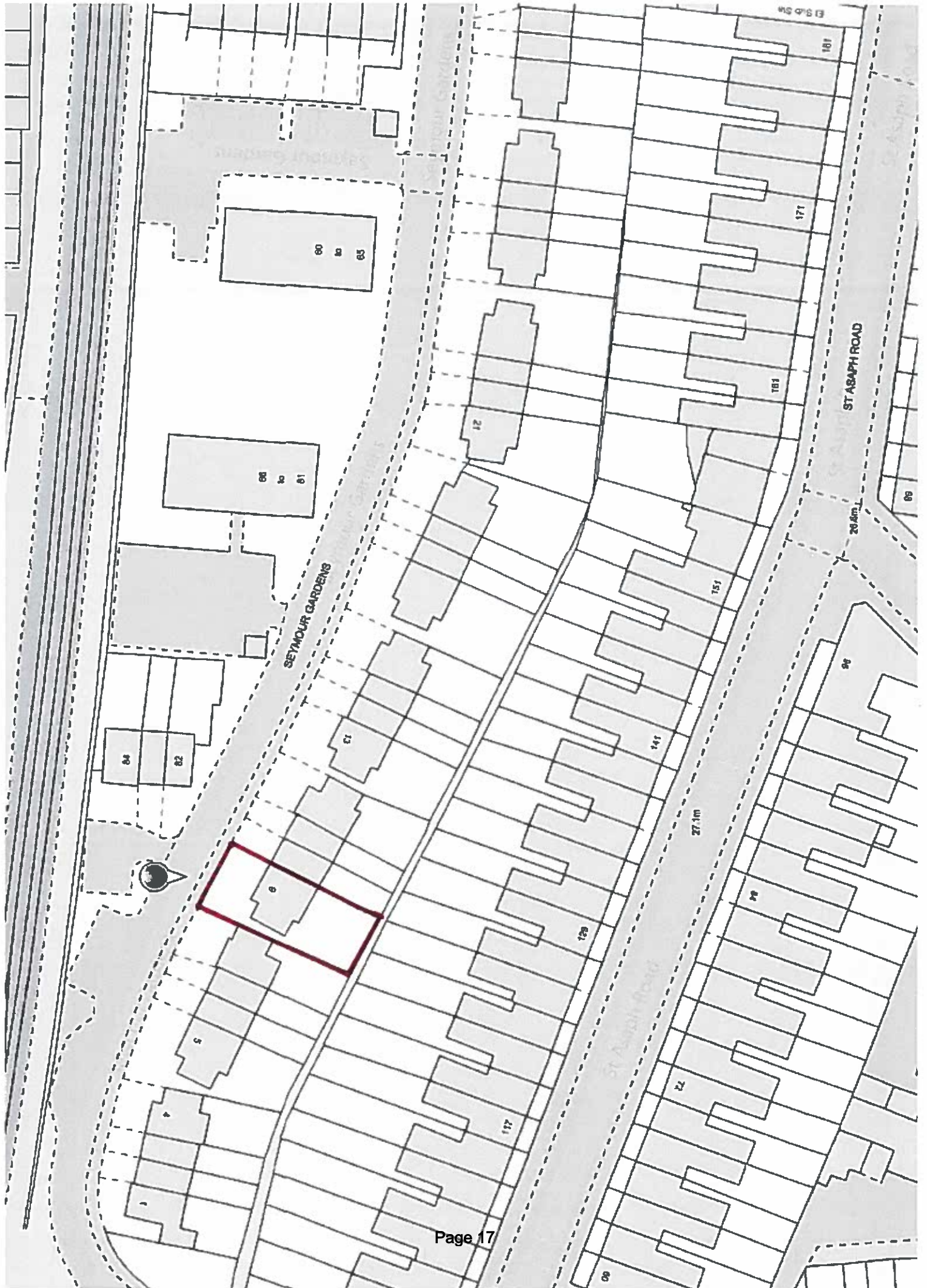
Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- 3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) 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.

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the side extension and outbuilding hereby approved shall only be used for purposes ancillary to the residential use (C3) of the dwellinghouse known as **9 Seymour Gardens**.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (2014).



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Committee	PLANNING COMMITTEE B	
Report Title	GARAGES NEXT TO ST. PETERS COURT, ON, BREAKSPEARS MEWS, LONDON, SE4 1PY	
Ward	Brockley	
Contributors	Maeve Wylie	
Class	PART 1	8 th September 2016

Reg. Nos. DC/16/096477

Application dated 29.04.16

Applicant Mrs Buchan

Proposal The construction of a single storey building to the side of the existing garages next to St. Peters Court on Breakspears Mews, SE4 to provide storage space and a WC facility.

Applicant's Plan Nos. Design and access statement including heritage statement; Site location Rev A; (00) 01; (00) 02; (11) 01; (11) 02; (11) 03; (11) 04;

Background Papers (1) Case File DE/109/A/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Brockley Conservation Area

1.0 Property/Site Description

- 1.1 This application relates to Breakspears Mews, which is situated to the south of Ashby Road. The mews consists of 13 single storey garages, which lie to the rear of dwellings on Breakspears Road to the east and Wickham Road to the west. Six of the garages are positioned to the east of the mews, which runs along the access to a community.
- 1.2 St Peter's Court is located approximately 10 metres from the mews area and it is a 4-storey building consisting of flats.
- 1.3 Breakspears Mews is one of several mews' in the Brockley Conservation Area and is the only one that is a cul-de-sac. It is characteristic of these mews' to have poor road surfacing and limited lighting, which is the case at this site.
- 1.4 The application site is approximately 65m from the entrance to the Mews in Ashby Road. The site is currently an area of open land, enclosed on its eastern side by a low post and rail fence. The land appears to be used partly for parking and to accommodate a portaloo.
- 1.5 This site is within the Brockley Conservation Area and subject to an Article (4) direction. The site is not within the proximity of a listed building.

1.6 The site has a PTAL 4 rating which is considered good.

2.0 Planning History

2.1 In October 2009, an application in respect of this site for the construction of a garage building for the storage of motorbikes was refused. The reasons for refusal were as follows:-

(1) The proposed building would result in a piecemeal development, likely to increase activity in the mews and to exacerbate the existing unsatisfactory conditions in the mews, harmful to the amenities of neighbouring residents and would fail to preserve or enhance the character and appearance of this part of the Brockley Conservation Area contrary to Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation areas in the adopted Unitary Development Plan (July 2004).

(2) The proposed building, by reason of its location and facing materials, would be visually intrusive and would fail to preserve or enhance the character and appearance of this part of the Brockley Conservation Area contrary to Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation areas in the adopted Unitary Development Plan (July 2004).

2.2 In September 2013 (DC/13/82964) permission was refused for the construction of a single storey building to the side of the existing garages at Breakspears Mews to provide storage space and a wc facility. The reason for refusal included:-

1) The proposed development would intensify pedestrian and vehicular activity in the Mews, which currently lacks a metalled surface or street lighting, to the detriment of pedestrian and vehicle safety contrary to Policies URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and Policies 15 High quality design for Lewisham and 14 Sustainable movement and transport in the adopted Core Area Strategy (June 2011).

2) The proposed development would intensify commercial activity in the Mews to the detriment of the amenities of adjoining residential occupiers contrary to Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham in the adopted Core Area Strategy (June 2011).

2.3 This decision was subsequently overturned at appeal (APP/C5690/A/13/2210984) by the Planning Inspectorate as they considered that the number of businesses that it would serve would not increase and that the use of the new building would not lead to an increased intensity of use by either the owner of the building or visitors, nor would it bring an unacceptable level of danger to other users of the access. They added that the proposal would not have a harmful effect on highway safety, pedestrian access and design in relation to the conservation area. This decision was granted by the Inspectorate on 3/7/14 and the permission is still within the 3 year time period imposed for implementation. This application is for a larger garage than that granted on appeal.

3.0 Current Planning Applications

The Proposal

- 3.1 The current application is for the construction of a single storey building to the side of the existing garage No.7 at Breakspears Mews to provide storage space and a wc facility. The floor area is approximately 17 Sq metres and would incorporate the corner grass area of the site.
- 3.2 No further detail has been provided as to the actual storage use of the proposed garage or why there is a need for the WC facility but it is assumed ancillary to the commercial use as the previous application was and this is the same applicant. (DC/13/82964).
- 3.3 The building would continue the line of the garages on the east side of the mews (numbered 7-12 on the applicant's plan). It is to be 5880mm long and 4240mm wide, narrowing to 1575mm. The proposed height would be 2906mm. A shutter door of 4.1m in width and 2.1 in height would form part of the main front elevation. Another door for access to the WC facility will also form this elevation. The walls of the building would be constructed in yellow stock bricks and a fibre cement roof sheeting is proposed.

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.
- 4.2 142 neighbouring properties, Brockley Ward Councillors, Amenities Society Panel (ASP) and The Brockley Society were consulted by letters, site notices and an advert placed in the local paper. The Council's Conservation Officer and Highways Officer were also consulted regarding the application.
- 4.3 The Brockley Society objected to this application and their comments are summarised below:
 - The previously granted application from appeal was not fully assessed by the inspectorate as to whether the applicant owned the land.
 - The Mews should be maintained with free access use by other frontages and that such land is to be held 'in common' so that, for instance emergency and delivery vehicles can use for turning
 - No evidence produced by the applicant to indicate that these constraints and precedents are acknowledged and resolved, either by way of copies of owner's Deeds or of modifying historic or current agreement
- 4.4 5 objections and 1 comment were received relating to this proposal. The points are summarised as:-
 - Inappropriate development within the Conservation area.
 - Potential damage to TPO tree at site entrance
 - Over development.

- The Heritage and Access supporting document being incorrect as it states the site as 'brownfield' which it is not
- The new development appears to be higher than the existing garages and builds on Greenfield development
- The proposed buildings will have a significant detrimental impact on the visual amenity enjoyed from the flats surrounding them and on light available to adjacent buildings
- Applicant is attempting a change of use for the buildings to light industry
- Increased traffic
- Poor access road will be made worse
- Less visibility and secure access to the community garden
- More risk of fly tipping near the garden entrance.
- The applicant is keen to build on the land to set a precedent so that a future application can be made to build residential properties.

4.5 There were also some non-planning related matters raised by objectors, such as the potential residential use of the site in the future and the ownership of the land being brought into question. These matters are not considered further in this report.

4.6 The Highways Officer expressed concern over this new extended development on the basis the proposed increase in floor space compared to the permitted scheme would reduce the amount of space available for vehicles to manoeuvre, particularly as Breakspears Mews already has constrained access. The Highways officer also added that the space that would be lost is an area that provides a passing space which might result in vehicles reversing out of the Mews and this would have safety issues. The installation of a door which opens outwards onto a shared surface would not be supported.

4.7 The Council's Conservation Officer provided no comment on the development due to the fact it would not be visible from 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.

- 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 27th 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.

London Plan (2015)

- 5.5 The London Plan policies relevant to this application are:-

Policy 5.3 Sustainable design and construction

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

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Brockley Conservation Area Appraisal and Supplementary Planning Document (December 2005)

This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are whether the larger building would render the proposal unacceptable on the grounds of design, highway safety, and neighbour amenity. Officers also consider scale, mass and impact to the conservation area and trees to be applicable.

Difference between approved and current scheme

- 6.2 The scheme which was refused but subsequently allowed on appeal by the Inspectorate had the dimensions of 4030mm deep, between 4277mm and 2575mm wide and 2906mm high.
- 6.3 The current scheme would be 6479mm deep, between 4277mm and 1565mm wide and 2906mm high.
- 6.4 The new scheme would increase the depth by 2449mm. This means the garage would incorporate all the space that aligns with the garages on the eastern side of the mews. The proposed increase would reduce the space available for vehicles to manoeuvre from the previous granted proposal. Although there is a reduction in open space in the area the extra 2449mm depth is not considered to have major implications on vehicles manoeuvring in this area as the scheme would still provide ample space for cars to pull in or reverse safely within the existing width of the road. The highways officer considered the increase to be detrimental if removing a passing

space that could consequently require drivers to reverse their vehicles out of the mews if they meet another car, which would have safety implications. Officers take these points on board but consider that the increase of 4sqm from the approved building would not have a harmful impact. The scheme would not be overbearing or considered overdevelopment for this area.

Use

- 6.5 The proposed building would adjoin the garage labelled No. 7 in the submitted plans. This garage would appear to be in commercial use, which is contrary to the original 1954 planning permission which was for garages to accommodate private motor vehicles. Conditions attached to this permission expressly prohibit the use of these garages for any trade or business or for vehicle repairs.
- 6.6 Officers deem that the construction of this garage in this location is unlikely to facilitate domestic storage use but more so for storage relating to the commercial use of the surrounding garages. This includes the vehicle repair use which is carried out in some of the garages. Some objections have referred to the explosion that happened several years ago which was caused by a gas cylinder stored in one of the garages.
- 6.7 In the Inspector's report, the possible increase in activity at the site was considered, but the Inspector noted that the area would be primarily frequented by people who already visit the mews, whether as owners or occupiers of the garages, and that the number of businesses would not increase. They mentioned that whilst there may be some incremental increase in use attracted by the new building there is no evidence that the building would itself generate a significant amount of additional pedestrian or vehicular movements along the access. The Inspector did not consider that the use of the new building would lead to an increased intensity of use by either the owner of the building or visitors that would lead to an unacceptable level of danger for all other users of the access.
- 6.8 Taking the Inspector's comments onboard, and considering them a material consideration, it is deemed that the development of the storage building would not increase the activity of the Mews in terms of vehicles and passengers. With this in mind, the use of the garage as a storage facility is considered acceptable in principal.

Design and Impact on the Conservation Area

- 6.9 The proposed building would be similar in scale to the single storey adjacent garages and a stock brick finish is now proposed. As was the case with the previous refusal decision which was approved through appeal the design of the garage would be suitable for the area. The Council's Conservation Officer did not object to the design or materials proposed. The increase in scale would not change the view that the design of this garage in this area is acceptable. Officers have checked the Council's records and there is no tree in the vicinity that would be impacted by the proposed development.

Highways

- 6.10 Although the proposal would reduce the amount of space in the mews for vehicles, it is considered that the development of a larger scale building would not have an impact on highway safety. In the Inspector's report it was stated that the construction of a toilet and storage area would not directly increase the activity in the mews by a

significant amount. It is not considered that the additional 4sqm proposed under this scheme would result in a material increase in vehicular and pedestrian activity.

6.11 The Council's Highways Officer deemed that increasing the size of the garage to incorporate all of the area remaining to the east of the site would be detrimental to the manoeuvring of cars. The proposal would not impact on existing access arrangements to the mews. The application site is close to the end of the mews, where its width increases. Within the 'arm' of the mews that the garage sits within, there is sufficient space for two cars to pass. Further, vehicles passing in this part of the mews could use the other 'arm' of the mews to wait while another car left or to turnaround. Therefore, it is considered that the proposed scheme would not impede cars from passing or manoeuvring in this area and exiting the mews in a forward gear.

6.12 Therefore in terms of highway safety this proposal would be acceptable and not considered to cause harmful impacts.

7.0 Community Infrastructure Levy

7.1 The above development is not CIL liable.

8.0 Equalities Considerations

8.1 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.

8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 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.

8.4 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.

9.0 Conclusion

9.1 It is considered that the proposal is acceptable in terms of highways, mass and scale, design and materials, thereby not resulting in material harm to the appearance and character of the Brockley Conservation Area.

10.0 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:

Design and access statement including heritage statement; Site location Rev A; (00) 01; (00) 02; (11) 01; (11) 02; (11) 03; (11) 04.

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

- 3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

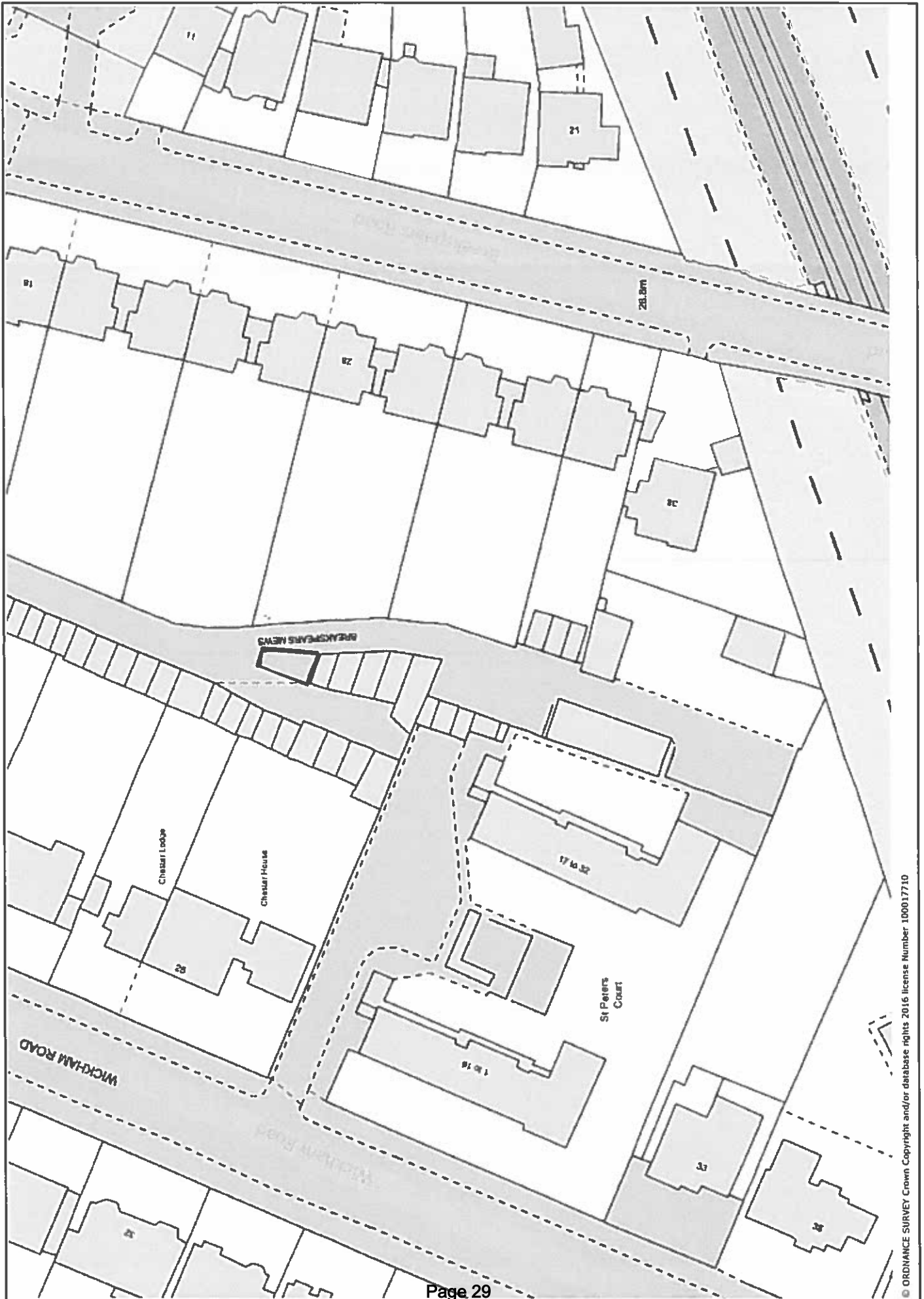
Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development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

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for **B8** and for no other purpose (including any other purpose in Class **B** of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To protect neighbouring amenity in accordance with Spatial Policy 5 of the Core Strategy (2011) and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

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Garages Next To St. Peters Court, on Breakspears Mews, London, SE4 1PY



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Committee	PLANNING COMMITTEE B	
Report Title	Flat D 213 Stanstead Road	
Ward	Crofton Park	
Contributors	Ann McCormick	
Class	PART 1	Date: 8 th September 2016

Reg. Nos. DC/16/096309

Application dated 19.04.2016

Applicant Gary Dwyer

Proposal Construction of a dormer roof extension in the rear and side roof slope at Flat D, 213 Stanstead Road, SE23.

Applicant's Plan Nos. 706_213SR_X000, 706_213SR_X001, 706_213SR_X002, 706_213SR_X003, 706_213SR_X004, 706_213SR_D101, 706_213SR_D102, 706_213SR_D103, 706_213SR_D104, 706_213SR_D105, 706_213SR_D106

Background Papers (1) Case File LE/67/213/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation PTAL 2

Screening N/A

1.0 Property/Site Description

- 1.1 The property is a two-storey semi-detached converted house located on Stanstead Road adjacent to junction with Kilmore Road and in close proximity to the junction with Cranston Road and Brockley Rise. The property is a large building comprising four self-contained units. The application relates to the one bedroom unit (Flat D) located at loft level.
- 1.2 The unit is part of a loft conversion with existing side and rear dormer extensions. The unit currently comprises an open plan living/dining and kitchen area facing the rear of the property, a bedroom facing the side of the property and the bathroom/shower room situated to the front.
- 1.3 The surrounding area is characterised by mainly residential dwellings, the majority of which are conversions.

2.0 Planning History

2.1 1959 – Permission was granted for construction of 3 garages to rear of nos. 213-215 Stanstead Road (Reference LE/67/213/TP).

1960 - Permission was granted for construction of 1 additional garage to the rear of 213-215 Stanstead Road (Reference LE/67/213/TP).

1998 – Permission (Reference 98/42814) was granted for the alterations to the front and rear elevations at 213 Stanstead Road SE23, together with the erection of a two storey rear extension and the change of use from offices to clinic on the ground floor and a two bedroom flat on the first floor.

1999 – Permission (Reference 99/4236 and 99/44409) was granted for alterations to the front, rear and side elevations at 213 Stanstead Road SE23 together with the erection of a two-storey rear extension, the use of the front part of the ground and first floor as offices, the alteration and conversion of the rear part of the ground and first floors to provide 2, two-bedroom self-contained flats.

2000 – Permission (Reference DC/99/45670/X) was granted for the retention of part of the ground and first floors of 213 Stanstead Road SE23 to provide a two-bedroom self-contained maisonette.

2004 – Permission (Reference DC/04/56536/X) was refused by the Council for the construction of an extension to the side and rear dormer of Flat D, 213 Stanstead Road, to provide additional living space. The applicant appealed the Council's decision (Appeal Reference APP/C5690/A/04/116719. The appeal was allowed by the Inspector (decision date 25/04/2005).

3.0 Current Planning Applications

3.1 The application represents the same scheme as submitted under DC/04/56536/X and seeks permission for the construction of an extension in the rear and side roof slope of Flat D, 213 Stanstead Road, SE23. The proposal will extend the rear roof by connecting the existing side and rear dormer to provide a larger living accommodation within the existing loft unit.

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 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors were consulted. The Council's Highways and Environmental Sustainability teams were also consulted.

4.3 One objection was received from Avery Associates representing the four co-freeholders of No. 211 Stanstead Road (Flats A, B, C and D). As such, this represents four objections.

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 The DCLG launched the National Planning Practice Guidance (NPPG) resource on the 6th March 2014. This replaced a number of planning practice documents.

London Plan (2015 as amended)

- 5.6 In March 2016 the London Plan (March 2015) was updated with minor amendments. The policies relevant to this application are:

Policy 3.5 Quality and design of housing developments
Policy 7.4 Local character

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

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
DM Policy 32 Housing design, layout and space standards

Residential Standards Supplementary Planning Document (updated 2012)

- 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 considerations for this application are: the design and impact of the proposed development on the character of the host building, impact on residential amenity and visual impact of the development on the wider area.

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 for 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 the development.
- 6.4 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, seeks to apply these principles. The Councils Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 6.5 The proposed development includes the construction of a roof extension linking both the existing rear and existing side dormers to provide additional living space within the existing loft.
- 6.6 The proposal will extend 2.5m along the rear roofslope and will extend 2.8m along the side roofslope. The extension will be constructed to meet the height of the existing rear and side dormers, which will be 2m along the side roofslope and 1.8m at the rear roofslope. The existing chimney stack will be retained, with the proposed extension situated behind this structure. In addition, internal reconfiguration will take place to provide a studio flat as opposed to a one-bedroom self-contained flat.
- 6.7 While the proposed second floor plan (dwg No 706_213SR_D102) outlines that the proposed studio flat will be 37.12sqm, it would appear that this includes the stairway. Officers have measured the proposed plans and have found the GIA to be 32.9sqm. The existing GIA as measured by Officers was found to be 28sqm, giving an increase of c. 5sqm of additional internal space as a result of the proposed roof extension.
- 6.8 The Council's Residential Standards Supplementary Planning Document (SPG) (May 2012) provides that 'rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum 500mm from the gable, flank or party wall boundary.' The proposed roof extension will be situated 500mm from the line of the eaves at the rear, and 700mm from the line of the eaves at the side of the property. While this is below the recommended set back of 1metre as outlined within

the Council's Residential Standards SPG, it is considered that the extension has an adequate set back as it will be constructed in line with the existing dormers and is therefore suitably designed.

- 6.9 Owing to the existing rear and side dormers, it is not considered that the proposal will adversely impact upon the architectural integrity of the host building nor is it considered to be incongruous in its design.
- 6.10 This was also the view taken by the Inspector in the 2004 Appeal (Reference APP/C5690/A/04/1167192) for the same proposal which stated that '...The architectural integrity of the roofscape of the appeal property has already been significantly compromised by the addition of sizeable flat roofed dormers to the side and rear. So, whilst I recognise that the proposed extension would wrap around the rear side ridge of the main roof, I do not believe that it would cause demonstrable visual harm.'
- 6.11 As such, it is considered that the design of the proposed extension complies with the provisions of DM Policy 31 'Alterations and extensions to existing buildings including residential extensions'.

Standard of Accommodation

- 6.12 While Officers, and indeed the Council are not promoting the provision of Studio flats, which are only permitted under DM Policy 32 'Housing design, layout and space standards' Part 4e in exceptional circumstances, the use of the loft as a residential unit is already established. Flat D has been registered for Council tax since October 1999, and as such, the principle of the development is not in question in this instance.
- 6.13 Furthermore, and in response to concerns raised within the letter of objection, it is not considered that the proposal represents overdevelopment as the use is already established and will not result in intensification of the use as a result of the proposed roof extension.
- 6.14 While it is acknowledged that the studio flat of 32.9sqm GIA (as measured by Officers) would fall short of the minimum space requirements for a 1bed 1 person flat (37sqm) as provided in DM Policy 32 and Policy 3.5 of the London Plan, the use is already established, and it is considered that the proposal will enhance the living accommodation of the loft flat which currently measures 28sqm.

Impact on residential amenity

- 6.15 Concerns were raised within the objection from the co-freeholders of No. 211 Stanstead Road that the proposal would result in over-looking into the rear gardens of Flat B, C and D being further increased. Given the existing dormer to the rear of the subject property at No. 213 Stanstead Road, and indeed the first floor rear balcony, it is considered that the proposal will not result in any increase in loss of privacy as a result of the additional rear dormer window. This concern was also considered as part of the 2004 Appeal (Reference APP/C5690/A/04/1167192) which determined that the proposal would not result in any additional material increase in terms of loss of privacy to the rear garden of No. 211.

Visual Impact on surrounding area

- 6.16 The proposed extension will be marginally visible from Stanstead Road when standing between No. 213 and 215 Stanstead Road given the retention of the existing chimney stacks and indeed the location of the existing side dormer. As a result of the close proximity of the property to No. 215 Stanstead Road, the proposal will not be visible from long distances.
- 6.17 In relation to the proposed extension to the rear roofscape, it should be noted that the rear of No.213 Stanstead Road is characterised by large mature trees and as such, the visual impact of the proposal on surrounding properties will be negligible.
- 6.18 There are existing roof dormer extensions at the subject property and as such, it is considered that this proposal will have minimal visual impact on surrounding properties and the surrounding area.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 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.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 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.
- 8.4 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.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations. The proposed roof extension will link the existing rear and side dormer extensions and will provide an additional 5sqm gross internal living space to the existing loft flat.

- 9.2 The proposal would not give rise to any additional impact on residential amenity in terms of overlooking or general noise and disturbance. Furthermore, it is not considered that the proposal will impact on the architectural integrity of the property owing to the already existing dormer extensions.
- 9.3 In light of the above, it is recommended that planning permission is granted on the basis that the proposal is of acceptable design and will not create a negative impact on the host building or the surrounding environment.

10.0 **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 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:

706_213SR_X000; 706_213SR_X001; 706_213SR_X002, 706_213SR_X003
706_213SR_D101; 706_213SR_D102, 706_213SR_D103;

706_213SR_D104; 706_213SR_D105; 706_213SR_D106.

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 new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the highest quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) 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.

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

No work shall take place on the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm 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) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) You are advised that all construction work should be undertaken in accordance with the 'London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites' available on the Lewisham webpage.

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