

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 1 JULY 2021 TIME 7.30 PM**

PLACE: **To be held via Microsoft Teams, and in Council Chamber, Civic Suite, London SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Suzannah Clarke (Chair)  
Jacq Paschoud (Vice-Chair)  
Tauseef Anwar  
Aisling Gallagher  
Liz Johnston-Franklin  
Jack Lavery  
John Muldoon  
Lionel Openshaw  
Alan Smith**

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.

**Kim Wright  
Chief Executive  
Laurence House  
London SE6 4RU  
Date: Tuesday, 22 June 2021**

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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 1 July 2021

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 1 JULY 2021

### MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on 21 April 2021.

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# MINUTES OF THE PLANNING COMMITTEE B MEETING

Wednesday 21 April 2021 at 7.30pm

Present: Councillors Anwar, Gallagher, Johnston-Franklin, Mallory, Muldoon, Moore, Openshaw and Smith

Apologies: Councillor Gibbons

## 1. Minutes

The minutes of the 16 July 2020 were agreed as an accurate record.

The minutes of the 17 September 2020 were agreed as an accurate record.

## 2. Declarations of Interest

Councillor Muldoon declared an interest stating he had been lobbied in respect of item 4 and approached this decision with an open mind.

## 3. 88 Grove Street, SE8 3AA

The Planning Officer presented this report for the application. The application was before Members due to the submission of a petition against the application, with 21 signatures. The application was for the addition of an extra storey via the self-contained flat, to provide a two bedroom, three person flat.

The current proposal was largely identical to the scheme granted planning permission in May 2017, which would have also seen a mansard roof extension to provide a two bedroom, three person flat.

The former public house was converted to accommodation almost 20 years, as so the principal of an addition residential accommodation was not objectionable. The proposed roof extension by virtue of its mass in size and setback within the existing roof footprint would result in for the dwelling that would not set back the amenity of the neighbouring buildings or the surrounding area. The standard of residential space was considered acceptable.

Officers had not identified any adverse impacts to transport or flood risk vulnerability, therefore the officer recommendation for the application was for approval, subject to the conditions set out in the Committee report. For note, the officer pointed out an error on condition 6 of the report- the condition whereby the details of landscaping be submitted prior to commencement should rather state they should be submitted and approved prior to occupation.

The agent for the application presented on behalf of the applicant. He stated the following:

The objections had been considered throughout the process of the application and all matters were appropriately dealt with as seen in the officer's report. The proposed work is policy compliant. The planning history of the property was important for Members to consider- in 2017 planning permission was granted by Lewisham Council and the decision was made under the same planning policies. There had been no material changes in policy to suggest a different decision should have been reached. He stated that as consistency in decision making is important and vital component in the planning process and asked that Members give that due weight.

He further discussed three considerations 1) the impact on neighbours- the planned work will not produce a lack of light or vision for the neighbours and the height difference between the existing building and surrounding buildings it is unlikely to result in any overlooking. 2) the design- the flat is a well-considered layout as officers agreed and complies with the London Plan Minimum Internal Space standards and 3) sustainable transport- there are 8 cycle spaces to the benefit of the proposed occupants and the existing occupants. This is secured by planning permission considerations.

The objector spoke on behalf of a number of parties who reside on the same street. He raised the following points:

Regarding the quality of the proposed accommodation, he stated that there is a failure to meet the 2.5m height requirement in the proposed development and that there is a lack of a high quality outlook because of the wall outside of the windows. He said that the lack of a private amenity space is required by section 26- although the landscaping at the front of the property is proposed to compensate for this, objectors do not believe that this will be sufficient as it would be impractical as an amenity space and is not easily accessible for residents of the development. The development is only marginally within the minimum floor space requirements so the overall result is not of high quality.

The objector asked Members to consider the combined impact of the development and the already approved planning application for the construction of the 3 storey development immediately adjacent to the building. This was approved in August 2020 and is a very positive development, however further development of the property above on the roof would cause an unacceptable level of disruption for residents. The proposed timeline for said development and the deadline for the adjacent development would mean that there would be disruption of about 18 months which is excessively long. As many residents now work from home, it would be difficult for them to work under such conditions. The Human Right to residents' peaceful enjoyment of property and respect to public and family life, the combined impact of these two developments would interfere with this.

The planning officer clarified that the ceiling height is guidance in the London Plan and is not guidance.

Councillor Smith moved in favour of the officer's recommendation to approve the application and was seconded by the Chair.

Members present for this item voted 5 in favour and 1 vote against.

The application was approved.

#### **4. 208 Albyn Road, SE8 4QJ**

The Planning Officer presented the report for this application. He stated the application has come before Members due to objections from the Brookmill Road Conservation Area Society, raising concerns about the impact that the development will have on the character and appearance of the conservation area. The following was discussed:

The property is within the Brookmill Road Conservation Area and subject to an Article 4 Direction, which restricts permitted development rights on elevations that front a public space. The character and appearance of the Brookmill Conservation Area is made up of modest, two storey houses.

The proposed development would see the construction of a mansard extension to the butterfly roof. The mansard would measure 7m deep x 5.1m wide with a height of 1.4m above the parapet. The front roof slope of the mansard would be set back 0.3m from the top of the parapet and would be pitched to match the angle of the neighbouring mansard at No.206.

The officer said that the development plan is generally supportive of people extending or altering their homes, therefore the principal of the development is supported. The proposed addition of a mansard roof would infill a gap on the roof scape providing a consistent roofline to the terrace. It was therefore concluded that the proposed works would lead to no harm on the Brookmill Road conservation area. The impact in terms of flood risk vulnerability and the living conditions of neighbouring properties were also considered and were assessed to be acceptable.

The application was recommended for approval subject to the conditions set out in the Committee report.

The officer asked Members to note that the material condition 3 part a) in the report should be amended to say "prior to the relevant part of the works" rather than prior to commencement of works.

There were no applicants or objectors for this item.

Members voted 8 votes in favour, none against.

The application was approved

The meeting finished at 8.38pm.

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Committee	PLANNING COMMITTEE B	
Report Title	159 Woodyates Road, London, SE12 9JJ	
Ward	Grove Park	
Contributors	Thomas Simnett	
Class	PART 1	01 07 2021

<u>Reg. Nos.</u>	DC/21/121749
<u>Application dated</u>	12 <sup>th</sup> May 2021
<u>Applicant</u>	Mr Morgan (Agent) on behalf of Mrs Whittington (Applicant)
<u>Proposal</u>	Lawful Development Certificate (Proposed) in respect to the construction of a hip to gable loft extension and a rear dormer roof extension at 159 Woodyates Road, SE12, together with three front roof lights.
<u>Background Papers</u>	N/A
<u>Designation</u>	HMO – Article 4 Direction
<u>Screening</u>	N/A

## 1 SUMMARY

- 1 This application for a Certificate of Lawfulness is required to be heard at Planning Committee in accordance with Lewisham's Constitution, as the application is made on behalf of the partner of an employee of the Planning Service. The Director of Planning has therefore determined that the application should be decided at committee in line with Lewisham's Protocol on Planning and Lobbying.

## 2 SITE AND CONTEXT

- 2 This application relates to a two-storey end-of-terraced single-family dwellinghouse located on the eastern side of Woodyates Road.
- 3 The property features a single storey side extension which is used as a garage to the front and utility to the rear and a small shed to the rear garden.
- 4 The application property is not located within a Conservation area and nor is it a Listed Building or located close to one. The property is however subject to an Article 4 Direction removing permitted development rights for the change of use from Single family dwelling house (C3) to a small HMO (C4).

### 3 RELEVANT PLANNING HISTORY

5 **DC/21/121751:** Lawful Development Certificate (Proposed) in respect to the construction of a single storey rear side extension at 159 Woodyates Road, SE12 together with the conversion of garage to habitable use including alterations to front elevation. **Granted 19 May 2021**

#### 3.1 THE PROPOSAL

6 This application is a **Lawful Development Certificate** (Proposed) in respect of the construction of a hip to gable loft extension and a rear dormer roof extension at 159 Woodyates Road, SE12, together with three front roof lights.

### 4 CONSULTATION

#### 4.1 PRE-APPLICATION ENGAGEMENT

7 As the application is for a Certificate of Lawfulness, no pre-application engagement is required.

#### 4.2 APPLICATION PUBLICITY

8 As the application is for a Certificate of Lawfulness, no public consultation has been undertaken.

#### 4.3 CONSULTATION

9 As the application is a certificate of Lawfulness, no internal or external consultation has been undertaken.

### 5 POLICY CONTEXT

#### 5.1 LEGISLATION

##### *Certificates of Lawfulness*

10 Anyone can apply to the local planning authority to obtain a decision on whether a proposed use or development is lawful for planning purposes or not. If the Local Planning Authority is satisfied that the appropriate legal tests have been met, it will grant a lawful development certificate. An application needs to describe precisely what is being applied for and the land to which the application relates.

11 The decision maker must consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. **Planning merits are not relevant at any stage in this particular application.**

12 In this case, the applicant is seeking to confirm by way of the Certificate of Lawfulness application that the proposed hip-to-gable roof extension and roof lights meets the limitations and conditions of Permitted Development, as is set out below.

## *Lewisham's Protocol on Planning and Lobbying*

- 13 The Protocol on Planning and Lobbying forms part of the Lewisham's constitution and sets out that applications by Members or Officers shall follow particular procedures.
- 14 The Constitution notes that the impartiality of the planning process requires particular care when dealing with an application by anyone who might ordinarily be involved in the planning process. So, whenever any officer who might be involved in the planning process submits an application to the Council for himself/herself or on behalf of any other person, they will:
- Inform both the Director of Planning and the Council's Monitoring Officer
  - Take no part in processing or determining the application.
- 15 The Protocol also states that the Director of Planning will ensure that all such applications are determined at the appropriate committee meeting and not under any delegated powers.
- 16 In this case, the Director of Planning and the Monitoring Officer have been informed and the Planning Officer has taken no part in the processing or determining the application. This Committee Report informing the recommendation has been drafted by an officer in a separate team to the employee.
- 17 NATIONAL POLICY & GUIDANCE
- National Planning Policy Framework 2019 (NPPF)
  - National Planning Policy Guidance 2014 onwards (NPPG)
  - The Town and Country Planning (General Permitted Development) (England) Order 2015

## **5.2 SUPPLEMENTARY PLANNING GUIDANCE**

- Permitted Development Rights for Householders Technical Guidance – Ministry of Housing, Communities and Local Government (MHCLG) – September 2019.

## **6 LEGAL CONSIDERATIONS**

- 18 The main issue is:
- The development proposal's conformity with the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- 19 The Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) sets out the limits for the enlargement of a dwellinghouse, consisting of an addition or alteration to its roof.
  - Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) sets out the limits for any other alteration to roof of dwellinghouse.

The tables below sets out the Permitted Development criteria and confirms the proposed roof extension meets the relevant requirement of Class B and Class C. Class B relates to the hip-to-gable element of the proposal and Class C to the rooflights.

<b>B</b>	<b>Permitted development: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.</b>	
<b>B.1</b>	<b>Development is not permitted by Class B if:</b>	
<b>(a)</b>	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N/A
<b>(b)</b>	any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof	No
<b>(c)</b>	any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway	No
<b>(d)</b>	the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—	
	(i) 40 cubic metres in the case of a terrace house, or	No
	(ii) 50 cubic metres in any other case;	No
	<b>VOLUME CALCULATION:</b> Hip to gable $((4.1 \times 8.0 \times 2.7) / 6) = 14.76\text{m}^3$ Rear dormer $((3.4 \times 6.1 \times 2.3) / 2) = 23.9\text{m}^3$	38.66m <sup>3</sup>
<b>(e)</b>	it would consist of or include—	
	(i) the construction or provision of a verandah, balcony or raised platform, or	No
	(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	No
<b>(f)</b>	the dwellinghouse is on article 2(3) land.	No
<b>B.2</b>	<b>Development is permitted by Class B subject to the following conditions:</b>	
<b>(a)</b>	the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	No evidence, an informative would be added to this effect.
<b>(b)</b>	the enlargement must be constructed so that—	
	(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—	
	(aa) the eaves of the original roof are maintained or reinstated; and	Yes
	(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the	Yes

	eaves, measured along the roof slope from the outside edge of the eaves; and	
(ii)	other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and	Yes
<b>(c)</b>	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be--	
(i)	obscure-glazed, and	N/A
(ii)	non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
<b>Interpretation of Class B:</b>		
<b>B.3</b>	For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.	N/A
<b>B.4</b>	For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.	

21

The proposed roof extension **would comply** with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

<b>C</b>	<b>Permitted development: Any other alteration to the roof of a dwellinghouse</b>	
<b>C.1</b>	<b>Development is not permitted by Class C if:</b>	
<b>(a)</b>	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N/A
<b>(b)</b>	the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof	No
<b>(c)</b>	it would result in the highest part of the alteration being higher than the highest part of the original roof; or	No
<b>(d)</b>	it would consist of or include—	
(i)	the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	No
(ii)	the installation, alteration or replacement of solar photovoltaics or solar thermal equipment	No
<b>C.2</b>	<b>Development is permitted by Class C subject to the following conditions:</b>	
<b>(a)</b>	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be--	
(i)	obscure-glazed, and	N/A

(ii)	non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed	N/A
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22 The proposal to include the rooflights to the front roof slope **would comply** with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

23 **LOCAL FINANCE CONSIDERATIONS**

24 There are no local finance consideration in this case.

25 **EQUALITIES CONSIDERATIONS**

26 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.

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

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

28 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.

29 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

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

- Equality information and the equality duty

31 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

32 The legal 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.

## 7 HUMAN RIGHTS IMPLICATIONS

33 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including

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

34 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

35 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

36 This application has the legitimate aim of providing a home extension. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 8 CONCLUSION

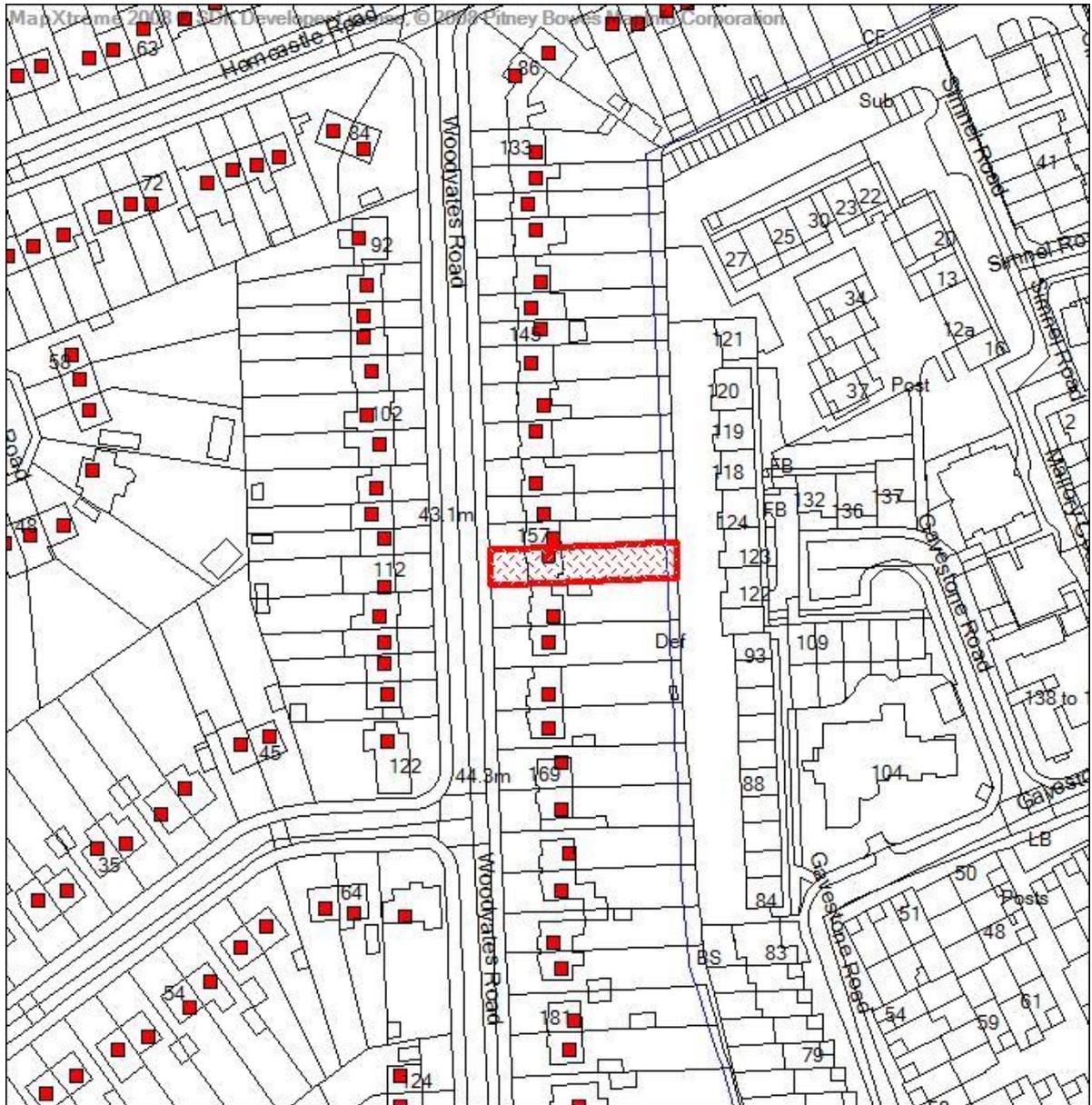
37 This application has been considered against relevant Permitted Development (PD) limitations and conditions. The volume of dormer roof is below 50 cubic metres and the materials are proposed to match the existing dwelling. Other relevant PD criteria are met. The roof lights are also compliant.

38 The proposal would comply with Class [B] and [C] of Part 1, Schedule 2 of the Town and Country planning (General Permitted Development) Order 2015 (as amended) and is Permitted Development.

## **9 RECOMMENDATION**

39 That the Committee resolve to **GRANT** the Lawful Development Certificate.

**Site Location Plan for 159 Woodyates Road, SE12**



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Committee	PLANNING COMMITTEE B	
Report Title	11 Cooper's Lane SE12	
Ward	Grove Park	
Contributors	Zahra Rad	
Class	PART 1	01 July 2021

<u>Reg. Nos.</u>	DC/21/120142
<u>Application dated</u>	23/03/2021
<u>Applicant</u>	M H Qualters Associates
<u>Proposal</u>	The construction of a roof extension to the side and rear roof slopes at 11 Coopers Lane SE12, together with the installation of a window in the front roof slope.
<u>Background Papers</u>	N/A
<u>Designation</u>	Small Houses in Multiple Occupancy Article 4 Direction; Grove Park Neighbourhood Forum; PTAL 3
<u>Screening</u>	N/A

## 1 SUMMARY

- 1 This application is brought before Committee for a decision due to the submission of two objections from neighbouring properties and by having been called in by Cllr Suzannah Clarke.
- 2 Due to the Covid-19 pandemic, officers were unable to undertake a site visit to the property, however, the proposed development has been assessed using Google Maps Pro and the submitted drawings.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 3 The application site is a semi-detached single family dwelling, located on the South side of Cooper's Lane at No 11. The property is a two-storey Edwardian building, with bay windows to the front, and a gable roof. It is constructed with yellow facing bricks, the roof has dark red plain tiles with a large chimney to the side.
- 4 The property is set back 6m away from the road.

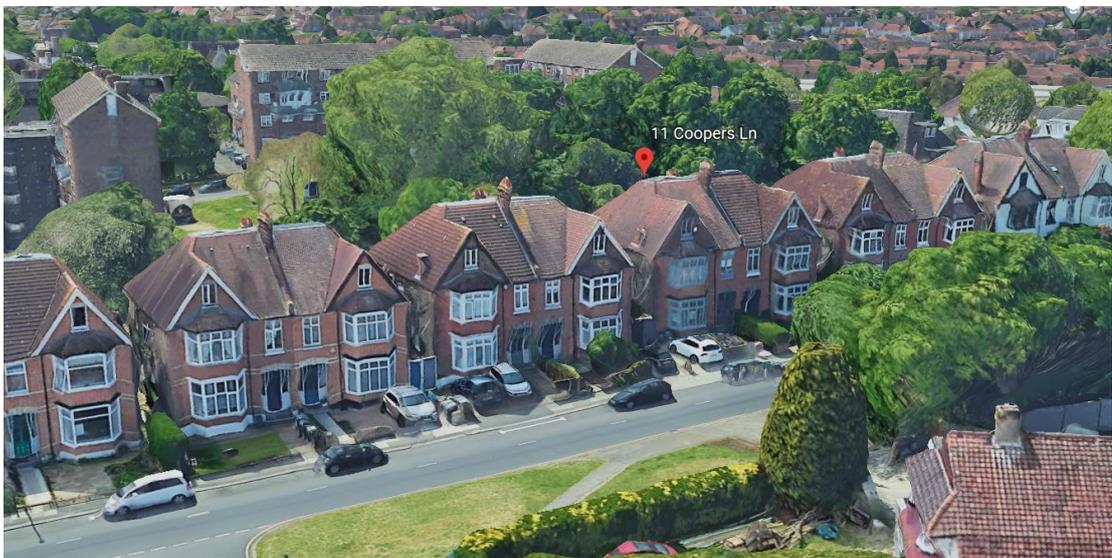
**Figure 1. Site Location Plan**



***Character of the area***

- 5 The surrounding area is predominantly residential. The vicinity is characteristic of a residential area comprising a uniform pattern of Edwardian semi-detached properties of the same design style on the southern side of the street.

**Figure 2 Site Location Plan**



### ***Heritage/archaeology***

- 6 The property is not in a conservation area nor is it close to a listed building or non-designated heritage asset.

### ***Transport***

- 7 The application site has a Public Transport Accessibility Level (PTAL) rating of 3/4, where on a scale of 1 to 6, 1 is the lowest and 6 is the highest.

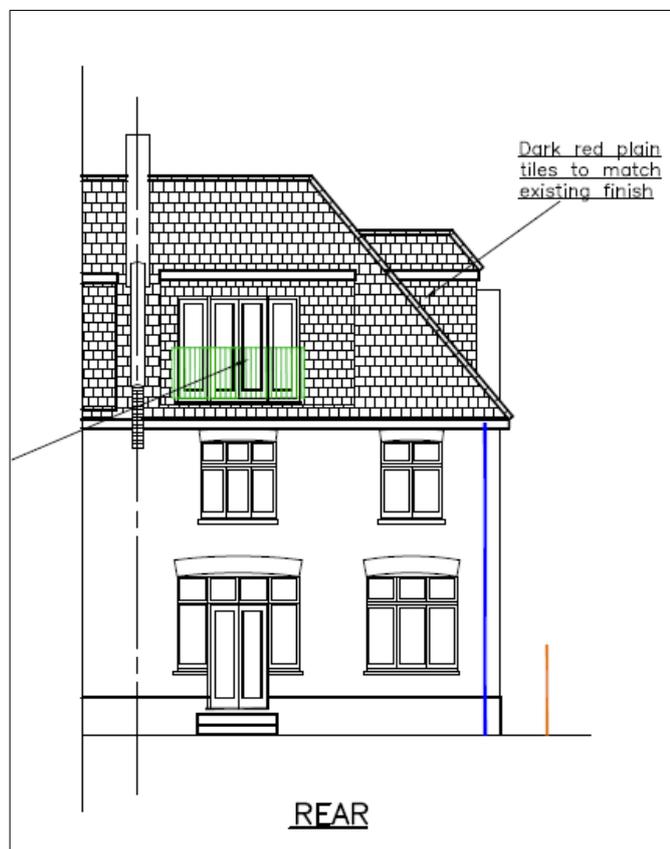
## **3 RELEVANT PLANNING HISTORY**

- 8 DC/14/089515 - The construction of a single storey extension to the rear of 11 Cooper's Lane SE12. Granted 13 Jan 2015. There is no evidence of implementation of the granted rear extension.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSAL**

- 9 The applicant is seeking to construct a roof extension including two dormers to the rear and the side. The dormer to rear would project southwards towards the back garden (2.18m). This dormer would have a flat roof and Juliet balcony and is set down from the ridge by 1.7m. It would be set in from the side elevation adjoining No12 by 0.4m from the roof of the adjoining property. The rear dormer would set back from the eaves by 0.9m.



- 10 The dormer to the side would be 5.4m wide and projects 2.38m toward No 10, while it sits down from the ridge by 1.3m and is set back from the eaves by 1.1m. It would sit behind the large chimney to the front and would be 3.9m away from the front elevation. The side dormer would set in from the rear part of the main roof by a minimum of 0.7m. The side dormer is proposed to have a sloped roof and two obscured glazed windows.
- 11 One square shaped rooflight (0.8m x 0.8m) would be installed to the front roof slope. Facing materials would be yellow London bricks and the roof would be dark red plain tiles, both to match the existing.



## 4.2 REVISIONS

- 12 Amendments undertaken by the applicant during the application process to reduce the scale and bulk of the development has been undertaken. Officers are satisfied these revisions make the proposed scheme a less conspicuous addition to the main building.

## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

- 13 None

### 5.2 APPLICATION PUBLICITY

- 14 Site notices were displayed on 28/01/21.

- 15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 28/01/2021.
- 16 2 responses were received, comprising of 2 objections. Cllr Clarke also called the application into planning committee.

### 5.2.1 Objections

Comment	Para where addressed
Character of the building / Visual amenity impact as it would not be in keeping with the original architecture of the street and disrupts the style of the roofs along this road.	Para. 44 and 45
Undermining the uniformity and historic value of these well over 100-year old houses, would spoil the heritage aspect of the buildings.	Para. 45 and 47
A dangerous precedent which could lead to further inappropriate development along the line of houses.	Para. 47
Windows in the front roof visible from the street	Para. 48
Loss of light & privacy with the use of a balcony.	Para. 56
Impact on guttering and water flow	Para. 51
Noise & Disturbance from use	Para. 57
Ventilation and Wind Load disturbance	Para. 58

- 17 A number of other comments that are considered non-material to this case were also raised as follows:
- 18 Comments were raised regarding party wall and the possibility of increasing the height of the existing party wall. Party wall issues are civil matters and not a material planning consideration.
- 19 Comments on structural changes are matters for Building Control and are not material planning concerns.
- 20 Comments regarding possible impact on the building warranty and insurance certificates for adjoining properties are not a material planning consideration.
- 21 One objector pointed out that a previous application at this site was deferred from Planning Committee. This is not relevant to the current application.
- 22 Comments were received on the possibility of changes on the flow of excess water from rainfall having an effect on 12B Coopers Lane. This is a building control matter and not relevant to planning.

### 5.2.2 Comments in support

- 23 No comments.

### 5.2.3 Neutral comments

- 24 No comments.

### **5.3 INTERNAL CONSULTATION**

25 No internal consultees.

### **5.4 EXTERNAL CONSULTATION**

26 The following External Consultees were notified on 27/01/2021:

27 Grove Park Neighbourhood Forum: No comment received.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

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

### **6.2 MATERIAL CONSIDERATIONS**

29 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

30 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

31 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

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

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.4 DEVELOPMENT PLAN**

32 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## 6.5 SUPPLEMENTARY PLANNING GUIDANCE

33 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## 7 PLANNING CONSIDERATIONS

34 The main issues are:

- Principle of Development
- Urban Design and Heritage Impact
- Impact on Adjoining Properties

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

35 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

36 The development plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to an assessment of the details.

### 7.2 URBAN DESIGN & HERITAGE IMPACT

37 URBAN DESIGN & HERITAGE IMPACT

#### *General Policy*

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

39 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

40 DMLP 30, urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

41 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.

42 The Alterations and Extensions SPD provides guidance for single storey rear extensions within conservation areas. Extensions should be of the highest design quality using high quality materials and remain clearly secondary to the host building in

terms of form scale and detailing; respecting the design and architectural features of the original building.

### *Discussion*

- 43 The rear dormer would not be visible from the main road. The position of the proposed dormer and its size would be in line with SPD guidelines. Officers consider the proposed rear dormer and Juliet balcony to be of a modest scale and sensitively designed to remain subservient to the host building. Officers raise no concerns with the height of the proposed extension in terms of its design. It is noted that there is a dormer on the rear slope of the adjoined property at No 12 which was granted in 2018.
- 44 The side dormer would be partially visible from the main road. By amending the loft extension to the side, the side dormer would be set away from the front elevation by 3.9m and would be sited behind the large chimney, leaving a gap of 0.3m. The Alterations and Extensions SPD provides detailed guidance for the design of loft extensions and highlights the impact of a side extension on symmetry and original character of a building and the disruption of a long view of the street. Objections received raised concerns regarding the impact on the character of the building and visual amenity.
- 45 In this instance the side dormer would sit behind the chimney, and would set down from the ridge by 1.1m. It would use the same material as the existing rooftiles. Furthermore, due to the height of the building, and as the host property is already set back from the main road by 6m, the side dormer would be visible in limited way from the main road. Therefore, its impact on the appearance of the host building and the streetscene is not considered adverse and is acceptable.
- 46 Two obscure windows are proposed to the side, which will provide natural light and ventilation to the room in the loft. In order to ensure that the windows to the side would not provide any potential of overlooking and impact on privacy, a condition is recommended be added to limit the side windows to be fixed and obscure, should the Council be minded to grant permission.
- 47 Objections were received regarding the change of the historic character of the area. It should be noted that the application site is not in a conservation area and the host dwelling it is not locally recognised as a heritage asset. Office also note a loft extension of this nature is likely to be achieved under Permitted Development (PD).
- 48 The proposed rooflight due to its position, size and style would be in line with SPD guidance. Rooflights are common architectural elements within the Borough outside of conservation area. It is noted that on this side of the road, there is only one property with a rooflights to the front and most of the rooflights are installed to the side which could be partially visible due their position as a few are close to the front elevation of the properties. The rooflight could also be achieved under Permitted Development.



**Figure 3. Aerial view to the Rear Elevation of No 11 Cooper's lane**

49 The proposed loft extension would comply with the relevant guidance in terms of scale, siting, and the use of high quality materials. Due to the modest, the level of daylight entering the rear of the property is likely to improve.

*Summary*

50 In summary, the extension, due to its scale and design and use of high-quality materials, on balance, would preserve the character and appearance of the host dwelling.

51 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore should be approved in terms of its design.

**7.3 LIVING CONDITIONS OF NEIGHBOURS**

*General Policy*

52 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions

53 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

54 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

## *Discussion*

- 55 The proposed dormer to the rear would not have any adverse impact on the amenity of No 10 as it would be away a sufficient distance. The dormer to the side would be facing No 10. However, as the windows would be obscure glazed and a condition would be secured for windows to be fixed and obscure, the side dormer is not considered to have any negative impact in terms of privacy and overlooking on No 10.
- 56 The rear dormer would protrude in the same manner towards the back garden as the existing dormer at No 12. Objections were received regarding the impact of the dormer on sunlight and daylight of the kitchen space at the top flat at No 12. The amended rear dormer would have a depth similar to the existing dormer at No 12a and would be set away from it by 1.2m. Therefore it is not considered to have any adverse impact on the amenities of neighbours at No 12a.
- 57 The use of the proposed extension, being part of a single-family dwelling is unlikely to result in levels of noise significantly above or beyond normal residential use. The construction phase of the development is likely to cause some temporary disturbances to neighbouring properties; however, this is likely to be short term due to the scale of the development proposed. Officers do not consider it appropriate, given the scale of development, to place a condition restricting the construction works; however, an informative is proposed linking to the Council's Good Practice Guide.
- 58 Comments were received regarding the possible creation of a wind tunnel, as a result of the proposed development. Given the scale of the development, no undue wind impacts are anticipated.
- 59 Due to its appropriate scale, mass and position, the proposed scheme is not considered to result in any adverse impact on the amenities of neighbours living to the west of the proposal site. The proposal site does not have any immediate neighbours towards the bottom of the back garden, as it backs onto open greenery in front of block of flats at Sandstone Road.
- 60 The proposed rooflights is not considered to have any impact on the amenities of the adjacent neighbours.

### **Summary**

- 61 The proposed development would not introduce any significant adverse impacts to the privacy and amenity of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMPs 31.

## **8 LOCAL FINANCE CONSIDERATIONS**

- 62 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 63 The weight to be attached to a local finance consideration remains a matter for the decision maker.

64 The CIL is therefore a material consideration and the relevant form has been submitted.

## 9 EQUALITIES CONSIDERATIONS

65 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.

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

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

67 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.

68 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

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

70 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

71 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## 10 HUMAN RIGHTS IMPLICATIONS

72 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

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

73 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

74 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

75 This application has the legitimate aim of providing an extension to an existing residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

76 This application has been considered in the light of policies set out in the development plan and other material considerations, including relevant policies of the London Plan March 2021.

77 In reaching this recommendation, Officers have given due consideration to the comments and objections that were received regarding this application and consider the proposed development would have acceptable impact on streetscene, due to its position and layout would be viewed very partially from the main road. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to conditions.

## 12 RECOMMENDATION

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

## 12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

P010 (received 17 Mar 2021)

P001 Rev B (received 6 Jan 2021)

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

4) MATERIALS

The development shall be constructed in those materials as submitted namely: Yellow London bricks to match existing, dark red plain tiles to match the existing in full accordance with drawing P001 Rev B (received 6 Jan 2021)

The scheme shall be carried out in full accordance with those details, as approved.

**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.

## 12.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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**Site Location Plan for 11 Cooper's Lane SE12**



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Committee	PLANNING COMMITTEE B (ADDENDUM)
Report Title	11 Cooper's Lane SE12
Ward	Grove Park
Contributors	Zahra Rad

Reg. Nos.

DC/21/120142

## 1.0 INTRODUCTION

- 1.1 This report has been prepared as Councillor Clarke has made additional comments on the application. An additional representation has also been received from a neighbour following the publication of the committee report.
- 1.2 This addendum provides a clarification for Item 4 (11 Cooper's Lane, SE12) of the Committee agenda.

## 2.0 SUMMARY OF ISSUES

### *Additional Objection*

- 2.1 1 additional representation has been received. This was sent to the Director of Planning and was forwarded to Planning Officers. This objection has been added to the neighbour representations for Member's reference.
- 2.2 Planning Officers have reviewed this representation. The following material issues are raised:
- The proposal radically alters the front of the house and the shape of the roof to the side and will give rise to local heritage impacts.
  - The proposal will set a precedent which will undermine the visual character of the street.
- 2.3 These issues have already been considered in the committee report at paragraphs 47. No new issues are raised.

### *Additional Comments from Councillor Clarke.*

- 2.4 Cllr Clarke has made additional representations on the scheme. These are set out at **Appendix 1** below.
- 2.5 Cllr Clarke's additional comments are noted by Officers. Officers confirm that each application is considered on its merits. The submission notes other examples of similar development in the vicinity of the site. While the policy context for these recent schemes may be similar, Lewisham has published an Alternations and Extensions SPD since these applications were approved. The officer position remains that the proposed rooflight and dormer are consistent with the adopted guidance in the SPD in this case. The officer report contains an assessment of the character of the surrounding area.
- 2.6 As the application does not form a new planning unit, the internal layout of the dormer is not a material planning consideration for committee.

2.7 The Chair has advised Officers of her view that the draft Grove Park Neighbourhood Plan (GPNP) should be a material planning consideration in this case as the draft GPNP is currently progressing toward adoption.

2.8 The National Planning Policy Framework (NPPF) at Paragraph 48 states that:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) .*

The National Planning Practice Guidance (NPPG) states that:

*“an emerging neighbourhood plan is likely to be a material consideration in many cases. [Paragraph 48](#) of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking.*

*Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. A referendum ensures that the community has the final say on whether the neighbourhood plan comes into force as part of the development plan. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF.”*

Additionally the NPPG states that:

*Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.*

2.9 At this juncture, the draft GPNP has been examined, however the Examiner’s report has not yet been published. The Mayor and Cabinet have not yet considered the plan Examiner’s report on the draft GPNP (including the Examiner’s recommended modifications to ensure the plan meets the ‘Basic Conditions’, as required by law); and has therefore not taken a decision as to whether the draft GPNP should proceed to a local referendum. Officers intend to publish the Examiner’s report and recommendations (‘the post examination plan’) when the GPNP is considered by Mayor and Cabinet.

- 2.10 At this point, the post-examination plan has not been published in the public domain, and the application is therefore not assessed against the policies of it; nor has it been assessed against the 'submission' version of the GPNP, which was not subject to independent examination. Officers note the weight to attribute the draft plan is a matter for the Decision Maker.

### 3.0 CONCLUSION

- 3.1 The additional objection and comments from the Chair have been received and reviewed, and are not considered to change the assessment undertaken or the conclusion and recommendation of the officer report to committee for 11 Cooper's Lane.

## APPENDIX 1

### Additional Comments from Cllr Clarke:

*Our oldest historic buildings should be preserved for future generations to enjoy. For this reason I began the campaign to save the Baring Hall Hotel in Lewisham, which was not in a conservation area and due to be demolished. It is now Grade 2 listed.*

***A building does not have to be in a conservation area to be of significant value – as is shown by the Baring Hall Hotel.***

### NEIGHBOURHOOD PLAN – AREA OF SPECIAL CHARACTER

***The Grove Park Neighbourhood Plan lists these houses as being an area of special character. As it has passed examination it has material weight, but this is not listed in the policy guidance in this application.***

*The Neighbourhood Plan highlights what residents value and is the last remaining bastion of local democracy in the Planning system.*

***An area of special character prohibits development that is detrimental to the façade of buildings that are of note, and impacts on the heritage aspect of the street line.***

*These houses date from around 1905, and run the full length of the street and their architecture and roof line remain unaltered. **They are unique, as it is rare to get such uniform and unspoilt buildings. They are an important historic asset and visual amenity on a busy road.***

*A side extension and front roof light, if approved, would set a precedent allowing many more similar developments, of different shapes/sizes/materials, resulting in a degradation of the uniformity and ultimately a **loss of their historic value.***

### PREVIOUS APPLICATION

*Three years ago an **application at Number 12, for a roof light to the front, was turned down** by officers due to the historic nature of the buildings and the visual impact considering the uniformity of the roofs. The applicants amended the plan to place the roof light out of sight behind a chimney. This had less impact and the development went*

ahead. I am surprised that three years later not only a front roof light, but also a large side extension would be acceptable.

It must be made clear that **there is no objection to development in the roof area with extensions to the rear and roof lights not visible from the street** in this, or any of the properties, on Coopers Lane.

#### **SIDE EXTENSION AND FRONT ROOF LIGHTS**

There is another application which has recently been granted for number 5 Coopers Lane. It is a large development allowing for 2 bedrooms, a bathroom and living space. This is being done without alteration to the front or sides of the roof. **Side extensions and front roof lights are not necessary to provide more living space.**

**A large development in the roof can take place without affecting the historic amenity of these buildings.**

I would urge the committee to turn down this application and ask the applicant to amend it to preserve the historic integrity as recognised in the Neighbourhood Plan and the Council's own policies which aim to be **"sensitive to the local context and respond to local character"**.

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