

## PLANNING COMMITTEE B

Date of Meeting: **TUESDAY, 14 SEPTEMBER 2021 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:**

**Suzannah Clarke (Chair)  
Jacq Paschoud (Vice-Chair)  
Tauseef Anwar  
Aisling Gallagher  
Liz Johnston-Franklin  
Jack Lavery  
Jim Mallory  
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  
Lewisham Town Hall  
London SE6 4RU  
Date: Thursday, 2 September  
2021**

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Committee	PLANNING COMMITTEE (ABC)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date:

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 14/09/2021

### MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 1 July 2021

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**LEWISHAM COUNCIL  
PLANNING COMMITTEE B  
THURSDAY, 1 JULY 2021 AT 7.30 PM  
MINUTES**

**PRESENT:** Councillor Suzannah Clarke (Chair) Councillor Jacq Paschoud (Vice-Chair) Councillors Tauseef Anwar, Aisling Gallagher, Liz Johnston-Franklin, Jack Lavery, John Muldoon, and Lionel Openshaw.

Observing Virtually: Councillor Mallory.

**APOLOGIES FOR ABSENCE** Councillor Smith.

**OFFICERS:** Service Group Manager, (SGM) Planning Officers and Committee Officer.

**ALSO PRESENT:** Legal Representative Joy Ukadike.

**Item  
No.**

**1      Declarations of Interest**

The Chair advised the Committee that since she had objected to the application in respect of 11 Coopers Lane, which was located in her ward, (as set out in the agenda package) she would be recusing herself from voting on this application and would leave the room for the portion of the meeting where the item was considered and decided. The Vice Chair Cllr Paschoud would Chair the meeting until deliberations on this item were complete and the decision made.

**2      Minutes**

RESOLVED that the minutes of the meeting of the Planning Committee B held on 21 April 2021 be confirmed and signed.

**3      159 Woodyates Road SE12 9JJ**

The Planning Officer, gave an illustrative presentation recommending that the Lawful Development Certificate be granted.

The Committee noted the report and that the main issues were:

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

The applicant was not in attendance.

Members voted unanimously in favour of the recommendation in the report.

**RESOLVED** that Lawful Development Certificate be granted.

The Chair confirmed that she had a personal interest in the application in respect of 11 Coopers Lane, and she left the meeting. The Vice Chair took the Chair for the remainder of the meeting.

#### **4 11 Coopers Lane**

4.1 The Planning Officer, gave an illustrative presentation recommending that planning permission be granted for 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. She said that additional comments and objections had been circulated to all members of the Committee prior to the meeting.

4.2 The committee noted the report and that the main issues were:

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

4.3 Neither the applicant nor the objector attended the meeting.

4.4 In response to questions from members of the Committee the following was noted:

- A questions was asked about whether the windows in the roof could be positioned at the rear rather than the front of the house. Discussions had taken place with the applicant regarding the position of the roof windows but because the front roof line was compliant with the SPD, an invitation was not made to amend the position of the windows to the rear. The proposed scheme was for the windows to be positioned at the front and was compliant with the guidance.
- There was a comment regarding the draft Grove Park Neighbourhood Plan. It was stated in the plan that the houses in Coopers Lane were of particular character. However, it was understood that officers did not believe that there would be any significant damage to the character by building the extension. Members were advised that planning officers had sought legal advice on the planning policy progression. The submission from the applicant was correct in that the extension would be in an area of special character that would be designated in the draft Neighbourhood Plan. However, the plan was not sufficiently progressed that it could be relied upon. The plan would be reported to Mayor and Cabinet on 14 July. So assessing the dormer against the Neighbourhood Plan would not be suitable at this juncture.
- With regard to the dormer windows, members were advised that on the plans it was clear that these windows should be obscure and fixed. This had been confirmed by the applicant. If members were minded to approve the application, officers recommended that a condition be

added, that the windows be glazed and fixed in accordance with the plans. The wording of this condition would be designated to officers.

- It was noted that the dormer windows in the extension would only be partially visible from the front of the property.
- It was noted that there were no other dormer extensions in the area of 1 Coopers Lane.

Members voted unanimously in favour of the recommendation and;

RESOLVED that planning permission be granted subject to conditions and informatives outlined in the report and the extra condition that:

- The windows proposed in the side dormer be obscure glazed in accordance with approved plans, with the final wording of the condition to be delegated to officers to be agreed with the Chair.

Councillor Muldoon joined the meeting.

The meeting closed at 8 pm.

Chair

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Committee	PLANNING COMMITTEE (B)	
Report Title	97 Honor Oak Park, SE23	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	14 September 2021

Reg. Nos. DC/19/111021

Application dated 8 February 2019

Applicant Mr Rzadkiewicz

Proposal An application submitted under Section 73a of the Town and Country Planning Act 1990 for a Minor Material Amendment to allow for an amendment of Condition (2) of the planning permission dated 19th July 2012 (DC/08/68743) for the construction of 2, two-storey, two bedroom houses at the rear of 97 Honor Oak Park, SE23, together with associated landscaping, provision for refuse and cycle storage and two car-parking spaces, **to allow for the following:**

- Siting of House B closer to the western boundary;
- Repositioning of two dormers to 'House A';
- The addition of front door canopies;
- Insertion of a ground floor flank window to 'House A';
- Formation of circular opening at first floor;
- Installation of automated sliding gate to the rear;
- Erection of fence between new dwellings and main building;
- Resiting of parking bays;
- Relocation of bin store and cycle store;
- Additional paving measures.

Background Papers 1) Submission drawings  
2) Submission documents

Designation PTAL 4

Screening N/A

# 1 SUMMARY

1 This report sets out Officer's recommendation for the above proposal. The case has been brought before Members for a decision as the recommendation is to approve and there are more than three valid planning objections.

2 The current s73a Minor Material Amendment seeks to amend a scheme granted planning permission at Appeal in 2012 (DC/08/68743) for the construction of two dwelling-houses.

3 Both houses have been built, and are currently unoccupied. This application is recommended for approval with appropriate conditions for the reasons set out below. This report will assess the following:

- Proposed alterations to the approved scheme; and
- Existing elements that have been built out of compliance, and are proposed to be retained with some measures of mitigation.

# 2 SITE AND CONTEXT

## *Site description and current use*

4 The application site is a rectangular plot of land to the rear of 97 Honor Oak Park measuring 34m deep and 24m wide, and currently occupied by two detached dwellings that were constructed following planning approval by written reps appeal in 2012 (APP/C5690/A/12/2172563/NWF dated 19 July 2012.)

5 The main property fronting Honor Oak Park is a large two storey detached unoccupied dwelling, which has planning permission to be converted to self-contained flats.

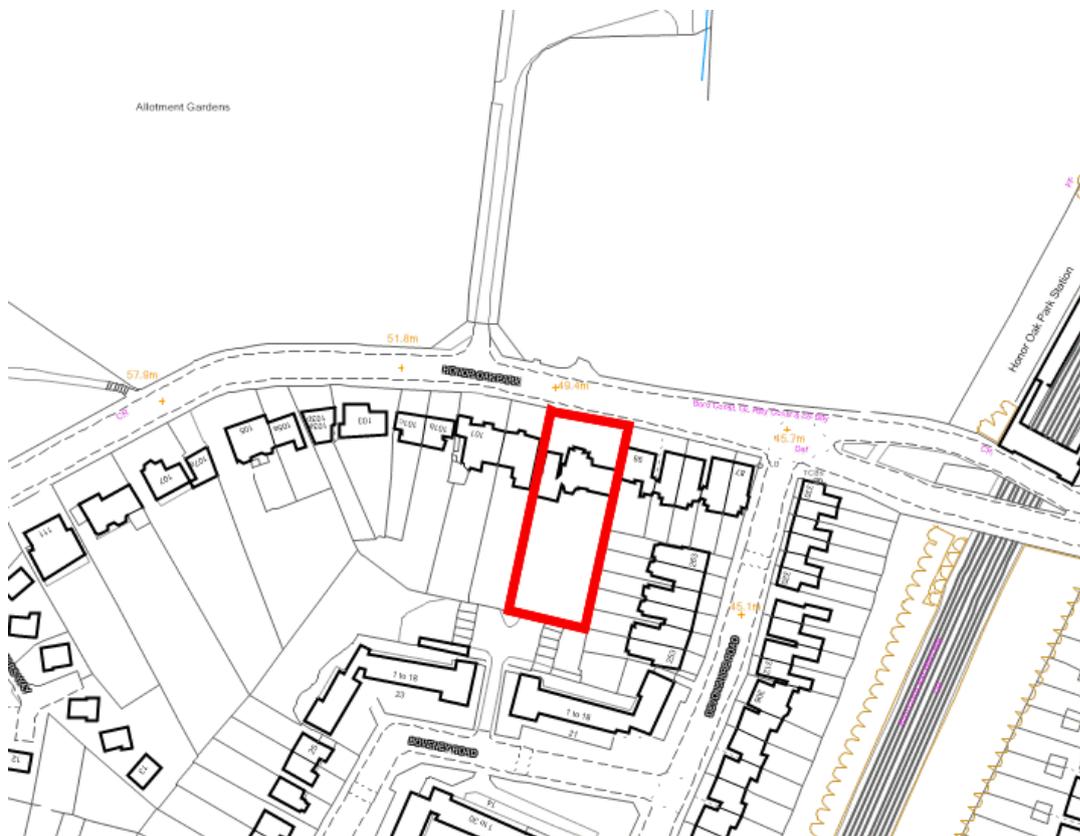


Figure 1: Site location plan

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

- 6 The site is not located within or adjacent to a conservation area. It does not contain a listed building, nor are there any in the vicinity.

### ***Surrounding area***

- 7 The immediate area is predominantly residential in character, with terraced dwellings fronting Devonshire Road to the east, and a 4-storey housing estate directly to the south fronting Boveney Road.

### ***Transport***

- 8 The site has a PTAL rating of 4, which on a scale of 1-6, represents good access to public transport.

## **3 RELEVANT PLANNING HISTORY**

- 9 **DC/08/68743:** Permission was refused at Planning Committee (C) for 'the construction of 2, two-storey, two bedroom houses at the rear of 97 Honor Oak Park, SE23, together with associated landscaping, provision for refuse and cycle storage and two car-parking spaces', for the following reason:

(1) The proposal by reason of the design (including location of bin storage) and scale of the development would be out of character with the area and would lead to a loss of a wildlife habitat. The proposal is therefore contrary to policies 1, 5, 12 and 15 of the Lewisham Core Strategy (Adopted June 2011) and policies HSG 8 (b), (c) & (f) Backland and Infill Development and OS 13 Nature Conservation of the adopted Unitary Development Plan (2004).

- 10 Following the submission of an Appeal by the applicant (APP/C5690/A/12/2172563/NWF, the Planning Inspector granted permission on 19 July 2012, subject to conditions.

- 11 All pre-commencement planning conditions relating to the consented scheme were formally submitted to and discharged by the LPA in 2014.

- 12 Enforcement investigation (ENF/15/00254) opened in August 2016 regarding non-compliance with the appeal consent. Discussions were held between officers and the applicant, which resulted in the submission of the minor material amendment planning application.

## 4 CURRENT PLANNING APPLICATION

### 4.1 THE PROPOSAL

13 The current application has been submitted under s.73a of the TCPA (1990) (as amended) (set out further in Section 6 below). It seeks to amend Condition (2) that relates to the two dwelling-houses granted planning permission at Appeal under reference DC/08/68743, by addressing external works that have been undertaken which did not form part of the approved scheme, in addition to further proposed alterations to the approved scheme.

14 Whilst the houses are fully constructed, they have never been occupied.

15 Condition (2) stated:

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

*P1249.120E; P1249.121A; P1249.122C; P1249.123C; P1249.124D and P1249.125*

16 The effect of a s73a planning application is to create a new planning decision notice with relevant conditions amended, or the inclusion of new conditions. In this case, Condition (2) is proposed to be amended with the approved plans replaced with updated versions.

17 Members are advised that the application seeks to regularise changes undertaken to the two dwelling-houses and the wider site, in addition to further proposals.

18 The changes already undertaken to the consented scheme includes:

- Siting of 'House B' closer to the western boundary;
- Repositioning of two dormers to 'House A';
- The addition of front door canopies;
- Insertion of a ground floor flank window to 'House A';
- Formation of circular openings at first floor;
- Retention of a fence between the new dwellings and main building;
- Resiting of parking bays;
- Additional paving measures.

19 Officers have visited the site to measure the size of the existing dwelling-houses, which is set out in the below Table 1:

**Table 1**

	<b>Length</b>	<b>Width</b>	<b>SQM</b>
2012 - Approved Scheme (Houses A & B)	9.3m	5.2m	48.3
2021 - House A	9.46m	5.41m	51.1
2021 - House B	9.57m	5.4m	51.6

20 Table 1 indicates minor increases to the approved footprints by up to 0.27m. This will be addressed later in the report.

21 Proposed changes include:

- Frosted film to 'House A' eastern flank openings;
- Soft landscaping measures;
- Boundary treatment on eastern side;
- Pergolas to part enclose parking bays;
- Installation of automated sliding gate to the rear;
- Relocation of bin store and cycle store.

22 During the application period, the proposal was amended in response to officer advice following discussions with neighbouring occupiers. This related to additional soft landscaping measures, boundary treatment and the formation of pergolas to part enclose parking bays adjacent to the western and eastern boundaries.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

23 Site notices were displayed on 20 February 2019.

24 Consultation letters were initially sent to local residents on 20 February 2019 and a consultation email was sent to relevant ward councillors on the same date.

25 Further consultation was undertaken on 4 March 2021 due to the period of time that had passed since the original submission date of the application, and the revised plans that had been received during that period.

26 Seven responses from local residents and Friends of Honor Oak have been received, objecting to the proposal.

27 No letters of support were received.

#### 5.1.1 Comments in objection

<b>Comment</b>	<b>Para where addressed</b>
Resiting of House B	72-75
House A appears to be one metre higher than permitted	109-112, 115
Both houses are up to 55% larger in footprint	113-114
Raised ground level by more than 30cm	109-110
Unauthorised ground floor window to House A should be removed	57-59

The property will completely block out all natural light to kitchen and bedroom	72-75
Boundary wall on eastern side, including structural requirements	92-98
Overlooking	78-87, 106-107
Moving of western fence will make the site 20% larger	88-91
Planting/ landscaping	123-128
Security concerns	63-64
Impact of re-sited parking bays	99-105
Relocation of bin and cycle stores, in relation to the resited parking bays	140-141

## 5.2 INTERNAL CONSULTATION

28 The following internal consultees were notified on 20 February 2019.

29 Highways officers: Verbally raised no objections.

## 5.3 EXTERNAL CONSULTATION

30 None undertaken.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

31 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).

32 S.73 (applicable also to s.73a) of the Town and Country Planning Act (1990) (as amended) allows for applications for planning permission to be made for the development of land without complying with conditions subject to which a previous planning permission was granted. There is no definition within legislation that limits the scope of an application under s.73. Guidance for determining s.73 applications set out in the National Planning Practice Guidance (NPPG) states that an application under s.73 is an application for a “minor material amendment”, “whose scale and nature results in a development which is not *substantially different* from the one which has been approved”.

33 It is further stated within the NPPG that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered. Having said that, when determining the application the Local Planning Authority (LPA) has to consider the application in the light of current development plan policy. The LPA therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

34 In this case, in the time that has passed since permission was granted in 2012, the Core Strategy (2011) remains; the Development Management Local Plan was adopted in 2014; and the new London Plan adopted in March 2021.

35 The proposed changes will therefore be assessed in accordance with the relevant national, regional and local policy and guidance.

36 Returning to the scope of applications under s.73 of the TCPA (1990) (as amended), there exists a large amount of case law. The most recent relevant Judgement was handed down from the court of Appeal in November 2019; 'Finney v Welsh Ministers & Ors'<sup>2</sup>. In this judgement, Lewison J refers to the correct interpretation of s.73 as that by Collins J, in the 2017 'Vue'<sup>3</sup> judgement, who at paragraph 19 states "*It is, I suppose, possible that there might be a case where a change of condition, albeit it did not seek to vary the permission itself on its face, was so different as to be what could properly be described as a fundamental variation of the effect of the permission overall.*".

37 The 'fundamental variation', reiterated by Lewison J in the 'Finney' Judgement further clarifies that this test should be applied when assessing the scope of amendments proposed through the use of a s.73 application.

38 Members are advised that the current scheme relates to a s.73a application, which follows the same principles as a s.73, the difference being that it addresses changes to an approved scheme that have already been undertaken.

## 6.2 MATERIAL CONSIDERATIONS

39 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.

40 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.

41 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 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## **6.4 DEVELOPMENT PLAN**

42 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**

43 Lewisham SPG/SPD:

- Alterations and Extensions SPD

## **7 PLANNING CONSIDERATIONS**

44 The main issues are:

- Principle of Development
- Urban Design
- Impact on living conditions of neighbours
- Standard of residential accommodation
- Highways
- Landscaping

### **7.1 PRINCIPLE OF DEVELOPMENT**

#### *General policy and Statutory Context*

45 The statutory and policy context of an application under s.73/a of the TCPA (1990) (as amended) is set out above in section 6.

#### *Discussion*

46 The principle of residential development has been established by the extant planning permission (ref: DC/08/68743) that this application seeks to vary.

47 The only assessment to be made is in relation to the amendments that are either being proposed, or already undertaken, and whether they;

- Comply with the Development Plan and any relevant material considerations.
- Do not represent a fundamental variation from the extant planning permission.

## 7.2 URBAN DESIGN

### *General Policy*

- 48 Urban design is a key consideration in the planning process. Part 10 of 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.
- 49 LPP D3 and Core Strategy Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 50 CSP 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.
- 51 DMP 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including: The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context. DMP 33 seeks to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.

### *Discussion*

#### **Repositioning of two dormers to 'House A'**

- 52 The approved dormers were originally sited to the rear roofslope of House A - elevation fronting the only access into the site. However during the time of construction, they were instead built to the front elevation facing into the shared garden. The applicant has not advised why this change was undertaken.
- 53 From a design perspective, no objections are raised toward their appearance, being traditional in approach, and set back sufficiently from the eaves and lower than the ridge, avoiding any sense of being bulky or harmful to the dwellings or character of the immediate area.
- 54 An assessment of their impact upon neighbour amenity will be addressed later in this report, however officers are satisfied neither dormer results in any significant visual harm.

#### **The addition of front canopies**

- 55 Pitched roof canopies have been installed over the front entrances of Houses A and B, replicating the gradient of the gabled ended frontages.
- 56 Officers consider these elements to be acceptable in siting and appearance, with no harmful impact upon neighbour amenity.

### **Insertion of a ground floor flank window to 'House A'**

- 57 A secondary living room window has been installed to the eastern elevation of House A at ground floor level, which did not form part of the approved scheme.
- 58 No objections are raised toward the size or appearance of this opening, in keeping with other openings.
- 59 The harm upon neighbour amenity will be assessed later in this report.

### **Formation of circular openings**

- 60 Circular features were shown on the original elevation plans approved in 2012, however these were not shown as windows on the floor plans.
- 61 No objections are raised toward the appearance of these openings.
- 62 There have been neighbour objections in regard to overlooking from the opening to the eastern elevation of House A, which provides a secondary opening to a bedroom. This will be addressed later in this report.

### **Installation of automated sliding gate to the rear**

- 63 A sliding metal electronically operated gate would be sited across the entry point into the site - no elevation details have been submitted. The 2012 approved plans referred to 'existing gates to be refurbished'.
- 64 No objections are raised in principle to the formation of a new gate, and details regarding their appearance and operation will be requested by condition.

### **Pergolas**

- 65 The erection of pergolas are proposed to part enclose the parking bays adjacent to the eastern and western boundaries.
- 66 In principle these are considered acceptable, subject to the submission of elevation details and facing materials by planning condition.

### *Summary*

- 67 In regard to design, the changes that comprise this minor material submission are considered acceptable, and officers maintain that the appearance, siting and scale of the two dwellings are appropriate for this residential setting. The design of both buildings is simple and traditional, and do not appear overdominant, relating well with surrounding period properties.

## 7.3 LIVING CONDITIONS OF NEIGHBOURS

### *Policy*

- 68 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).
- 69 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 70 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 71 Overbearing impact arising from the scale and position of block is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. The relevant guidance is the Mayor's Housing SPG.

### *Discussion*

#### **Siting of 'House B' closer to the western boundary**

- 72 The approved application showed 'House B' to be sited 4.6m away from the western boundary, however the dwelling has been constructed 3.4m away.
- 73 Officers consider this remains a sufficient distance away from the property at no.99 and the shared boundary to avoid any significant visual harm upon the occupiers, with existing boundary trees providing a good level of screening. The distance between House B and the rear elevation of no.99 is approximately 16.5m.
- 74 Outlook from the first floor bedrooms of House B are inward facing toward the shared garden only, so there is no overlooking between habitable room windows or toward the garden area of no.99.
- 75 In regard to overshadowing, a daylight/ sunlight report has not been submitted as part of this application. For the reasons stated earlier, officers are satisfied there is no significant harm arising from the repositioning of House B. Officers therefore raise no objections.

#### **Repositioning of two dormers to 'House A'**

- 76 The two dormers look toward the communal garden, and due to their discreet size and positioning, officers do not consider these result in any adverse impact upon neighbouring amenity.
- 77 It is noted that neighbours have not objected to this element of the proposal.

### **Insertion of a ground floor flank window to 'House A' and formation of circular opening at first floor**

- 78 DM Policy 32 advises there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations, but is a general rule that may be applied flexibly. In this case, the windows serve the flank wall, not the rear, however the 21m distance is applicable.
- 79 According to the current submission plans, the two secondary openings lie approximately 4 metres from the eastern boundary, and 22m from the rear elevations of the nearest Devonshire Road dwellings.
- 80 Officers have conducted their own measurements using Google Earth, and the distance between 'House A' and the nearest Devonshire property is approx. 18.2m, being 4m from the boundary. Whilst this falls within the prescribed 21m, as advised, this should be applied flexibly.
- 81 The applicant has advised that both openings will be fitted with frosted film to avoid any direct overlooking of neighbouring gardens, which was presented to officers on site.
- 82 Some neighbouring occupiers would prefer frosted glass to be installed as they are concerned the film could be easily removed by future occupiers. This has been discussed with the applicant, however they maintain that frosted film would be sufficient.
- 83 Officers agree that the film would suffice in this case, and a planning condition will ensure that both windows are fitted prior to first occupation and retained thereafter. The openings are secondary in their respective rooms, with garden facing openings providing their main source of outlook.
- 84 In regard to the actual opening of the windows, Devonshire Road occupiers are concerned that this will result in overlooking, negating the purpose of providing the film. In this case, the ground floor window is/ will be screened to some extent by an existing tree directly to the side of the property and the eventual erection of side boundary fencing.
- 85 In regard to the porthole, this is positioned at a height to minimise outlook, (as demonstrated by an internal photograph provided by the applicant), with its main purpose being to provide additional daylight.
- 86 Nevertheless, a planning condition will ensure that both windows are restricted in the extent of their opening to less than 45 degrees, and that they remain frosted in perpetuity.
- 87 In regard to the other porthole openings to the opposite side of House A, and those at House B, officers are satisfied these do not result in any significant visual harm upon neighbour amenity.
- 88 In summary, considering the two windows are secondary and will be frosted and restricted, officers are satisfied there would be no adverse harm upon neighbouring amenity.

### **Siting of fence between new dwellings and main building (no.97)**

- 89 Officers acknowledge the fence may currently appear unsightly to some Devonshire Road occupiers due to it being of a greater height than the existing eastern boundary wall. This matter will be suitably resolved however once the eastern boundary fence/ wall is erected, following the submission of details to comply with the relevant planning condition. A CGI that has been submitted shows a consistent fence height to the boundaries.

- 90 The fence was originally proposed to be sited close to the flank wall of 'House B', ending in line with side boundary fence between nos 261 and 263 Devonshire Road.
- 91 On the revised 'ground floor plan', the fence has been moved northwards by approximately 1 metre toward the main building, and is consequently more visible from no.263. Having visited the site however, officers observed that the fence appears to lie further to the north than shown on plan.
- 92 In light of this, it is appropriate to request further details that accurately show the siting of the fence, and its relationship to the proposed eastern boundary fence/ wall, although in principle, officers raise no objections to the current siting, and are satisfied sufficient garden space would be retained for the main building.

### **Boundary Treatment**

- 93 In regard to the boundary treatment on the eastern boundary, the 100 year old brick wall has in sections been demolished, or collapsed through instability.
- 94 The Planning Inspector did not include a condition requiring the submission of details, stating only in para.25 that 'it would be for the developer to ensure that any works to boundary walls are undertaken in a satisfactory manner.'
- 95 The Landscaping plan approved in 2014 (discharge of condition - DC/14/087688) referred to 'existing brick wall to be repaired/ rebuilt using existing bricks'. The existing submission (CGI only) now suggests that a timber fence of up to 2m height will be erected along the boundary, with the removal of any remaining sections of wall.
- 96 Whilst there was an intention for the boundary wall to be retained as part of the original scheme, its retention was not a fundamental reason for officers recommending approval to Members in 2011, or for the Planning Inspector in their decision to grant permission in 2012.
- 97 The wall is now in a poor condition, and it is clear some form of treatment must be reinstated as a matter of urgency, whether in the form of a rebuilt brick wall or a timber fence.
- 98 The brick wall is in the ownership of the applicant - an historic map shows the boundary wall around the curtilage of no.97 prior to the construction of the Devonshire Road dwellings. The applicant is entitled to remove the wall as it is not a protected structure, and can replace with a fence/ wall of up to 2 metres in height under permitted development.
- 99 Considering the sensitivity surrounding this site, it is appropriate to include a planning condition that requires the submission of scaled plans detailing the boundary treatment in terms of height and materials, and to ensure it is erected in full accordance within a reasonable timescale prior to first occupation of the dwelling-houses. It is noted that some neighbours are concerned that a fence would be unsuitable due to 'soil pressure'. This is a matter that the applicant will need to consider in their future submission.

### **Resiting of parking bays**

- 100 The approved plan showed two parking spaces adjacent to the western boundary, however hardstands for the bays have been provided to separate areas - the 'House B' bay lies approx. 2 metres away from the west boundary, whilst the 'House A' bay has been relocated adjacent to the eastern boundary.

- 101 Officers raise no concerns toward the 'B' bay as it is located to a similar area as the approval.
- 102 In regard to 'A', neighbours have raised concerns toward the close proximity of the bay to the boundary, and the resulting noise and pollution arising from the vehicle. It has also resulted in the removal of a tree, and does not adhere to the approved landscaping scheme granted in 2014 - DC/14/087689 - this will be addressed in the Landscaping section of this report.
- 103 The applicant is aware of the objections to the bay, however they maintain their preference to retain its current position, rather than move it closer to the site access. They have proposed the erection of a pergola with a solid back adjacent to the boundary that would serve to contain a degree of noise and fumes arising from the vehicle. In addition, the erection of fencing and provision of planting measures to the eastern boundary would provide additional measures to reduce the level of impact.
- 104 Neighbours do not consider the pergola to be sufficient to address their concerns.
- 105 Having considered the neighbour objections, inspected the site and assessed the measures proposed by the applicant, officers are satisfied that the approach for additional planting and the provision of the car shelter would be sufficient to mitigate the concerns raised, subject to the submission of appropriate details by condition.
- 106 It must be acknowledged that this relates to a single parking bay, therefore assuming future occupiers own a car, it is unlikely there would be regular vehicular movement to the extent whereby it would be so harmful upon neighbour amenity.

#### **Overlooking from Side Patio of House A**

- 107 To the eastern side of 'House A' there is a raised patio area where currently there is some overlooking down to the gardens of Devonshire Road. This is attributed in part to the lack of boundary treatment that currently exists, and the change of ground levels. The restoration of appropriate boundary treatment would serve to mitigate this to some extent.
- 108 The applicant has agreed to additional planting measures to that area to restrict occupier use and privacy issues, which officers support in principle.

#### **Other matters**

- 109 Neighbours have also raised concern that:
- the ground level of the application site has been raised during construction works by up to 30cm, resulting in increased overlooking;
  - the height of 'House A' has increased by 1 metre, appearing 'as a whole more overbearing and visually dominating';
  - the increased footprints of the dwellings contribute to a larger and more visually imposing appearance.
- 110 Having visited the site and neighbouring gardens, 'House A' did at first view appear as a notable addition, but not from the perspective that it was necessarily constructed on a larger scale than the planning approval. The pitch of the roof as seen on-site appears to be in accordance with the approved plan, whilst the height of the dwelling as built appears to be comparable with the approved plans.

- 111 It is difficult to establish any differences between the existing and former ground levels, however neighbours consider an increase has been undertaken.
- 112 In paras 8 and 9 of the decision report, the Planning Inspector referred to the houses as 'modestly sized dwellings with the upper floors contained within steeply pitched roofs'; 'subservient in scale to all the adjoining buildings'; and 'would also sit comfortably within the site boundaries.'
- 113 Officers have visited the site on three separate occasions to assess the dwellings in context with neighbouring properties, and whilst there may be some inconsistencies between the various plan submissions and what has been built, the dwellings remain of good design that are appropriately sited to avoid any significant visual harm upon neighbour amenity.
- 114 Objection letters consider the footprint of the existing buildings is up to 55% larger than the approved scheme. A neighbour submission that refers to 'bigger houses' provides an overlay of the permitted and built footprints, which shows a considerable difference.
- 115 Officers have reviewed the current and consented floor plans, and undertaken a site inspection to measure the two buildings. As set out in Table 1, the footprints of both dwellings are larger than approved, however not to a significant extent. House A measures a length greater than the approval by 0.16m, and House B measures 0.27m more in length. The houses measure a width of 0.2 – 0.21m greater than approved scheme.
- 116 In regard to height of the buildings, officers were unable to undertake a measurement. A comparison between the submitted plans has not resulted in any significant differences being observed.
- 117 The works undertaken are not so considerable to the extent that it represents a significant departure from the approved plans - consequently, officers are satisfied that the two dwellings generally accords with the approved plans and Inspector's considerations. Whilst conditions will be used to mitigate any harm arising from potential overlooking etc, the dwellings do not appear overly imposing or dominant.

#### *Summary*

- 118 Given the above considerations, the proposal is not considered to have any significant adverse impact upon the amenities of its neighbours in terms of privacy, sense of enclosure or overshadowing, and this will be ensured by appropriate planning conditions.

## **7.4 LANDSCAPING**

#### *Policy*

- 119 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 120 LPP G7 protects trees of value and replacements. New development should include additional trees wherever appropriate, particularly large-canopied species.
- 121 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

## *Discussion*

- 122 Landscaping within the rear garden of the approved scheme included:
- Two established Pear trees would be retained;
  - Seek to minimise loss of existing trees, with the felling of an Oak tree and two smaller trees;
  - The formation of a new hedge across the site, comprised of holly, beech, hornbeam, dog wood, copper beech, rugeroua and whitebeam;
  - Retain the existing Sycamore, Fir and Cherry trees, and infill with new Victorian Plum and Holly trees;
  - To the southern boundary where existing sheds will be removed, infill with new Holly, Horse Chestnut and Ash trees;
  - Rebuild existing brick wall to eastern boundary, and plant and train a Wisteria against it;
  - Permeable treatment to accessway and car-parking bays.
- 123 It was considered at the time that substantial tree screening should be retained/ provided close to the boundaries of the site to protect neighbour amenity and setting of the area, as approved in the landscaping planning condition - DC/14/087689.
- 124 The original 2019 plans shows the retention of some of the more substantial trees, however having visited the site, officers determined there was a clear reduction in planting measures generally across the site, particularly to the south-eastern corner where the parking bay has been relocated to - the planting of 4no. trees was approved there, including holly, horse chestnut and ash.
- 125 During the course of this application, the applicant has provided an amended block plan that shows additional landscaping measures to the eastern boundary, including Beech, Laurels and Photinia Red Robin, which in principle are acceptable, however in accordance with the intent of the approved 2014 plan, it is considered appropriate to require the submission of further details by condition for more planting across the site, particularly to the area adjacent to the existing fence that spans the width of the garden, that is currently in stark contrast to the approved plan for substantial planting there.
- 126 The Planning Inspector commented in para.22 that the two dwellings would reduce the openness of the site, however 'the proposal would retain a substantial amount of planted green space, particularly around the edges of the site', therefore officers consider this must be ensured by condition.
- 127 There are additional hard landscaping measures around the site, particularly with the formation of pathways around both houses, instead of lawned areas as originally approved, and the additional paving adjacent to the southern boundary.
- 128 The extent of additional hard landscaping within the site is not considered to be detrimental upon the immediate character of the setting.

### *Summary*

- 129 The reduction of soft landscaping from the approved scheme is regrettable. As addressed earlier, additional planting will be secured by condition to the north and eastern sides, whilst details of the existing paving and their permeability will be required.

## **7.5 TRANSPORT**

### *General policy*

- 130 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 131 Policy T1 of the London Plan (2021) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 132 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

### *Discussion*

- 133 The site has a PTAL rating of 4, indicating that access to public transport in the area is good. The approved scheme proposed two off-street parking bays adjacent to the access into the site, with a cluster of trees to the opposite side.
- 134 The current proposal shows that a tree has been removed, and replaced with a parking bay adjacent to 'House A', whilst the other bay remains in the same area as approved, but reconfigured.
- 135 The surrounding area experiences a high level of on-street parking, however there are some unrestricted opportunities. The London Plan (2021) advises that new dwellings should be car free in PTAL 4 Inner London areas.
- 136 Considering the current provision accords with the approved scheme for two off-street parking bays, officers cannot require a subsequent reduction in this case to accord with the London Plan.

### *Summary*

- 137 Officers are satisfied the provision of off-street parking is in accordance with the approved scheme, despite the reconfiguration that has been undertaken.

## **7.5.1 Servicing and refuse storage**

### *Policy*

- 138 LPP D6(E) states housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables and food waste as well as residual waste.
- 139 Core Strategy Policy 13 Addressing Lewisham's waste management requirements states that the Council will support the objectives of sustainable waste management and promote the waste hierarchy of prevention, reuse, compost, recycle, energy recovery and disposal through a partnership approach.
- 140 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

### *Discussion*

- 141 The refuse store would be located where the parking bays were originally shown adjacent to the access point into the site - this is considered acceptable, however elevation details are required, which will be subject to a planning condition.
- 142 In regard to the cycle store, two areas are shown to either side of the access, however these do not appear to be policy compliant dry and secure. Whilst their siting is acceptable, further details will be required by condition.

### *Summary*

- 143 Officers are satisfied the proposal would adequately provide for refuse and cycle storage, subject to further details to be secured by condition.

## **8 LOCAL FINANCE CONSIDERATIONS**

- 144 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).

- 145 The weight to be attached to a local finance consideration remains a matter for the decision maker.

- 146 The CIL is therefore a material consideration.

147 In this case, the dwellings were granted permission in July 2012, and works commenced within 3 years. The Lewisham CIL was adopted on 1 April 2015, therefore this is not applicable.

## 9 EQUALITIES CONSIDERATIONS

148 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.

149 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.

150 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.

151 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>

152 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

153 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:

154 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

155 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

156 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.

157 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.

158 This application has the legitimate aim of providing new residential units. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

159 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 New London Plan.

160 The Council generally supports the works that have been undertaken to date, including the appearance and resiting of the two dormers, however there is a need for further details relating to:

- the eastern boundary treatment;
- siting of the existing fence within the garden;
- hard and soft landscaping measures;
- pergola details;
- sliding gate;

- refuse and bicycle store elevations.

- 161 Planning conditions will ensure that the House A flank wall windows on the eastern side facing the Devonshire Road dwellings will be opaque in perpetuity to avoid overlooking, in addition to a restriction in the extent of opening.
- 162 This report has advised of the difficulty in establishing ground level changes between the approved plans and what has been built to date. Officers are satisfied however that following site inspections, the relationship between the new buildings and existing dwellings is acceptable, and does not result in any significant visual harm.
- 163 It is therefore recommended that s.73a minor material amendment is granted, subject to the above details being addressed by conditions.

## 12 RECOMMENDATION

- 164 That the Committee resolve to **GRANT** Minor Material permission subject to the following conditions and informatives:

### 12.1 CONDITIONS

#### 1) Retain in Accordance With Approved Plans

Notwithstanding the further details requested by planning conditions, the development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Location Plan; OS Map; Historic Site Plan; p1505.br.2019 b; p1505.br.2019 c (received 18 February 2020)

Ground Floor Plan; Elevations House A; Opaque film photo; Eastern Boundary trees photos; CGIs of eastern boundary (received 28 January 2020)

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

## 2) **Refuse Store**

- (a) Prior to first occupation, elevation details of the storage for refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

## 3) **Cycle Store**

- (a) A minimum of 4no. dry and secure cycle spaces shall be provided.
- (b) Prior to first occupation, full details of the dry and secure cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

## 4) **Soft Landscaping**

- (a) A scheme of soft landscaping (including details of trees to be proposed, plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to first occupation.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core

Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5) **Boundary Treatment**

- (a) Elevation and section details of the proposed eastern boundary treatment and pergola (drawn to scale) shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this decision.
- (b) The approved boundary treatment shall be implemented prior to first occupation of the dwelling-houses and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

6) **External Lighting**

Any external lighting that is to be installed at the site shall be no greater than 2 lux to the nearest neighbouring window, in accordance with CIBSE.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

7) **PD Rights – No Extensions**

No extensions or alterations to the dwellinghouses hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

8) **PD Rights – No Windows**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the dwellinghouses other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

9) **Obscured Glazing**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows installed in the eastern flank wall of House A at ground and first floor levels hereby approved shall be fitted with frosted film prior to first occupation and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

10) **Parking**

The whole of the car parking accommodation shown on drawing 'ground floor plan' hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Policy T6.1 Car parking and Table 10.3 of the London Plan (March 2021)

## 11) **Hard Landscaping**

- (a) Prior to first occupation, details showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted to and approved in writing by the local planning authority.
- (b) Any additional hard landscaping works shall be completed within 3 months of first occupation.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

## 12) **House 'A' Windows**

- (a) The eastern flank wall windows at ground and first floor of 'House A' shall have restricted openings of no greater than 45 degrees.
- (b) The restriction measures required in (a) shall be implemented in full prior to first occupation, and retained thereafter.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

## 13) **Boundary Fence**

An accurate plan of the siting of the 'new close boarded fence' spanning the full width of the existing garden as shown on 'ground floor plan' and its relationship with no.97 Honor Oak Park and neighbouring boundaries shall be submitted to and approved in writing within 3 months of the date of this decision. The approved fence shall be provided in full compliance prior to first occupation, and retained thereafter.

**Reason:** To ensure that the boundary treatment is of appropriate siting in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 14) **Sliding Gate Details**

- (a) Details of the proposed access gate to the southern boundary, including elevation, materials and operational details, shall be submitted to and approved in writing by the LPA prior to first occupation.
- (b) The gate shall be installed in full accordance with the approved plans prior to first occupation, and shall thereafter be maintained in perpetuity.

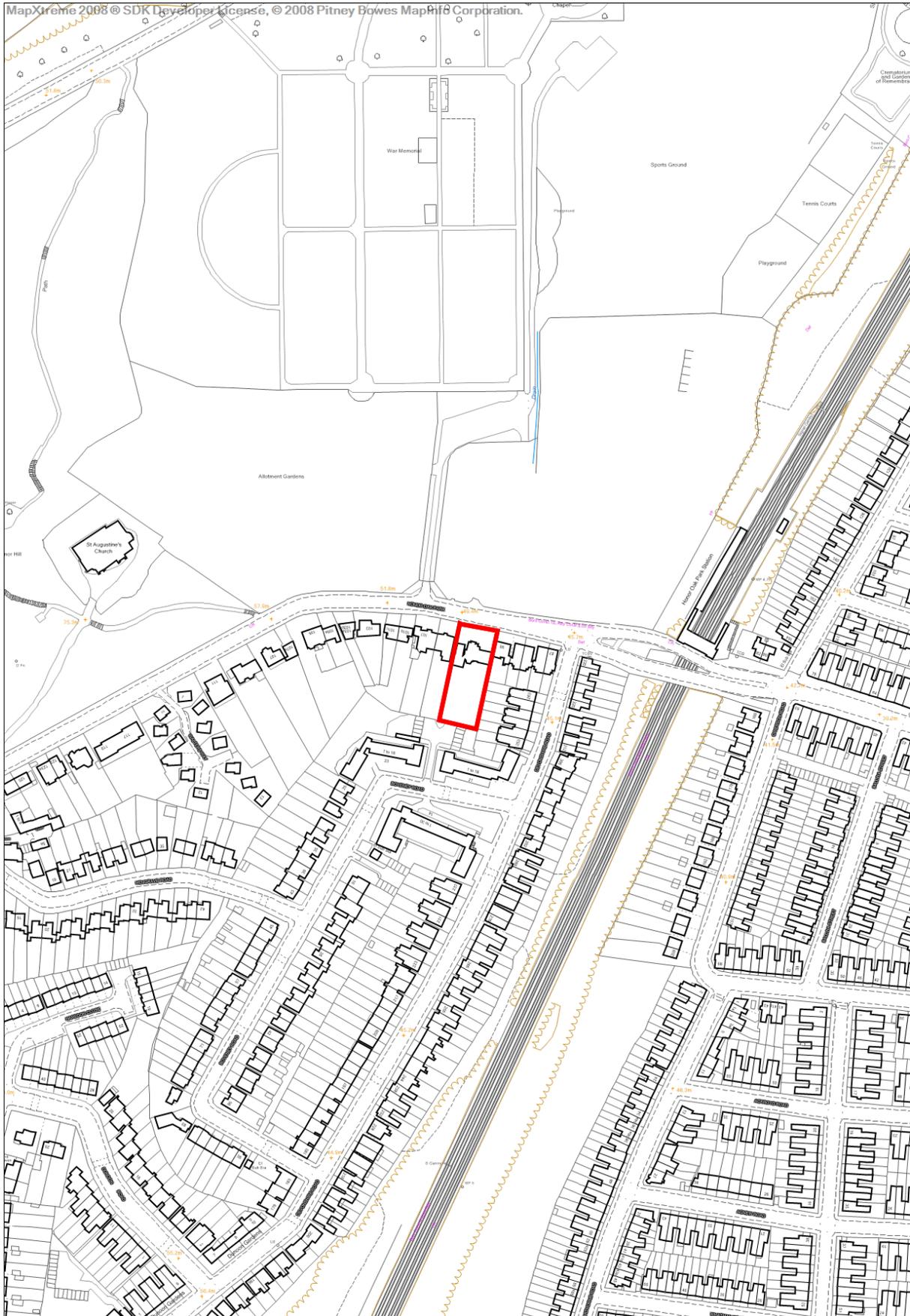
**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity, and to safeguard the amenities of neighbouring occupiers, and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## 12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place, which resulted in further information being submitted.
- 2) The applicant is advised to refer to plan P1303.BR.12 approved under DC/14/087689 with regard to soft landscaping measures, in particular to the northern and eastern boundaries, to inform the future soft landscaping submission relating to Condition (4).
- 3) The Applicant is advised that the following Conditions relating to DC/08/68743 have been formally discharged:
  - (13) Lifetime Homes; (12) Submission of a Stag Beetle Report (DC/14/089673);
  - (4) Facing Materials (DC/15/091345).



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# 97 Honor Oak Park, SE23

## Application No. DC/19/111021

An application submitted under Section 73a of the Town and Country Planning Act 1990 for a Minor Material Amendment to allow for an amendment of Condition (2) of the planning permission dated 19th July 2012 (DC/08/68743) for the construction of 2, two-storey, two bedroom houses at the rear together with associated landscaping, provision for refuse and cycle storage and two car-parking spaces, **to allow for the Retention of works including the Siting of House B closer to the western boundary; Repositioning of two dormers to 'House A'; The addition of front door canopies; Insertion of a ground floor flank window to 'House A'; Formation of circular openings at first floor; Resiting of parking bays; and additional hard landscaping; and Proposed works including Installation of automated sliding gate to the rear; Erection of new fencing; Additional soft landscaping measures; Opaque glazing; Pergolas; and Relocation of bin store and cycle store**

This presentation forms no part of a planning application  
and is for information only.

# APPLICATION SITE

South side of Honor Oak Park;

Predominantly residential;

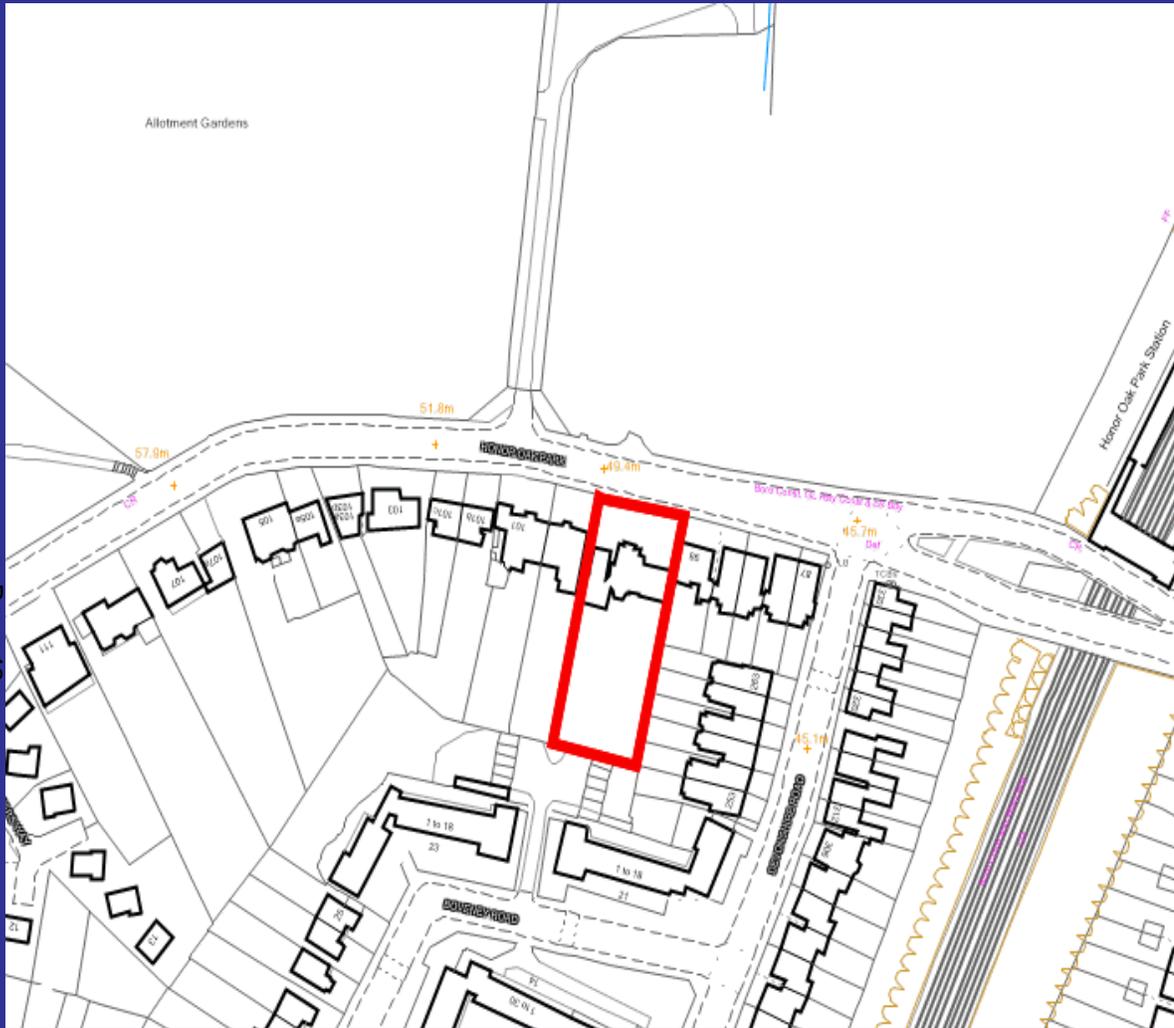
No.97 – former dwelling-house

Approx 27 metres deep, and 23 metres wide;

2no. Dwellings granted permission at Appeal in 2012;

Building commenced within 3 years;

Completed, but currently unoccupied.





# South Facing



# West Facing



# North Facing



## Main Objections:

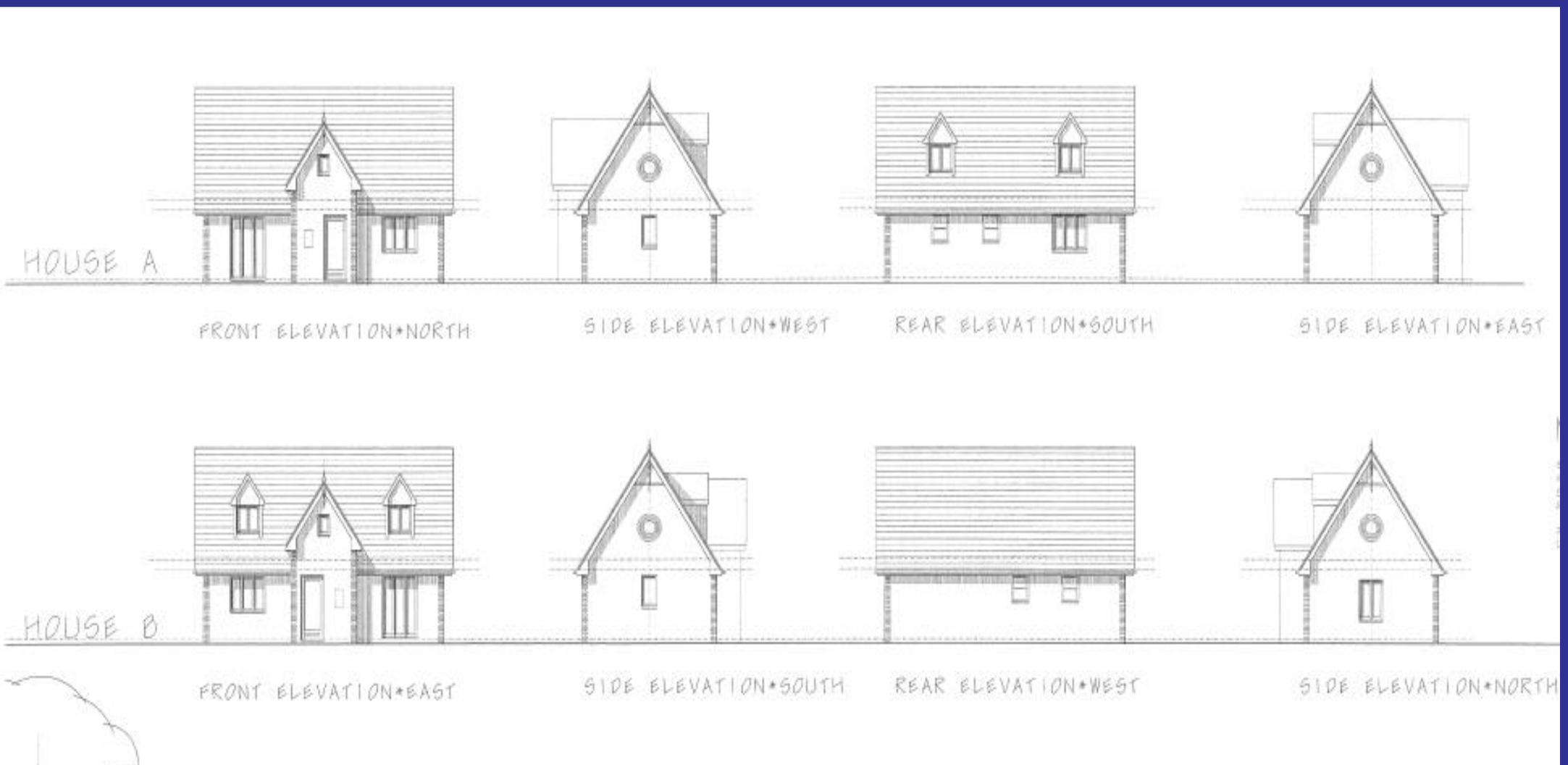
- Visual impact arising from re-siting of House B;
- Height and footprint greater than approved;
- Raised ground level by a minimum of 30cm;
- Overlooking from unauthorised windows – House A;
- Reduced soft landscaping;
- Impact of re-sited parking bays;
- Boundary wall and fencing issues.

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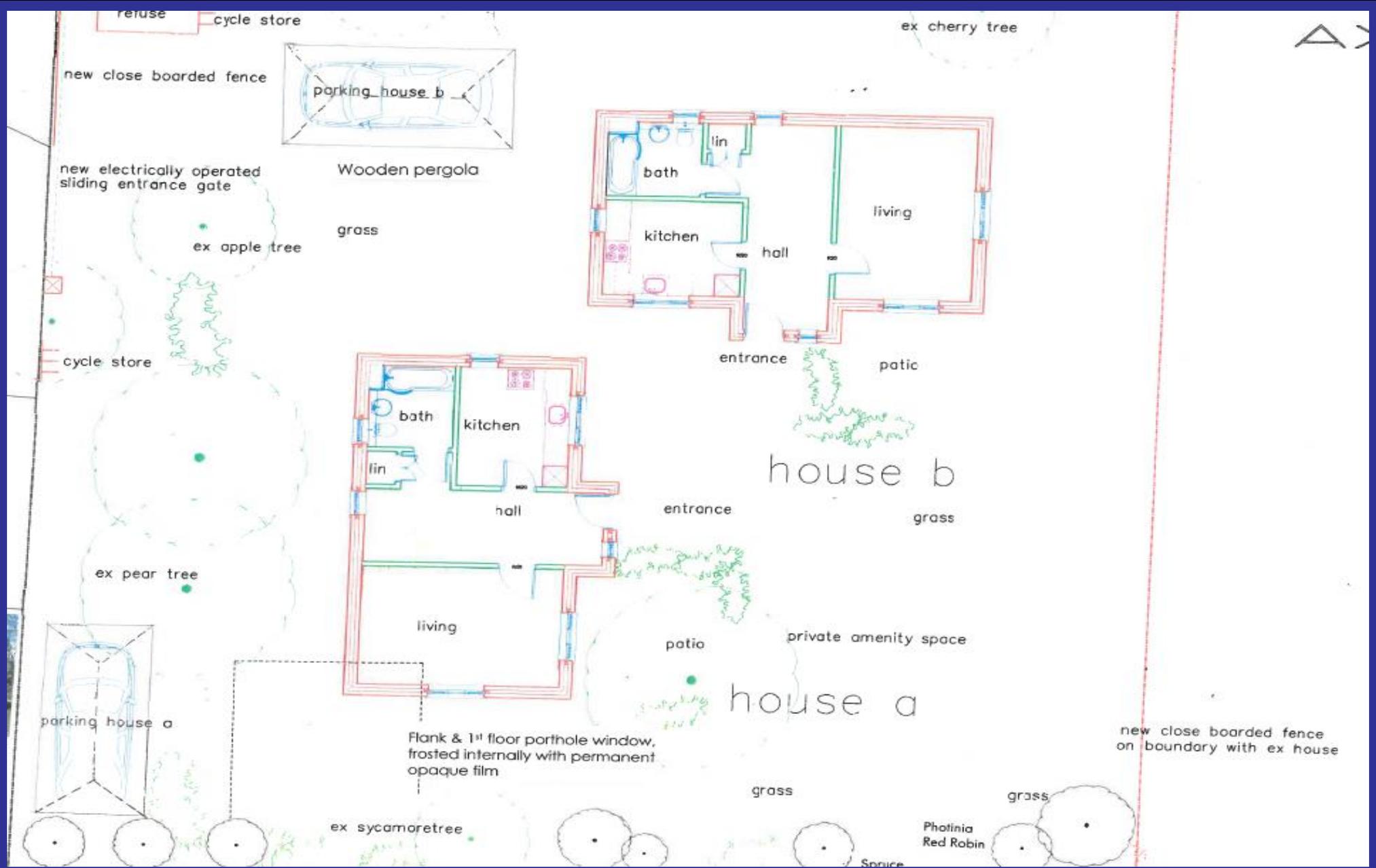
# Original Approved Elevations: 2012

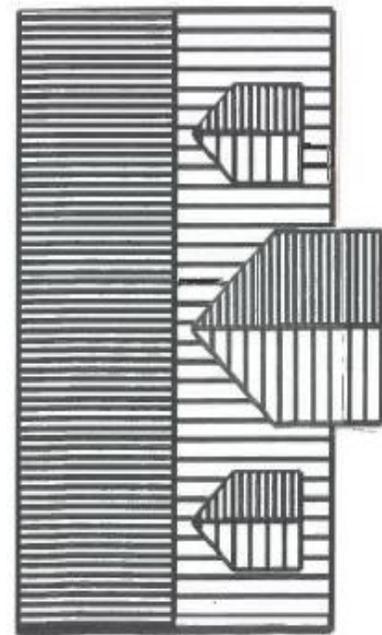
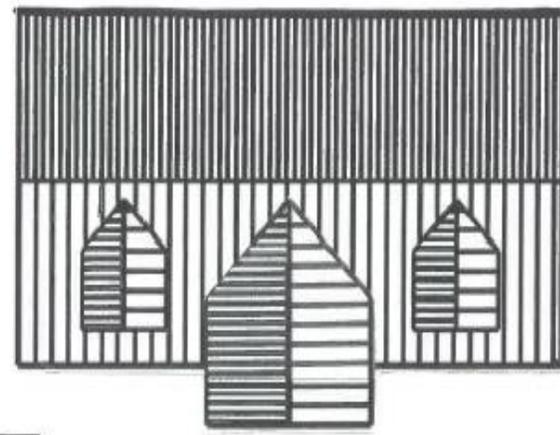
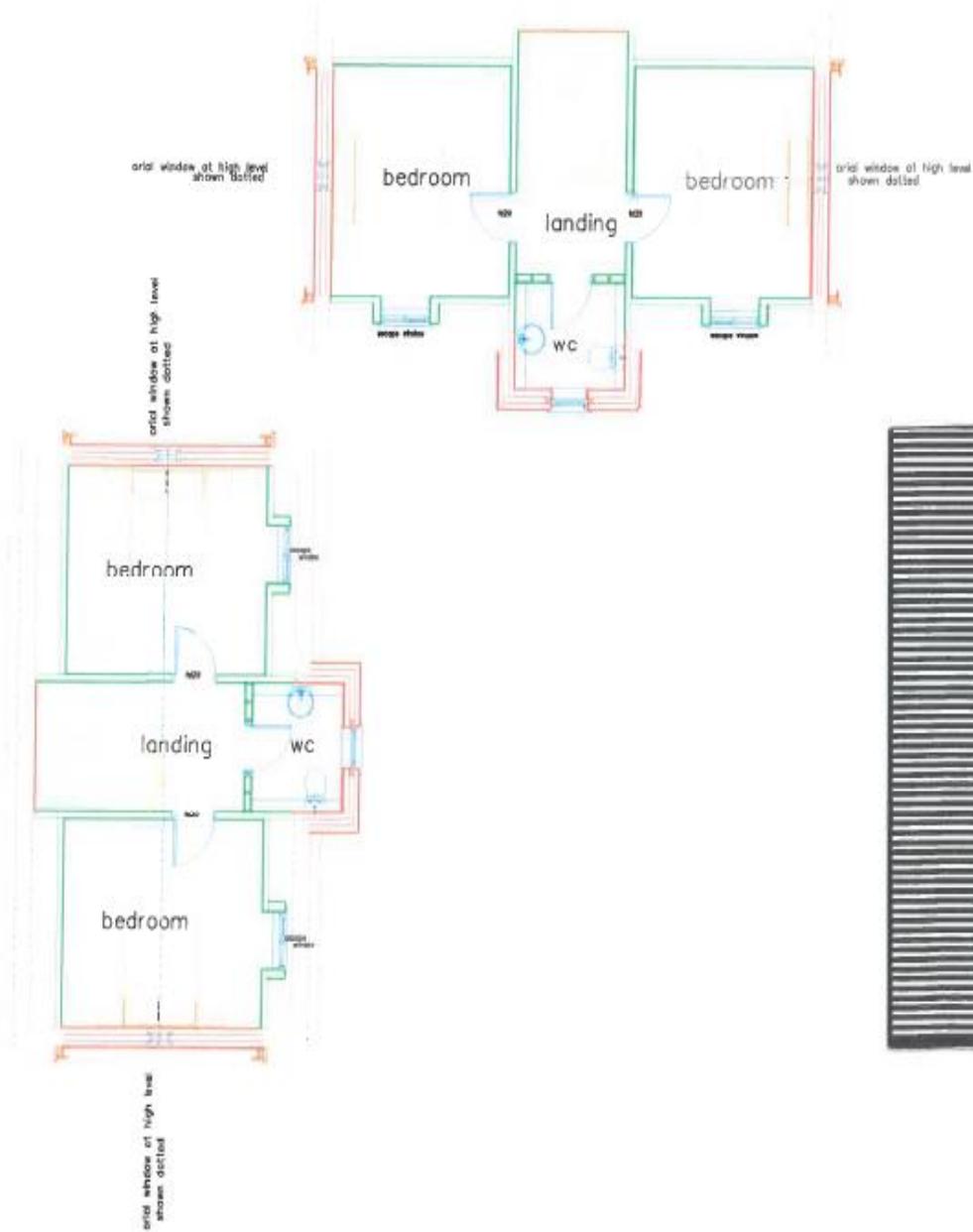
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# As Built

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### construction notes

#### slate roof

pitched roof of blue grey roof slates to approval  
25x19mm tanalised softwood battens on  
breathable membrane on softwood rafters  
to structural engineers details  
200mm crown frameltherm bats and 37.5mm  
polyfoam liner board or similar and skim  
u value of 0.17w/m2k

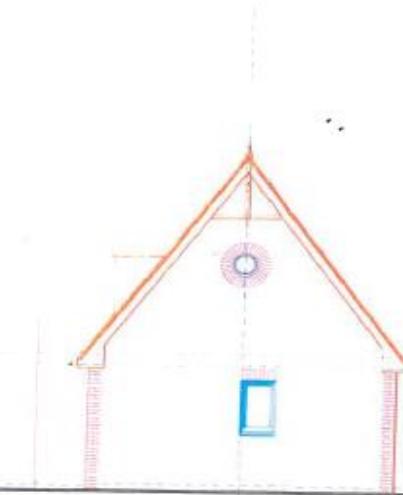
# House A

## As Built

### House A



front elevation\*north



side elevation\*west

### materials

slated roof to match main house  
facing brickwork to match main house  
brickwork detailing to match main house



rear elevation\*south



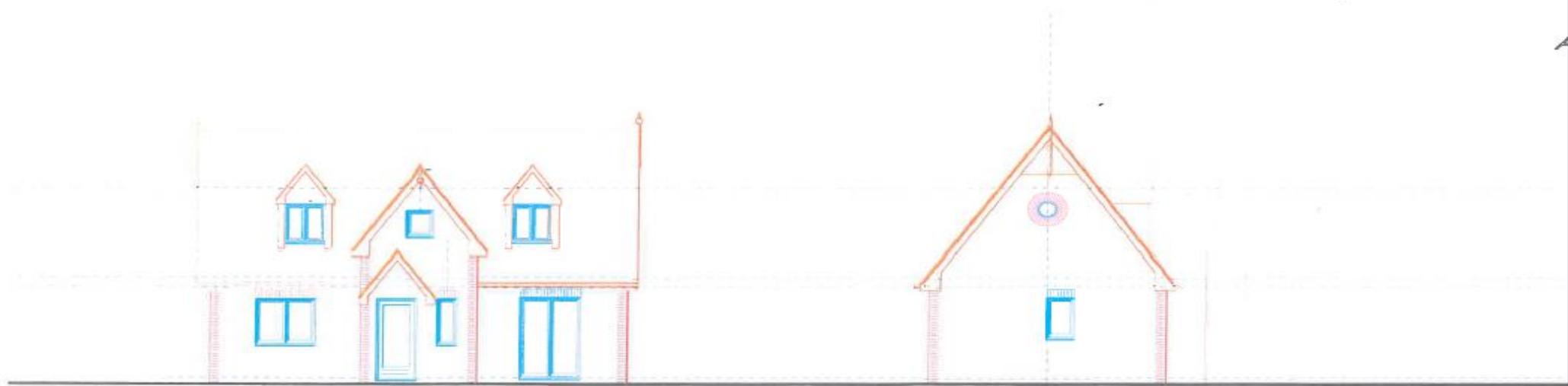
1<sup>st</sup> floor porthole window, frosted internally  
with permanent opaque film

Flank window, frosted internally  
with permanent opaque film

side elevation\*east

# House B

House B  
As Built



front elevation\*east

side elevation\*south

## materials

slated roof to match main house  
facing brickwork to match main house  
brickwork detailing to match main house



rear elevation\*west

side elevation\*north

# Relationship With Neighbouring Properties: Devonshire Road



# Relationship With Neighbouring Properties: Devonshire Road



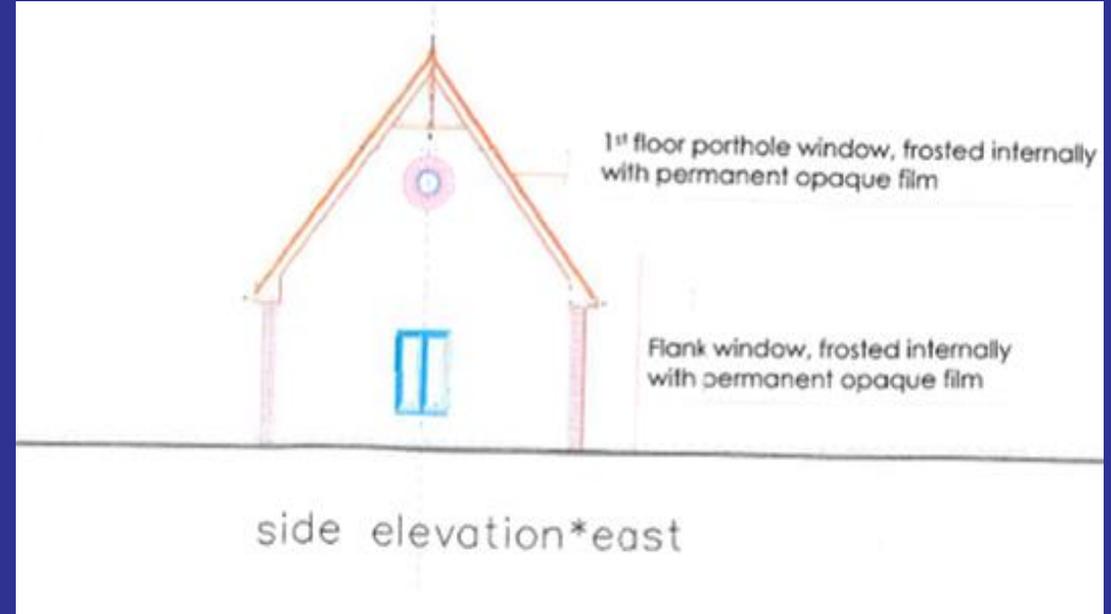
# Relationship With Neighbouring Properties: Devonshire Road



# House A: Ground Floor Window



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# House A: First Floor Porthole



# Relationship With Neighbouring Properties: Boveney Rd Flats



# Relationship With Neighbouring Properties: 99 Honor Oak Park



# CGIs: Boundary Fencing to East & South Boundaries

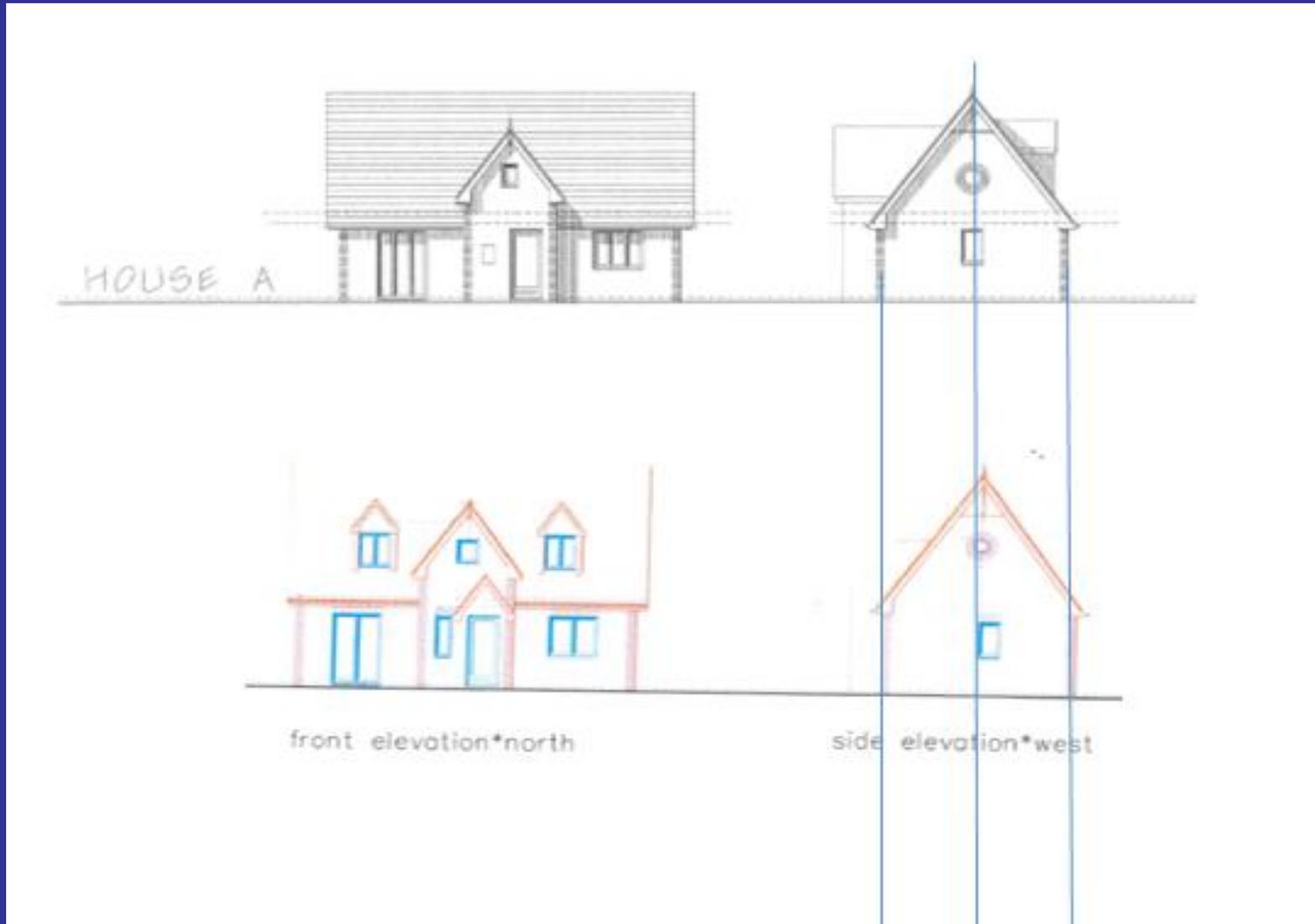


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# Comparisons: House A

2012 Approval



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As Built

# Comparisons: House A

2012 Approval



As built



# Key Planning Considerations

- Design and appearance of works undertaken, and those proposed;
- Whether the works represent a significant change from the approved scheme;
- Residential amenity;
- Standard of accommodation;
- Landscaping proposals

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**RECOMMENDATION: GRANT MINOR MATERIAL AMENDMENT**

Document is Restricted

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Committee	PLANNING COMMITTEE B	
Report Title	Inglemere Domus, 27 Inglemere Road, SE23 2BB	
Ward	Perry Vale	
Contributors	Amanda Ghani	
Class	PART 1	15 September 2021

Reg. Nos. (A) DC/20/117864

Application dated 04/08/20

Applicant Newsteer

Proposal Demolition of the existing building (Use Class C2) and the construction of a part-3 and part-4 storey building to accommodate 20 residential units (Use Class C3) with basement plant room and associated works at Inglemere Domus, 27 Inglemere Road SE23.

Background Papers

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses
- (5)

Designation PTAL 3

Screening N/A

## 1 SUMMARY

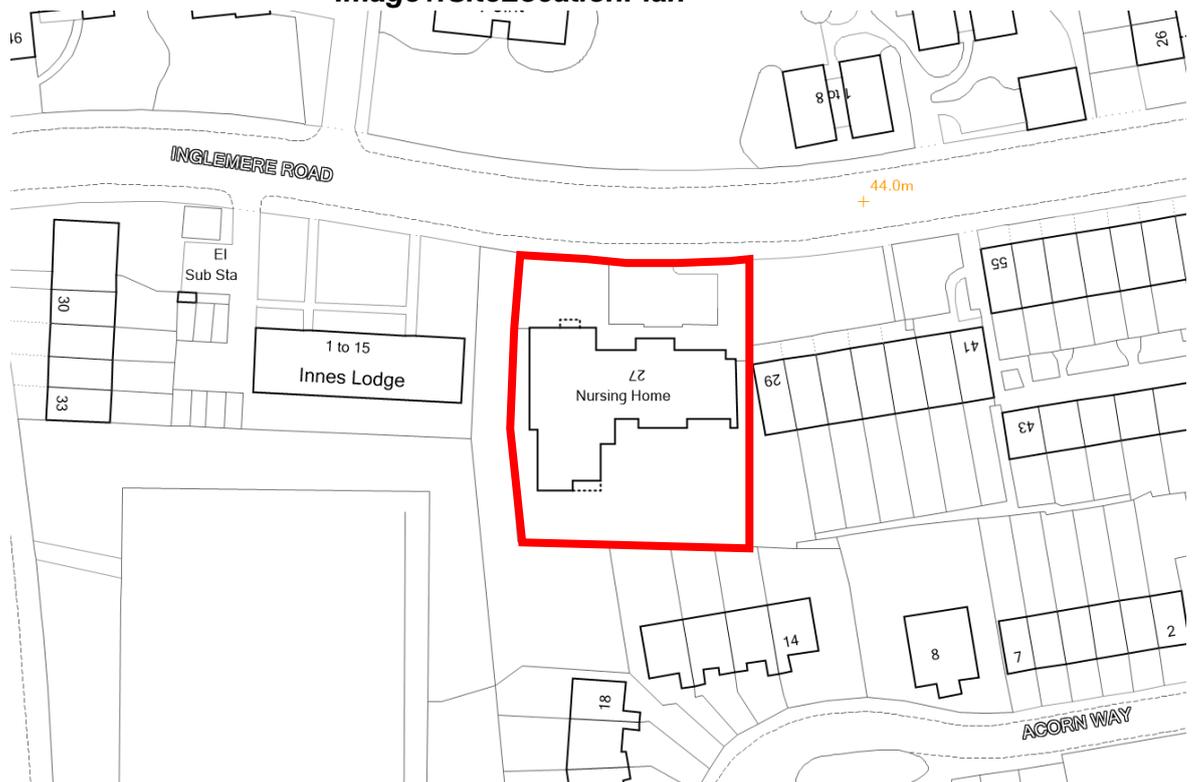
- 1 The report sets out officer's recommendation in regard to the above proposal. The application has been brought before members for a decision as the development is recommended for approval and there have been three valid planning objections.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is Inglemere Domus, 27 Inglemere Road, a two-storey property located on the southern side of Inglemere Road. The road slopes downwards in a west/easterly direction. The building was constructed in 1996 and is set back and up from the public highway with room to park six vehicles on the forecourt. It is built in yellow stock brick and partially rendered to the front elevation, and has differing height pitched roofs, with vaulted ceilings and clerestory windows. The building is vacant, but its last use was as a residential nursing home (C2 use) in July 2015.

**Image 1: Site Location Plan**



**Character of area**

- 3 The surrounding character of the area is predominantly residential however; there are a variety of architectural styles and scale of development, the majority of which were constructed post war. Opposite is a ten-storey modern block of flats and to the east is a modern terrace block of two-storey houses built above a garage block. To the west is a four-storey flatted development; the fourth storey was added in 2006. To the south is Acorn Way, which consists of a modern development of two-storey houses within a cul-de-sac. The site has no special site allocation on the LDF Proposals Map or within the Site Allocations DPD.
- 4 Due to the above, there is not one set local vernacular.

**Heritage/archaeology**

- 5 The building is not listed and it is not within a conservation area.

**Transport**

- 6 The application has a Public Transport Accessibility Level rating of 3 which is considered moderate.

**3 RELEVANT PLANNING HISTORY**

- 7 DC/95/039471 – The demolition of the existing residence and surgery and the erection of a two-storey residential care home for the elderly comprising 16 single bedrooms together with communal facilities and 6 car parking spaces. Granted 20/11/95

- 8 Pre-application advice was sought in August 2016 (PRE/16/002458) regarding the demolition of the existing building and the construction of a five-storey building incorporating 22 residential units.
- 9 Pre-application advice was sought in November 2017 (PRE/17/103758) for the demolition of the existing care home and the construction of a four-storey building incorporating 21 residential units comprising 6x1bed, 14x2bed and 1x3bed units
- 10 Pre-application advice was sought in October 2018 (PRE/18/108526) for the demolition and change of use from residential care home to residential development accommodating 19 units.

## 4 CURRENT PLANNING APPLICATION

### 4.1 THE PROPOSALS

- 11 The proposed development would involve the demolition of the existing building and the construction of a part three/part four storey building with basement plant room to provide residential accommodation in the form of 3 x 3b5p duplexes, 6 x 1b2p, 1 x 2b3p, 9 x 2b4p and 1 x 3b6p apartments and associated external and landscaping works. Six car parking spaces to be provided to the front along with 37 cycle spaces.
- 12 The application proposes a total of three London Affordable Rented units. The mix is 1 x 1b2p unit and 2 x 2b4p units all situated on the ground floor.

## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

- 13 While the applicant has engaged in planning pre-application discussion with Lewisham as per the site history above, they have not undertaken any non-statutory consultation ahead of the deposit of the application.

### 5.2 APPLICATION PUBLICITY

- 14 Site notices were displayed on 25/08/20 and a press notice was published on 02/09/20
- 15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 25/08/20.
- 16 3 number responses received, comprising 3 objections, 0 support and 0 comments. Comments in objection

Comment	Para where addressed
Proposal is out of character and does not respect the surrounding buildings in terms of scale and proportions	Para 129-134
Development does not consider the large amount of development in the immediate area. The increased availability of housing	Para 66

should be considered in relation to need, affordability and increased pressure on local amenities and infrastructure.	
Building works will create noise, dust and disturbance to surrounding neighbours	A construction Logistics condition would be added to an approval along with a construction environmental management plan. An informative regarding construction works would also be added.
Overdevelopment of site and visually overbearing	Para 128-134
Loss of privacy, overlooking and light to residents in Acorn Way and Inglemere Road	Para 189-192, 193-213
Development would contravene Article 8 of the Human Rights Act (right to peaceful enjoyment of all possessions which include the home)	Para 314-317
Development does not afford adequate privacy to the future occupants.	Para 95-96
Insufficient off street parking provision. Increased demand for on street parking will lead to vehicles overhanging the adopted verge/road, to the detriment of other road users.	Para 167-173
Development contravenes the Government Planning Policy Statement as the proposal would be detrimental to the quality, character and amenity value of the area	Para 135-139
Possible anti social behaviour	A secure by design condition would be added requiring submission of security details for the site.
External lighting may cause light pollution	No external lighting is proposed.

- 17 A number of other comments were also raised as follows:
- 18 Sub-level basement work could seriously impact upon the stability of the ground and on existing surrounding properties – This is a building control matter.
- 19 No acknowledgement of pre-existing inadequate water pressure in the area since 2007 – This is an issue for Thames Water.
- 20 The increase in the amount of development will affect property values – This is not a material planning concern.

#### 5.2.1 Comments in support

21 None

#### 5.2.2 Neutral comments

22 None

### **5.3 INTERNAL CONSULTATION**

- 23 The following internal consultees were notified on 25<sup>th</sup> August 2020
- 24 Environmental Sustainability: further information was requested and received regarding rainwater harvesting and greenfield runoff, which was considered acceptable.
- 25 Planning Policy Team: no comment
- 26 Environmental Protection: no objection subject to attaching contaminated land and air quality conditions.
- 27 Highways: raised no objections subject to conditions.
- 28 Strategic waste and environmental management – No comment
- 29 Tree Officer : raised no objection subject to conditions.
- 30 Urban Design – no comment
- 31 Section 106/CIL Officer, applicant to enter into a Section 106 Agreement with the Council.
- 32 The scheme has not been reviewed by the Lewisham Design Review Panel (DRP). Section 6.9 of Lewisham’s Statement of Community Involvement (SCI) states that major applications and applications proposing significant new buildings within conservation areas will be referred to the DRP.
- 33 The Planning Practice Guidance (PPG) states that the design review process can inform and improve design quality, but is not intended to replace advice from statutory consultees and advisory bodies, or be a substitute for local authority skills or community engagement.
- 34 In this case, the new building is set back from the street scene, is not within a town centre setting nor within a conservation area. The proposed building is judged not to be a significant new building and the scheme is a small-scale major application.
- 35 Officers are therefore satisfied in this instance and with regards to the specific circumstances of this case that the scheme has been fully scrutinised in design terms by Development Management Officers and that a formal review by the DRP is not required.

### **5.4 EXTERNAL CONSULTATION**

- 36 The following External Consultees were notified on 25<sup>th</sup> August 2020
- 37 Fire Prevention Group – no comment
- 38 Thames Water – No objection subject to Piling method statement condition and informative being added.
- 39 London Fire Brigade Safety Team – No objection subject to the addition of a fire statement condition.
- 40 Met Police Design out Crime Officer – No objection subject to a Secured by design condition being added.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

41 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).

#### **MATERIAL CONSIDERATIONS**

42 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.

43 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.

44 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.

### **6.2 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.3 DEVELOPMENT PLAN**

45 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)

### **6.4 SUPPLEMENTARY PLANNING GUIDANCE**

46 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

47 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)

- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

## 7 PLANNING CONSIDERATIONS

48 The main issues are:

- Principle of Development
- Change of use
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- Planning Obligations

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

- 49 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.
- 50 Lewisham is defined as an Inner London borough in the London Plan. The Plan sets out the Mayor of London's vision for London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.
- 51 DM Policy 5 states that the Council will resist development that involves the net loss of floor space in specialist accommodation unless:
- 52 a) adequate replacement specialist accommodation will be provided. b) it can be demonstrated that there is a surplus of that particular type of specialist accommodation in the area, and c) it can be demonstrated that the existing specialist accommodation is incapable of meeting relevant industry standards for suitable accommodation.
- 53 Where the Council is satisfied that a development involving the loss of specialist accommodation is appropriate, it will expect re-provision of an equivalent amount of floor space, or of permanent housing in C3 Use Class, including an appropriate amount of affordable housing, having regard to Core Strategy Policy 1.

- 54 The application does not seek to provide any replacement specialist accommodation on site or elsewhere. The proposed change of use must therefore be determined against criteria 'b' and 'c' of DM Policy 5, part 3.
- 55 The South London and Maudsley NHS Foundation Trust (SLaM) undertook public consultation between 14<sup>th</sup> January and 15<sup>th</sup> April 2015 regarding the closure of the former care home facility. The reasons for closure as set out in the document were that the number of specialist care mental health places available in the borough are running at a surplus with demand for beds declining over the past five years. It was identified that there are more cost effective ways to deliver the care. The applicant additionally provided a building survey report at pre-application stage demonstrating that the building would require modification and significant levels of investment to secure any continued use as a specialist facility. Given the length of vacancy and that the building has been disposed of by NHS providers, the proposed is considered on balance to comply with Policy DM5c.
- 56 The new NPPF expects new buildings to be high quality, beautiful and sustainable and that this is fundamental to what the planning and development process should achieve. The existing building is not of any architectural or design merit. The removal of this building from the land is acceptable.

#### **7.1.1 Principle of development conclusions**

- 57 Given there is no longer a demonstrated need to provide a care home on the site and that the current building does not optimise land use as required by the London Plan; it is considered in the context of this site that the loss of the provision at Inglemere Domus can be justified as required by DM Policy 5. As such, the demolition of the existing building and the provision of 20 residential units is considered acceptable in principle.

## **7.2 HOUSING**

- 58 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

### **7.2.1 Density**

#### *Policy*

- 59 National and regional policy promotes the most efficient use of land.
- 60 The NPPF encourages the efficient use of land subject to several criteria set out in para.124. Para.125 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.
- 61 London Plan Policies H1, H2 and D3 support the most efficient use of land and development at the optimum density. The London Plan has removed the density matrix. Defining optimum is particular to each site and is now the result of the design-led approach. Consideration should be given to: (i) the site context, (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport and (iii) the capacity of surrounding infrastructure.
- 62 The target for net housing completions over the next 10 years (2019/20 – 2028/29) for Lewisham is 16,670.

63 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments.

#### *Discussion*

64 The site has an area of 0.145 hectares and is in a PTAL of 3 in a suburban location. The surrounding area has a mixed towers and slabs/urban (free form low rise) character in the form of 11 storey tower blocks, Four-storey flatted development, modern terraces and detached period properties.

65 The new London Plan has moved away from a density matrix approach to site capacity. LPP D3 requires a design-led approach to optimising site capacity, where design options determine the most appropriate form of development that responds to a site's context, capacity for growth and existing and planned supporting infrastructure capacity. As is set out in the sections below, the design of the development is considered appropriate to its context and level of transport accessibility.

66 The current proposal is considered a small major application with the proposal providing 20 residential units. Due to its size, the proposed development is considered to have a minor incremental impact on local infrastructure capacity. As such, an infrastructure assessment is not required in this instance.

67 It is considered that the development proposal would optimise an existing underutilised site. As such, the proposed density is considered to be acceptable.

#### *Summary*

68 Given the requirements set out in the London Plan, the proposed density is considered acceptable.

### **7.2.2 Contribution to Housing Supply**

69 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.

70 LPP H10 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.

71 The London Plan sets out 10 year targets for net housing completions (2019/20 – 2028/29) for Lewisham of 16,670.

72 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments.

73 The development proposal of 20 new homes is a contribution to the current annual target for Lewisham, to which officers attach a high degree of weight.

### **7.2.3 Percentage of affordable housing**

#### *Policy*

74 London Plan Policy H4 sets out the strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Major developments which trigger affordable housing requirement should provide affordable housing through the threshold approach. This approach as outline in LPP H5, initially sets the threshold level for affordable housing at a minimum of 35 per cent. Only where there are clear barriers to delivery and it is fully justified through detailed viability evidence, in line with the

methodology and assumptions set out in Policy H5 and the Mayor's Affordable Housing and Viability SPG, should a lower level of affordable housing be considered.

75 The Mayor has provided detailed guidance on viability assessments in his Affordable Housing and Viability SPG. This is a material planning consideration for planning applications in London. Boroughs are strongly encouraged to follow the guidance for all applications. Providing a standardised approach helps streamline the system and reduces uncertainty. The aim of a viability assessment is to establish whether the proposed level of affordable housing and other contributions are the maximum that can be reasonably supported.

76 The current application follows the viability tested route. Affordable housing tenure split and dwelling size mix

*Policy*

77 Paragraph 62 of the NPPF expects LPAs to specify the type of affordable housing required

78 Core Strategy Policy 1 states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing although it also states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing contribution to be provided in a way which assists in securing a more balanced social mix.

79 The current scheme proposes affordable housing in the form of three units for London affordable rent, which equates to an affordable housing offer of 14% on a habitable room basis. The three units are Flats 2, 3 and 4.

80 The applicant has submitted a viability appraisal, which initially indicated that no affordable housing could be delivered on the site. This assessment was reviewed by the Council's third party viability consultant. This assessment set out the scheme generates a residual land value of c.£0.670m, which indicates that a nominal quantum of affordable housing is deliverable on the site. Following further negotiations with the Planning Officers, the applicant has proposed the delivery of affordable housing above, which officers consider reflective of the surplus generated. The third party viability assessment is **Appendix 1**.

***Review mechanisms***

*Policy*

81 London Plan Policy H5 states that viability review mechanisms should be applied to all viability tested applications at early and late stage in the development process to ensure that affordable housing delivery is maximised as a result of any future improvement in viability.

*Discussion*

82 The applicant has committed to both early and late stage review mechanisms as the quantum of affordable housing delivered is less than stipulated in policy. These are to be secured by a s106 agreement. This will ensure that the viability process will be revisited if specific development milestones are not met, which may deliver additional affordable housing depending on market conditions in accordance with London Plan Policy H5.

**Table [A]: Tenure Mix by Dwelling Size\***

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
<b>Private</b>	4 (0)	9 (1)	4 (0)	0 (0)	17 (1)
<b>Social Rent</b>	0 (0)	0 (0)	0 (0)	0 (0)	X (0)
<b>Affordable Rent</b>	2 (0)	1 (1)	0 (0)	0 (0)	3 (1)
<b>Shared Ownership</b>	0 (0)	0 (0)	0 (0)	0 (0)	X (0)
<b>Total</b>	6 (0)	10 (2)	4 (0)	0 (0)	20 (2)

\*Wheelchair accessible units shown in ( )

### Summary

- 83 The tenure mix in this instance is judged acceptable given the overall number of units delivered. While it would be preferable for the affordable units to be family sized, given the viability issues noted above, delivery of 2-one bedroom and 1-two bedroom units of affordable housing is acceptable.

### Dwelling Size

#### Policy

- 84 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes. NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community. CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments. the Council will seek a mix of 42% as family dwellings (3+ bedrooms), having regard to criteria specified in the Policy relating to the physical character of the site, access to private gardens or communal areas, impact on car parking, the surrounding housing mix and the location of schools and other services.
- 85 Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.

#### Discussion

- 86 The scheme contains a comparatively high proportion of family housing given its overall size and considering the criteria in the surrounding area. This provision is supported by officers. Given the site's location and the existing PTAL, delivery of 20% family housing is considered acceptable in this instance. The scheme has a compliance number of wheelchair accessible units.

**Table [B]: Dwelling Size Mix\***

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
<b>No.</b>	6 (0)	10 (2)	4 (0)	0 (0)	20 (2)
<b>%</b>	30% (0)	50% (0)	20% (0)	0 (0)	X (0)
<b>Total</b>	6(0)	10 (2)	4 (0)	0 (0)	20 (0)

\*Wheelchair accessible units are Flats 3 and 11. Both are 2b 4p units, on the ground and first floor levels respectively.

## **Summary of Affordable housing**

87 The provision of three units of affordable housing is the maximum reasonable amount of affordable housing that can be delivered on the site in accordance with London Plan Policy H5 following viability review.

### **7.2.4 Residential Quality**

#### *General Policy*

88 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users. This is reflected in relevant policies of the London Plan Policy D6, the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

89 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children’s play space.

#### **Internal space standards**

##### *Policy*

90 The minimum internal space standards for new dwellings is set out in Table 3.1 of the LPP D6 and is reiterated in DM Policy 32. In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with readily accessible, secure, private and useable external space.

91 To address the impacts of the urban heat island effect, a minimum ceiling height of 2.5m for at least 75 per cent of the gross internal area of each unit is required so that new housing is of adequate quality, in terms of daylight penetration, ventilation, cooling and sense of space.

92 London Plan Policies require 10% of residential units to be designed to Building Regulation standard M4(3) ‘wheelchair user dwellings’ i.e. being designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) ‘accessible and adaptable’.

##### *Discussion*

93 The table below sets out proposed dwelling sizes.

**Table [ C ]: Internal space standards – proposed v (target)**

<b>No of bedrooms</b>	<b>No. of persons</b>	<b>1 storey dwelling (proposed (target))</b>	<b>2 storey dwelling (proposed (target))</b>	<b>B1 m<sup>2</sup></b>	<b>B2 m<sup>2</sup></b>	<b>B3 m<sup>2</sup></b>	<b>Built-in storage (proposed (target))</b>	<b>Floor</b>
Flat 1, 1b	2p	54 (50)		14.6	n/a	n/a	1.77 (1.5)	ground
Flat 2, 1b	2p	59 (50)		12.6	n/a	n/a	1.85 (1.5)	ground
Flat 9, 1b	2p	60 (50)		13.6	n/a	n/a	1.5 (1.5)	first
Flat 13, 1b	2p	56 (50)		13.2	n/a	n/a	0.9 (1.5)	second
Flat 16, 1b	2p	64 (50)		15.2	n/a	n/a	1.5 (1.5)	second

Flat 17, 1b	2p	61 (50)		15.6	n/a	n/a	2.2 (1.5)	second
Flat 20, 2b	3p	62 (61)		14.5	9.0	n/a	2.8 (2.0)	third
Flat 3, 2b	4p	86 (70)		16.3	11.8	n/a	3.7 (2.0)	ground
Flat 4, 2b	4p	76 (70)		15.9	12.4	n/a	1.8 (2.0)	ground
Flat 8, 2b	4p	74 (70)		14.6	12.7	n/a	1.7 (2.0)	first
Flat 10, 2b	4p	77.5 (70)		15.8	12.3	n/a	2.0 (2.0)	first
Flat 11, 2b	4p	87.5 (70)		18.3	16.8	n/a	2.3 (2.0)	first
Flat 12, 2b	4p	74 (70)		14.1	12.9	n/a	1.4 (2.0)	second
Flat 14, 2b	4p	78 (70)		15.8	12.3	n/a	2.0 (2.0)	second
Flat 15, 2b	4p	76 (70)		16.0	15.6	n/a	3.4 (2.0)	second
Flat 19, 2b	4p	72 (70)		13.7	12.2	n/a	2.94 (2.0)	third
Duplex 5, 3b	5p		97 (93)	13.8	12.7	9.3	3.0 (2.5)	ground/first
Duplex 6, 3b	5p		97 (93)	13.8	12.7	9.3	3.0 (2.5)	ground/first
Duplex 7, 3b	5p		100 (93)	14.3	13.2	9.2	3.0 (2.5)	Ground/first
Flat 18, 3b	6p	101 (95)		20	14.1	12.7	4.6 (2.5)	third

- 94 All units have been designed to exceed the London Plan minimum standards in terms of overall unit sizes and the internal space standards of individual rooms as set out in LPP D6 and DM Policy 32, other than four of the flats, which would not achieve the minimum internal storage space requirements. However, there would be sufficient overall internal floor space in these flats for this not to be so significant an issue. All residential units would have a minimum floor to ceiling height of 2.5m.

### **Outlook & Privacy**

#### *Policy*

- 95 Standard 28 of the Housing SPG requires that design proposals demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.

#### *Discussion*

- 96 The proposed scheme presents a good level of outlook and privacy for all proposed residential units. The layout and floor plan has been designed in such a way so as to reduce overlooking between proposed units.

### **Overheating**

#### *Policy*

- 97 The Building Regulations Part F: Ventilation control and construction of buildings in England. Overheating risks for residential development should be evaluated in line with Chartered Institution of Building Services Engineers TM 59 guidance on assessing and mitigating overheating risk. Policy SI 4 of the London Plan requires major development proposals to demonstrate through an energy strategy how they will reduce the potential

for internal overheating and reliance on air conditioning systems. Policy D6 states that housing developments should maximise the provision of dual aspect dwellings which are more likely to provide adequate passive ventilation than single aspect.

#### *Discussion*

- 98 All the flats other than Flat 19 are dual aspect. The submitted sustainability assessment states that good solar control will be provided by the selection of glazing/shading so as to avoid overheating in summer and increase passive gains in winter. Passive design has been incorporated into the scheme via window location and their set back in the façade to enable a degree of solar shading and openable windows have been maximised. Potential overheating has been further reduced through the use of internal blinds which offer occupant control.
- 99 Passive ventilation will be provided in main stair cores.
- 100 Moreover, a Mechanical ventilation system with Heat Recovery is proposed, which will utilise the thermal properties of the air return to transfer 'free' heat to the incoming fresh air supply. This type of system is efficient and will significantly reduce the building's overall heating demand.
- 101 The proposed development is acceptable with regard to overheating.

#### ***Daylight and Sunlight***

##### *Policy*

- 102 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 103 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.
- 104 The NPPF (2021) under Section 11 'Making effective use of land', paragraph 125 section c states that when considering applications for housing, planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)

#### *Discussion*

##### *Daylight*

- 105 The results of the technical assessments show that almost all proposed rooms meet the BRE guidelines with only 3 rooms falling beneath these. The three rooms are living/kitchen/dining areas (LKDs). The three LKDs range from 1.13% to 1.97% ADF against the target of 2% ADF. These LKDs are on the ground floor and are large, deep, open plan rooms with internalised kitchens.
- 106 The first LKD is part of Flat 3 which would achieve 1.97% marginally below the 2% recommendation for a combined space. The two other LKD's are at the front of the development and are Flats 1 and 2 with ADF values of 1.23% and 1.13% respectively. Both rooms are provided with a generous amount of glazing; however, the projecting balconies serving the flats above restrict the sky visibility. On balance given the low number of rooms within the development that are marginally below BRE guidelines, the layout is acceptable.

### Sunlight

- 107 The BRE report guidelines state that the main requirement for sunlight amenity is to living rooms and less important to kitchens and bedrooms. The BRE report recommends that rooms should receive at least 25% APSH including at least 5% during the winter months.
- 108 Results show that all of the units will receive some direct sun throughout the year. Furthermore 35 of the 58 rooms assessed (60%) would receive at least 25% annual sunlight in accordance with BRE guidance and 33 rooms (57%) would achieve at least 5% of winter sun. Where BRE numerical values are not met, this is primarily due to the windows being sited on the northern façade and projecting balconies serving the flats above. Where BRE target values for sunlight amenity with individual rooms are not achieved, the values are still considered appropriate for an urban location. The development is acceptable with respect to sunlight amenity to proposed units.

### **Noise & Disturbance**

#### *Policy*

- 109 With regards to internal noise levels of the residential units, Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning. Although London Plan Policy D14 highlights the management of noise by encouraging the right acoustic environment, both externally and internally, as this is important to promote good health and a good quality of life within the wider context of achieving sustainable development.
- 110 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS:8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30dB(A) in bedrooms during the night time.
- 111 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq, T with an upper guideline value of 55dB LAeq, T.
- 112 A noise assessment has not been provided with this application indicating that relevant British standards will be met with respect to noise; however, it is recommended that a condition is secured ensuring that the internal and external areas proposed are within the relevant range as set out within BS8233.

### **Accessibility and inclusivity**

#### *Policy*

- 113 London Plan Policy D7 requires 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings' i.e. being designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% being designed to M4(2) 'accessible and adaptable'

#### *Discussion*

- 114 The development has been designed to accommodate accessibility and inclusivity. An appropriate condition is recommended to secure the details.
- 115 There is level access from all ground floor entrance locations as well as to all communal areas. 2no. wheelchair (WCH) units are provided (10%) meeting M4(3), all remaining units (90%) would be adaptable M4(2).

### **External space standards**

*Policy*

116 All dwellings should have level access to one or more of the following forms of outdoor space; a garden, terrace, roof garden, courtyard garden or balcony. The use of roof areas for additional private or shared outside space is encouraged. LPP D6 requires a minimum of 5sqm of private outdoor space be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The space must achieve a minimum depth and width of 1.5m.

*Discussion*

117 Private outdoor space should be practical in terms of its shape and utility and the space should offer good amenity. With regards to private amenity space, LPP D6 requires a minimum of 5sqm of private outdoor amenity space be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

118 All units apart from Flats 1 and 2 meet London Plan amenity space standards and are provided with private courtyard gardens at ground floor, balconies at first, second and third floors along with a communal roof terrace and wider communal gardens.

119 Paragraph 2.3.32 of the Mayor's Housing SPG states that where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. The equivalent internal living space is provided for Flat 2. The equivalent living space falls 1sqm short for Flat 1; however, this is considered a nominal shortfall and on balance is acceptable.

120 Children's play space

121 Policy

122 LPP S4 Play and Informal Recreation states housing proposals should make appropriate provision for play and informal recreation. The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child. The GLA divide the requirements of children's play space into three categories: (i) under 5s, described as doorstep play and generally considered as part of the plot; (ii) ages 5-11; and (iii) children 12 plus. The child occupancy and play space requirement for the proposed dwelling and tenure has been calculated using the Mayor's Play Space Calculator Tool, as below.

Total Children	5.1
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	Benchmark (m <sup>2</sup> )	Total play space (m <sup>2</sup> )
Play space requirement	10	51.3

123

Based on the child play space calculator, the development generates a child yield of 5.1 children and a requirement for 51.3sqm of child play space. The doorstep competent of this requirement can be met by amenity areas serving the units. There is no shortfall in

provision given the child yield is less than 10. The site generally has good access to greenspace in the vicinity of the site. The provision of child play space is acceptable.

### **7.2.5 Housing conclusion**

124 It has been demonstrated that the proposed development would provide an uplift in housing over that which existed previously. The proposed housing would include three units that would be affordable rent, which is a significant planning merit.

125 The proposal would optimise the site, providing an appropriate dwelling mix and tenure split with a high-quality standard of residential accommodation provided for potential future occupiers and providing a number of high quality new homes within the Borough. This material public benefit is afforded significant weight by officers.

## **7.3 URBAN DESIGN**

### *General Policy*

126 The NPPF at para 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

127 London Plan Policy D1 requires Borough's to define the characteristics, qualities and value of places in order to develop an understanding of different areas' capacity for growth. Policy D3 requires all development to take a design-led approach that optimises capacity of sites

128 DM Policy 33 seeks to protect and enhance the Borough's character and street frontages through appropriate and high quality design.

129 DM Policy 30 states that all new development should provide a high standard of design and should respect the existing forms of development in the vicinity.

130 Core strategy Policy 15 repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.

### **7.3.1 Layout**

#### *Policy*

131 London Plan Policy D3 states that the design of new buildings and spaces they create should help respond to and enhance the character, legibility, permeability and accessibility of the neighbourhood.

#### *Discussion*

132 The building has been positioned to minimise the impact to existing residents from overlooking, with similar setbacks on the north, east and western boundaries to those existing. Distances between the rear façades of the nearest Acorn Way properties and the proposed property are at a minimum of 21m. The layout proposed is optimum for the site, providing a high quality of residential accommodation and attractive communal space.

### **7.3.2 Form and Scale**

#### *Policy*

- 133 LPP D3 states that all development must make best use of land following a design-led approach that optimises the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. Development should respond to local distinctiveness through layout, orientation, scale and form.

#### *Discussion*

- 134 Building heights, scale and massing vary across the surrounding context, ranging from two to eleven storey blocks of flats; two storey terraced housing and converted detached two-storey Victorian houses. The eleven storey blocks of flats opposite and the four-storey block of flats on the western boundary are flat roofed.
- 135 The proposal has taken account of the site's topography and the location of the existing building in relation to neighbouring dwelling houses. The site levels rise from north to south and east to west. Due to this and the desire to have level access, the first floor is set just over 500mm lower than the existing building. This variation allows for additional height to be achieved within the site, whilst respecting the scale and mass of the adjacent built forms to the rear and sides of the site.
- 136 The building has been designed to respond positively to the difference in heights between 29 Inglemere Road and Innes Lodge which the subject site sits between. The building is designed as two attached blocks, with the section adjacent to 29 Inglemere Road having three floors and the block adjacent to Innes Lodge having four floors. The upper level of each block would be in the form of a mansard style roof set back behind parapet walls. The higher block would be no higher than Innes Lodge whilst the parapet wall of the smaller block would be 650mm taller than the neighbouring roof of 29 Inglemere Road.
- 137 Whilst the scale of the proposed development is larger and more dense than that of the existing built context; the scale and articulation of the massing, combined with a very high quality of detail and materiality as outlined below, would ensure the development would sit comfortably within the existing built context.
- 138 The proposal would make a positive contribution to the character and appearance of the surrounding area whilst optimising the quantum of development on the site.

### **7.3.3 Character, Detailing and Materials**

#### *Policy*

- 139 Planning should promote local character. The successful integration of all forms of new development with their surrounding context is an important design objective (NPPG).
- 140 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and setting, while not preventing or discouraging appropriate innovation and change (para.130) At para.134, the NPPF states great weight should be given to outstanding and innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.

#### *Discussion*

141

Due to the lack of a dominant architectural style in the street, the proposed design has been developed as a contemporary building with classical proportions. The building is proposed to be constructed of blue brick with stone banding detailing, a front colonnade and portico, with full height bays and balconies to the front and rear. A metal standing seam roof is proposed along with metal anthracite grey doors and windows.

**Image 2 : Proposed materiality**



Original Blue Sovereign blue brick



142

The applicant has proposed a high quality of materiality and detailing, appropriate to the location and form of building proposed. Exact specifications of all materials would be captured by condition to ensure that this design quality is carried through to construction of the proposal.

143

Overall, the scheme is considered to be sympathetic to the surrounding local character, expressing this in a modern and respectful fashion. The appearance and character of

the proposed development would create a positive relationship to the existing streetscape. A planning condition to secure details of materials is recommended for imposition.

### **7.3. Accessibility and inclusivity**

#### *Policy*

- 144 LPP D7 requires all potential residents to have a genuine choice of suitable housing within a development. At least 10 per cent of dwellings must meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Wheelchair dwellings should be distributed throughout the development to provide a range of aspects, floor level locations, view and unit sizes. In blocks that are four-storeys or less, a degree of flexibility may be necessary.

#### *Discussion*

- 145 Flats 3 and 11 are designated wheelchair user units. Both are 2b 4p units, on the ground and first floor levels respectively. The proposal meets the requirement for wheelchair accessible units. Officers recommend a condition be added if the application is approved, to ensure the fitting out of the two units in accordance with London Plan policy.

### **7.3.5 Urban design conclusion**

- 146 The overall design approach has sought to ensure that in urban design terms, the scheme would result in a form of development that sits comfortably with the wider character and appearance of the local area.
- 147 The proposal achieves a high quality design and the scheme presents significant planning benefits as outlined in detail above. The significant public benefits presented by the proposed development in the provision of three new socially rented and 17 new marketable homes is considered in this instance to outweigh any harm.
- 148 As such, it is considered the proposal is acceptable with regards to urban design and accords with the Development Plan.

## **7.4 TRANSPORT IMPACT**

#### *General policy*

- 149 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para.104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations, which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

- 150 Paragraph 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 151 Regionally, the Mayor’s Transport Strategy (“the MTS, GLA March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 152 Objective 9 and Policy 14 of The Core Strategy reflects the national and regional priorities.
- 153 With regard to buses, the nearest bus stops, named Inglemere Road (northbound) and Inglemere Road (southbound), are located 130m east of the site on Mayow Road, adjacent to the junction with Inglemere Road. These stops are served by the 75-bus route which operates between Croydon and Lewisham Station. There are additional stops approx. 400m or 7 minutes walk from the application site on Perry Vale that are served by the 75 and 356 buses. The 356 bus operates between Sydenham Hill/Kirkdale and Wickham Road.
- 154 With regard to rail connections, Forest Hill Station is located some 700m to the north-east of the application site and Sydenham Station is located some 900m to the south-west of the site.
- 155 Both stations are accessible via walking, cycling and bus journeys and therefore, rail represents a viable option for many journeys arising from the application site.

### **7.1.2 Access**

#### *Policy*

- 156 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users.
- 157 CPS 14, states that the access and safety of pedestrians and cyclists will be promoted and prioritised; that a restrained approach to parking provision will be adopted.
- 158 The existing pedestrian and vehicular access into the site would be maintained. Originally the proposal included widening the existing vehicle access point 0.5m either side to accommodate 2m pedestrian inter-visibility splays, however due to comments from the Highways Officer, the scheme was amended to reduce the height of the front boundary wall to 600mm to achieve the appropriate visibility. There would be access to the communal rear garden from both sides of the site and via the entrance lobbies to the side (west) exit. The proposed access to the site is acceptable.

### **7.1.3 Local Transport Network**

#### *Policy*

- 159 The NPPF states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

#### *Discussion*

- 160 Providing a low car-parking ratio is considered acceptable in principle in this location and is consistent with the parking policies in the London Plan. However, the proposal does have the potential to have an impact on on-street parking in the vicinity of the site, particularly as the road in the vicinity of the site are not within a Controlled Parking Zone (CPZ).
- 161 A car parking beat survey was undertaken on the road surrounding the site and it is considered that there is sufficient parking capacity to accommodate any additional parking that may be generated from the proposed development.

#### **7.1.4 Servicing and refuse**

##### *Policy*

- 162 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 163 LPP T6.1(C) and T7(B)(3) & (C) state that rapid electrical vehicle charging points should be provided for servicing vehicles
- 164 Storage facilities for waste and recycling containers should meet at least Bs5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) Standard 23.

##### *Discussion*

- 165 All delivery and servicing activities will take place within the site. Refuse storage will be provided for both recyclable and non-recyclable waste. The refuse bins will be sited within bin stores abutting the front northern boundary. The bin store will be serviced on road the same as the current arrangement.
- 166 The proposed development is acceptable with regard to servicing and refuse, subject to a condition securing details of the above.

#### **7.1.5 Transport modes**

##### ***Walking and cycling***

##### *Policy*

- 167 LPP T5 states that development plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.
- 168 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

##### *Discussion*

- 169 The current pedestrian provision surrounding the development site is relatively good with footpaths being provided on both sides of the road for most roads in the surrounding area. The majority of footpaths are approx. 2m wide, well lit and maintained. Whereas the NPPF does not define a catchment within which travel by foot is considered feasible, the 'Guidance for Providing Journeys on Foot' has been adopted in this instance, which suggests a maximum desirable walk distance of 2km.

170 In relation to cycle parking, the proposal would provide a total of 37 covered, secure parking spaces, 24 of which would be in shared storage to the front of the site. In addition to this, individual cycle stores are provided for the ground floor units that have the benefit of a private rear terrace. The provision of cycle storage meets the standard as set out in LPP T5 and is acceptable. Details of cycle storage will be secured by the imposition of a planning condition.

***Private cars (include disabled and electric charging points)***

*Policy*

171 London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car free development should be the starting point for all development proposals in places that are well connected by public transport.

172 An absence of local on-street parking controls should not be a barrier to new development.

173 Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6.1. New residential development should not exceed the maximum parking standards set out in Table 10.3. Parking space with communal car parking facilities should be leased rather than sold. Residential development proposals delivering ten or more units must as a minimum: ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. There are further criteria set out within the policy for the provision of disabled parking.

174 Table 10.3 maximum residential parking standards outlines development within an inner London PTAL 3 area as up to 0.25 spaces per dwelling. As such, the maximum parking provision is for 5 off street car parking spaces.

175 CSP 14 states that the Council will take a restrained approach to parking provision. DMP 29 requires wheelchair parking to be provided in accordance with best practice standards.

*Discussion*

176 A total of five off-street car parking spaces, with two disabled parking bays inclusive, are proposed to the front of the site. The existing vehicular access to the site will be retained via the established dropped kerb crossover onto Inglemere Road.

177 Electric charging points for each car parking space is proposed which is in excess of the minimum standards set out within the parking addendum of the London Plan (2016), which identifies that 20% of all spaces must be for electric vehicles with an additional 20% as passive provision for electric vehicles in the future. The provision of car parking is acceptable and in accordance with London Plan Policy. A car parking management plan securing the allocation of spaces is proposed to be secured by condition.

**7.1.6 Transport impact conclusion**

178 The proposal actively promotes the use of more sustainable forms of travel and would not result in unreasonable harm to the local highway network or pedestrian or highway safety. The transport impacts of the development are acceptable.

**7.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 179 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.
- 180 This is reflected in relevant policies of the London Plan, the Core Strategy Policy 15, the Local Plan DM Policy 32 and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL)
- 181 London Plan policy requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 182 DMP 32(1)(b) expects new developments to provide a satisfactory level of privacy, outlook and natural lighting for its neighbours.
- 183 Further guidance is given in Housing SPD 2017, GLA: Residential Standards SPD 2012, LBL. The Council has published the alterations and extensions SPD (2019) which establishes generally acceptable standards relating to these matters, although site context will mean these standards could be tightened or relaxed accordingly.

#### **7.5.1 Enclosure and Outlook**

##### *Policy*

- 184 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

##### *Discussion*

##### 14-17 Acorn Way

- 185 The rear elevations of these properties are at least 21m from the rear elevation of the proposed development. As such, the proposed development is unlikely to result in any unreasonable impact by way of enclosure or loss of outlook.

##### Radcot Point.

- 186 The front elevation of Radcot Point is some 45m from the proposed development. As such, there will be no unreasonable impact on this building in terms of enclosure and loss of outlook.

##### 29 Inglemere Road

- 187 The three-storey element of the proposed development and No.29 would have a similar front building line with the flank elevations being approx. 1.4m apart; the rear elevation of No.29 is angled away from the rear of the development increasing this gap to 3.10m. Number 29 is part of a terrace of seven two-storey dwellings which are sited at a lower land level to the application site. The stepping down from four to three storeys in height on this boundary has been done in order to mitigate impact on the occupants of No.29.
- 188 It is noted that due to the local topography Nos.29-37 sit on top of a block of nine garages, increasing their height within the street scene. The proposed parapet wall of the three-storey block would be 650mm higher than the roof ridge of this terrace and the mansard style third floor an additional 2.8m higher. However, the height has been further mitigated by the third floor being set back from the neighbouring terrace and would be screened by existing trees on this boundary.

189 Whilst the relationship here is proximate, it is the flank wall rather than a front or rear elevation of No.29 that would face onto the flank elevation of the proposed development. The impact of the proposed development is mitigated by its reduction in height on this boundary and the use of a setback, mansard style second floor.

#### Innes Lodge

190 The four-storey element of the proposed development would be approx. 9m from the flank wall of Innes Lodge. The front building lines of the proposed development and Innes Lodge and the heights of the two buildings would match. As such, the proposal will not result in an unreasonable impact on this neighbouring building.

### **7.5.2 Privacy**

#### *Policy*

191 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

192 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation distance of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

#### *Discussion*

193 Due to the separation distances between Radcot Point and the proposed development there would be no issues with overlooking or loss of privacy. A minimum separation distance of 21m would be achieved between the rear elevations of 14-17 Acorn Road and the rear balconies on the proposed development. As such, adequate levels of privacy would be maintained between the existing terrace and the new development. The relationship would be further mitigated and screened by existing trees on the boundary.

194 No rear balconies are proposed in the three-storey element of the proposed development. There are no windows in the flank (eastern) elevation at ground and first floor levels. The side windows at second floor have been set back 3.27m from the edge of the flank elevation and as such would not be capable of allowing views into neighbouring amenity areas.

195 The proposed third floor roof terrace would be set in 3.8m from the rear elevation and 5.6m from the side elevation of the development. Due to the significant setbacks, no views would be possible into neighbouring gardens from the roof terrace.

196 The windows in the flank (western) elevation service dual aspect bedrooms. The windows have been positioned toward the front and rear of the development with the only centrally placed windows servicing a stairwell. There would be limited overlooking to Innes Lodge which would be largely mitigated and screened by existing trees on the boundary in conjunction with the separation distance between Innes Lodge and the proposed development.

### **7.5.3 Daylight and Sunlight and Overshadowing**

#### *Policy*

- 197 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 198 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 199 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. It is clear that the BRE standards set out below are not a mandatory planning threshold.
- 200 In the first instance, if a proposed development falls beneath a 25-degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e. sky visibility) availability.
- 201 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sunrise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.
- 202 *Daylight Guidance*
- 203 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF) and (iii) No Sky Line (NSL).
- 204 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 205 In terms of material impacts, the maximum VSC for a completely unobstructed vertical window is 39.6%. If the VSC falls below 27% and would be less than 0.8 times the former value, occupants of the existing building would notice the reduction in the amount of skylight. The acceptable minimum ADF target value depends on the room use: 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. If the NSL would be less than 0.8 times its former value, this would also be noticeable.
- 206 While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:
- 0-20% reduction – Negligible
  - 21-30% reduction – Minor Significance
  - 31-40% reduction – Moderate Significance
  - Above 40% reduction – Substantial Significance.

### *Discussion*

207 It is important to consider also that the context and character of a site when relating the degree of significance to the degree of harm. It is also noted that recent planning decisions (including appeal decisions made by the Planning Inspectorate) in London and Inner London have found retained VSC values in the mid-teens to be acceptable

208 *Sunlight Guidance*

209 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH) and (ii) Area of Permanent Shadow (APS)

210 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment) receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants. The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21<sup>st</sup> March.

Overshadowing Guidance

211 The BRE Guidelines suggest that sun hours on ground assessments should be undertaken on the equinox (21<sup>st</sup> March or 21<sup>st</sup> September). It is recommended that at least half of a garden or amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March, or that the area which receives two hours of direct sunlight should not be reduced to less than 0.8 times its former value (i.e. there should be no more than a 20% reduction).

212 It must be acknowledged that in urban areas the availability of sunlight on the ground is a factor which is significantly controlled by the existing urban fabric around the site in question and so may have very little to do with the form of the development itself. Likewise there may be many other urban design, planning and site constraints which determine and run contrary to the best form, siting and location of a proposed development in terms of availability of sun on the ground.

*Discussion*

213 The assessment has calculated the effect of the proposed development on the amenity spaces of 14-17 Acorn Way, 1-40 Radcot Point, 29 Inglemere Road and 1-15 Innes Lodge. Numbers 14-17 Acorn Way to the south and 1-40 Radcot Point to the north, passed the 25-degree line test. Number 29 Inglemere Road to the east and 1-15 Innes Lodge to the west both passed the 45-degree line test. As such, no further analysis is required and the impact on daylight is considered acceptable.

214 In accordance with the guidance in the BRE report, the applicant undertook additional tests for the sunlight availability to the nearest habitable windows in 29 Inglemere Road and 1-15 Innes Lodge. The windows comfortably meet the BRE guidance, retaining over 25% of annual available sunlight including 5% of winter sun.

215 A 2-hour sun on ground overshadowing test to neighbouring external amenity areas has been undertaken by the applicant. With the exception of 1-15 Innes Lodge, the analysis shows that all areas would meet the BRE guidance when assessed on March 21<sup>st</sup> and there would be full compliance with the guidance on June 21<sup>st</sup>.

216 On March 21<sup>st</sup>, 46% of the outdoor amenity area to 1-15 Innes Lodge would receive at least two hours of sunlight, compared to 60% in the current conditions. The reduction of 23% marginally exceeds the 20% recommended in the BRE Report; the additional

overshadowing would occur to the front right-hand lawn; where as it appears that the primary amenity area for these flats is at the rear, which is largely unaffected.

217 The submission has been accompanied by a comprehensive Daylight and Sunlight assessment in relation to the proposed development. The technical analysis has been undertaken in accordance with the BRE Guidelines. The proposed development would have a limited effect on daylight, sunlight and overshadowing to adjacent neighbouring properties and it is not considered that this would give rise to an unreasonable degree of loss of light or such that would warrant a refusal of the proposed development.

#### **7.5.4 Noise and disturbance**

##### *Policy*

218 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

219 Construction and demolition activity can result in disturbance from among things noise, vibration, dust and odour. This can harm living conditions for the duration of construction. Since some disturbance is inevitable, such impacts are usually not considered to be material planning considerations.

220 A range of legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation.

221 Further guidance is given the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG (2014)

##### *Discussion*

222 Given the nature of the proposed development itself, being a residential scheme in a residential area, it is unlikely that the proposal would result in unreasonable levels of noise pollution.

223 Any noise or dust associated with construction would be controlled by the relevant environmental health and building control statutory protections. To ensure that demolition and construction is undertaken in a manner that does not affect the wider highway and utilises best practice, a condition requiring the submission to the LPA for approval of a demolition and construction management plan should be imposed were this application to be approved.

224 A condition would also be attached requiring details of fixed plant to be submitted to and approved by the LPA.

#### **7.5.6 Impact on neighbours conclusion**

225 Overall, whilst there would be a degree of loss of sunlight and daylight to the front amenity space of Innes Lodge, based upon the existing context of the application site and the existing surrounding built environment, the proposed development would have impacts within a range that would be expected for a major development. The Sunlight and Daylight Assessment has indicated a very good level of compliance with the BRE standards.

226 Where some impact on neighbouring amenity has been identified, it is not considered that the proposed development would give rise to an unreasonable level that would warrant refusal of the proposed development; particularly when considered against the

proposed planning merits of the scheme outlined in detail elsewhere in this report and summarised in the conclusion.

## 7.6 SUSTAINABLE DEVELOPMENT

### *General Policy*

227 The NPPF para 152 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and Local Plan.

228 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

### 7.6.1 Energy and carbon emissions reduction

#### *Policy*

229 London Plan policy SI 2 (minimising greenhouse gas emissions) states that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following hierarchy: (1) be lean; use less energy and manage demand during operation; (2) be clean; exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly; (3) be green; maximise opportunities for renewable energy by producing, storing and using renewable energy on-site and (4) be seen; monitor, verify and report on energy performance.

230 A zero carbon target for major residential development has been in place for London since October 2016. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent through energy efficiency measures.

231 CSP8 seeks to minimise the carbon dioxide emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

232 DMP 22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

#### *Discussion*

233 The application is accompanied by an Energy and CO2 Reduction Strategy, which sets out the measures to be taken to reduce carbon emissions. These are outlined below:

#### ***Be Lean***

234 The energy efficiency measures achieve an improvement of 11.77% over the baseline for domestic areas.

235 The proposed savings are higher than the GLA's Lean Stage saving target of 10% for domestic areas.

#### ***Be Clean***

236 The proposed building will be serviced by centralised Air Source Heat Pumps delivering LTHW to an underfloor heating system. The system in conjunction with gas boilers will also be used to deliver heating the hot water demands for the building (DHW). An

Exhaust Air Heat Pump (EAHP) will be implemented. The pump extracts heat from the exhaust air of the building via a mechanical supply and extract system and transfers the heat to the incoming air supply and can be used with the underfloor heating system.

- 237 The emissions for the 'clean' stage of the hierarchy result in an improvement of 45.83% over the baseline.

### ***Be Green***

- 238 The proposed renewable energy source for the scheme is to be air source heat pumps (ASHP) which will supply underfloor heating and domestic hot water (DHW). The applicant has demonstrated that renewable energy technologies achieve a further 13.65% reduction in Site Total CO2 emissions.

- 239 The applicant proposes photovoltaic panels. The applicant has estimated that 14.7kWp can be safely installed on the upper roof. This equates to 42 x 350 Watt panels. The details of the panels are recommended to be secured by the imposition of a planning condition.

### ***Carbon Offset***

- 240 In accordance with the Council's Planning Obligations SPD, the applicant is required to make a payment of £11,340 towards carbon offsetting. This obligation will be secured via a s106 agreement.

## **7.6.2 Overheating**

### *Policy*

- 241 LPP SI 4 requires development proposals to demonstrate through an energy strategy, how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy: (1) reducing heat entering building through orientation, shading, fenestration, insulation and provision of green infrastructure; (2) minimise heat generation through energy efficient design; (3) provide passive ventilation and mechanical ventilation and cooling systems.
- 242 The Chartered Institution of Building Services Engineers (CIBSE) has produced TM 59 guidance on assessing and mitigating overheating risk in new developments

### *Discussion*

- 243 An assessment has been submitted using the adaptive method based on CIBSE TM59 (2017).
- 244 MVHR has been applied to all bedrooms and living spaces to limit overheating concerns. Natural ventilation has been applied to all other zones with the use of openable windows. The risk of overheating has been minimised through the opening areas and glazing to be used in the proposal. Overheating would be more likely to the third floor and as such an 85% of window opening is proposed. Glazing in the southern facade on the top floor will have a G value that has been reduced from normal to 0.40 using Pilkington Activ SunShade panes.
- 245 The results show that there is no overheating risk for corridors and communal spaces and all rooms pass the CIBSE TM59 criteria.

## 7.6.4 Urban Greening

### *Policy*

- 246 LPP G5 expects major development to incorporate measures such as high quality landscaping (including trees), green roofs and green walls and nature based sustainable drainage.
- 247 CSP 12 promotes living roofs and CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

### **Urban greening factor**

- 248 The applicant has submitted details indicating that the proposed development would achieve an Urban Greening Factor of 0.367. London Plan Policy G5 recommends a UGF of at least 0.4 for residential development.
- 249 Whilst the proposed development just falls below the UGF target of 0.4, the scheme demonstrates an overall improvement on the existing situation.
- 250 The applicant is proposing an extensive landscaping scheme, which seeks to minimise the loss of existing trees and maximise greening where possible.

### **Living roofs**

- 251 A living roof is proposed for the flat roof of the four-storey element, measuring 281sqm. This would equate to 64.7% of the total roof space. The lower roof would have some greening, but would be largely used as a roof terrace. The proportion of communal outdoor space combined with the proposed living roof area considered acceptable to provide a high quality green space for the use and enjoyment of the occupiers as well as enhancing the biodiversity values of this site and the surrounds. No details of the green roof have been submitted, however, officers recommend that the living roof is secured by way of a condition to ensure that the living roof is established as proposed.
- 252 If the application were to be granted, a condition of consent is recommended requiring that the detailed design of the living roof, including a five-year management plan as well as securing the minimum area of biodiverse living roof.

## 7.6.5 Flood Risk

### *Policy*

- 253 NPPF para.155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas highest as risk. Para 167 states development should only be allowed in areas at risk of flooding where mitigation measures can be included
- 254 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 255 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 256 Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

### *Discussion*

257 The proposed development is located within Flood Zone 1 and is therefore considered to be at low risk of flooding, so no mitigation measures will be required. The NPPF requires a Flood Risk Assessment to be undertaken for proposals that are greater than 1 hectare in an area within Flood Zone 1. Since the site is below 1ha whilst being located in Flood Zone 1, an assessment was not required.

258 The Environment Agency were consulted on the proposed application and had no comments to make given the nature of the development and the low flood risk area that the application site is situated within.

259 Thames Water were consulted on the proposed application and has no objection to the proposal subject to the developer following the sequential approach to the disposal of surface water. Thames Water also request a ground water risk management informative be added to any approval and as the development is located within 15m of a strategic sewer, that a condition be added requiring submission of a Piling Method Statement to be submitted for approval to the Planning Authority in consultation with Thames Water.

### **7.6.6 Sustainable Urban Drainage**

#### *Policy*

260 The NPPF at para 169 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.

261 LPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.

262 CSP 10 requires applicants demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

263 Further guidance is given in the London Plan's Sustainable Design and Construction SPG, the London Sustainable Drainage Action Plan, the Non-Statutory Technical Standards for Sustainable Drainage Systems and CIRIA C753 The SuDS Manual.

#### *Discussion*

264 The application is accompanied by a drainage report, prepared by Calibro, transport, highway & Infrastructure Consultants.

265 The report states that surface water will be discharged into the public combined water sewer via the existing discharge point into Inglemere Road. Geocellular storage will be used to attenuate surface water runoff with 57 cubic metres of storage provided to restrict site runoff to 0.7l/s for all events including the 1 in 100 year plus 40% climate change event. Tanked permeable paving will also be used in the car park to slow runoff down and improve water quality. A full drainage maintenance regime will be implemented. A proposed drainage and impermeable and permeable layout drawing has been submitted.

266 The proposal limits the site discharge rate to below  $Q_{bar}$  in all events above 1yr and uses a 41mm Hydrobrake as per the guidance in section 24.10.1 of the SuDS manual which states that this approach is acceptable where it is not practicable to keep discharge volume below greenfield areas.

267 The proposed application is considered acceptable with regard to sustainable urban drainage.

### **7.6.7 Sustainable Infrastructure conclusion**

268 Overall, the proposed development would achieve a 54% reduction in carbon emissions over the 2013 Building Regulations and subject to condition such is acceptable with regards to Energy and Carbon Emission reduction. The proposed development is acceptable with regard to flood risk and sustainable urban drainage.

## **7.7 NATURAL ENVIRONMENT**

### *General Policy*

269 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

270 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

271 The NPPF at paragraph 185 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, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

272 LPP G1 (Green Infrastructure) sets out the Mayor of London's vision for Green Infrastructure as a multi-functional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

### **7.7.1 Green spaces and trees**

#### *Policy*

273 NPPF para 170 expects development to contribute to and enhance the natural and local environment. LPP G7 expects development proposals to ensure that wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

274 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

275 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.

#### *Discussion*

276 The scheme has been designed in order to minimise the loss of trees insofar as possible. The Arboricultural Implications Assessment states that a total of twenty trees within and abutting the site were inspected. The proposed residential development will require the removal of seven young/small fruit trees/shrubs. These include a small lime in a brick planter at the front of the site; a papauma, cypress, apple, damson, elder and

robina to the rear. The trees are either category C or U trees which are defined as being of low quality or value and dead or dying.

277 The removal of trees T7, T9 and T10 would open up the communal rear garden area for residents use. The loss of small low quality trees is not considered to significantly impact on amenity/wildlife habitat due to the number of more substantial trees on and around the site. As such, the proposal will not result in an unacceptable loss of trees. The applicant has proposed a detailed landscaping scheme that indicates a program of replanting. The details of hard and soft landscaping are proposed to be secured by condition.

### **7.7.3 Ground pollution**

#### *Policy*

278 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help improve local environmental conditions.

279 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

280 Contaminated land is statutorily defined under Part 2A of the Environmental Protection Act 1990 (EPA). The regime under Part 2A does not take into account future uses which need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development is considered by the LPA.

281 The test is that after remediation, land should not be capable of being determined as “contaminated land” under Part 2A of the EPA.

#### *Discussion*

282 Since there is an existing residential building on site, it is unlikely that there is contamination on site. However, the applicant has been sent a copy of Lewisham’s Developers Guide for Potentially Contaminated Land. The Council’s Environmental Protection Manager has no objection to the proposed development subject to a planning condition securing a full desktop study and site assessment, site investigation report and closure report including verification details have been submitted to and approved by the local planning authority.

283 Subject to the above, the proposed development is acceptable with regard to ground pollution.

### **7.7.4 Air pollution**

#### *Policy*

284 NPPF para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.

Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being.

285 CSP 7 reflects the London Plan. CSP9 seeks to improve air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

286 LPP SI 1 states that poor air quality is a major issue for London which is failing to meet requirements under legislation. New developments must not cause new exceedances of legal air quality standards. For major developments, a preliminary air quality assessment should be carried out before designing the development, to inform the design process. To reduce the impact on air quality during construction and demolition, development proposals must demonstrate how air quality issues will be managed.

287 Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

288 The development proposal minimises any potential increases in pollutants and particulates by utilising the proposed ASHP system in combination with Low NOx boilers. The development has been designed to have no increase in traffic movement or parking spaces when compared to the existing building. Instead, the proposal concentrates on more sustainable means of travel encouraging cycling and walking as alternatives.

289 The construction phase impacts of the development will be mitigated through the adoption of best practice guidance. Operational phase mitigation will be based on assessing the impacts of the scheme with reference to National Air Quality Strategy Objectives and the implementation of appropriate mitigation measures based on preventing or minimising exposure to exceedance of the Objectives.

290 All contractors will sign up to achieve 'beyond best practice' standards with the Considerate Constructors Scheme and comply with the relevant PPG6 Pollution Prevention Guidelines. The applicant is also advised that construction works be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites."

291 An Air Quality Assessment will be required to be submitted to and approved in writing by the local planning authority.

292 The Air Quality Assessment will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

293 Subject to the above being secured by condition, the proposed development would be acceptable with regard to air quality.

### **7.7.5 Water quality**

#### *Policy*

294 The NPPF at para 174 states that among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels or water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality, taking into account relevant information such as river basin management plans.

#### *Discussion*

- 295 Given the nature of the proposed development, a residential led mixed-use scheme, the proposal is not considered to give rise to potential unacceptable impacts on water quality.
- 296 Thames Water have been consulted on the proposed application and have raised no objections subject to the inclusion of an informative on any recommendation for approval.

## **8 PUBLIC HEALTH, WELL-BEING AND SAFETY**

### *General Policy*

- 297 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).
- 298 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.
- 299 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.
- 300 Chapter 1 of the London Plan (Good Growth) seeks to ensure development is designed, constructed and managed in ways that improve health and promote healthy lifestyles to help reduce inequalities.
- 301 London Plan D11 states development should include measures to design out crime taking into account the principles of the Secured by Design scheme. Development should maintain a safe and secure environment and reduce the fear of crime.
- 302 CSP 15 requires development to minimise crime and the fear of crime.
- 303 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

### *Discussion*

- 304 The current proposal has been assessed by the Metropolitan Police Designing Out Crime Officer who has stated that there are many positives with the current proposal. There is an external bin store, which prevents doors leading to the building being damaged and a dedicated bike storage area. The airlock lobby to the premises, help prevents unwanted people from being able to tailgate into the property.

305 The officer noted no objections to the proposed development, but would seek to have a planning condition attached where this development should incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design.

306 As such, it is recommended that a Secured by Design condition be secured.

## **9 LOCAL FINANCE CONSIDERATIONS**

307 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).

308 The weight to be attached to a local finance consideration remains a matter for the decision maker.

309 The CIL is therefore a material consideration.

310 £169,470.00 Lewisham CIL and £111,971.00 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## **8 EQUALITIES CONSIDERATIONS**

311 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.

312 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.

313 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.

314 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>

315 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

316 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>

317 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 HUMAN RIGHTS IMPLICATIONS**

318 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

319 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.

320 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.

- 321 This application has the legitimate aim of providing a new building with residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## 10 LEGAL AGREEMENT

322 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

323 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

324 It is recommended that the following items are secured by legal agreement:

### *Housing*

- 15% London affordable rent.(14% habitable room basis)
- Dwelling mix 3 London Affordable Rent residential units. The mix of such units to be as follows:

Affordable Housing Mix Unit Type	London Affordable Rent
1b2p	1
2b4p	2
Total	3

- Two wheelchair homes to meet M4(3); remaining units to meet M4(2)
- Early and late stage review mechanisms

### *Carbon Offset Payment*

- Financial contribution of £11,340.00

### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations.

325 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## 11 CONCLUSION

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

327 The proposal would provide twenty new homes; three of which would be socially rented residential units and would help meet the Borough's housing needs. This is a significant benefit to be weighed in the planning balance as the proposal will assist in addressing housing need as set out in the London Plan housing targets.

328 The proposal reflects the principles of the highest quality design, ensuring a high quality built environment for visitors and residents. The impact upon existing residential development in the vicinity of the application site has been fully considered and it is concluded that less than substantial harm will be caused. The officer assessment has identified some impacts upon occupants of neighbouring residential properties in relation to loss of light and overshadowing. However, on balance the benefits and planning merits of the scheme are considered to substantially outweigh any harm identified.

329 In conclusion, the proposed development is considered to be in accordance with the relevant national planning policy guidance and development plan policies. The proposal is wholly sustainable development in accordance with the NPPF and will make an important contribution to the borough in respect of housing supply. Therefore, any harm arising from the proposed development is considered to be outweighed by the benefits listed above.

## 12 RECOMMENDATION

330 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

### 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:

G0117-1; G0117 - ES1; G0117- ES2; G0117- G; G0117-R; G0117-T; Transport Statement (3rd August 2020); 17/25/01; 17/25/25; 17/25/26; 17/25/27; 17/25/28;

17/25/29; Arboricultural Implications Assessment (J58.38 3rd August 2020); Planning Statement; Design and Access Statement (Danks Badnell Architects Ltd); Marketing and Demand Report (4th August 2020); Financial Viability Statement (3rd August 2020); Energy and CO2 Reduction Strategy Rev.B (July 2020); Sustainability Statement (Carbon plan engineering); Daylight and Sunlight Report; Sustainable Drainage Report Rev.03 (3rd August 2020) (Received 7th August 2020)

Sustainable Drainage Report Rev.04 (23rd September 2020)

17/25/10E; 17/25/11A; 17/25/12A; 17/25/13A; 17/25/14B; 17/25/15B; 17/25/19; 17/25/20A; 17/25/21A; 17/25/22A (Received 22nd December 2020)

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

### 3) MATERIALS

No development above ground shall take place until a detailed schedule and samples have been submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.

**Reason:** To ensure that the 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 or the Lewisham Core Strategy (June 2011) and Development Management Local Plan (November 2014), DM Policy 30 Urban design and local character.

### 4) SOFT LANDSCAPING

- a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works. The landscaping scheme should include details of the roof terrace and landscaping to the front and rear of the site.
- b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged and diseased, shall be replaced in the next planting season with others of similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014)

5) HARD LANDSCAPING

- a) No development above ground level shall take place until detailed design proposals for hard landscaping have been submitted to the local planning authority for their approval. The detailed designs should keep hard surfacing to a minimum and maximise the extent of soft landscaping in conjunction with condition 4.
- b) The development shall be implemented in accordance with the details approved by the local planning authority.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan ( March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

6) CONSTRUCTION LOGISTICS PLAN

No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

7) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:- (a) Dust mitigation measures.

- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy S11 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

8) WHEELCHAIR HOMES

The 2 wheelchair dwellings hereby approved shall be constructed **as fully adapted** in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) **hereby** approved prior to their first occupation. For the avoidance of doubt a parking space should be provided for each wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

9) AIR QUALITY

- (a) No development shall commence until an Air Quality Assessment has been submitted to and approved in writing by the local planning authority.
- (b) The Air Quality Assessment will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

**Reason:** In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Development Management Local Plan (November 2014) Policy 23 Air quality.

10) SITE CONTAMINATION

- (a) No development or phase of development (including demolition of existing buildings and structures, **except where enabling works for site**

**investigation has been agreed by the local planning authority) shall commence until :-**

- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

#### 11) SECURE BY DESIGN

(a) Before any above ground work hereby approved begins, details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall be in line with the standards set out by 'Secured by Design'.

(b) Prior to the first occupation of units hereby approved, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order that the local planning authority may be satisfied that the development is not going to result in significant health and security impacts to

future residents and to comply with Sections 8 (Promoting healthy and safe communities) and 12 (Achieving well-designed places) of the NPPF (February 2021), Chapter 1 (Good Growth) and Policy D11 - Safety, security and resilience to emergency of the London Plan (March 2021) and Policy 15 of the Core Strategy (June 2011)

12) NOISE ASSESSMENT

(a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

(b) Evidence outlining compliance with the standards above shall be submitted to and approved by the Local Planning Authority.

(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

13) CAR PARK MANAGEMENT PLAN

Prior to first occupation, a Car Park Management Plan shall be submitted for approval in writing to the Local Planning Authority. The plan should describe how parking will be distributed and managed on the site including the location of electric vehicle charging points and measures to enable emergency and building maintenance access via the car parking area if required.

**Reason:** to ensure suitable arrangements for car parking as part of the development in accordance with Policy T6.1: Residential Parking of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (June 2011)

14) LIVING ROOF

(a) "Details of the biodiversity green roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof(s) shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

(c) The green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

- (d) Evidence that the roof has been installed in accordance with (a) and (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policy G5 Urban greening in the London Plan (2021) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

15) **ELECTRIC VEHICLE CHARGING POINTS**

- (a) Details of the location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

16) **FIXED PLANT NOISE CONTROL**

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) **No development above ground level** shall commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

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

17) **DUST MANAGEMENT PLAN**

Prior to the commencement of development, a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), shall be submitted to and approved, in writing, by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP will need to detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan.

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise

possible noise, disturbance and pollution to neighbouring properties and to comply with Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

18) CYCLE PARKING

- (a) **Prior to first occupation**, full details of the cycle parking facilities for 37 cycles shall be submitted to and approved in writing by the local planning authority.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

19) FIRE STATEMENT

No above ground development shall commence (other than demolition) until a fire statement for the relevant uses has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the buildings construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The relevant uses of the development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the risk of fire is appropriately addressed in the proposed development, in accordance with the Policy D12 of the London Plan (March 2021)

20) TREE PROTECTION AND ARBORICULTURAL METHOD STATEMENT

No development shall commence on site until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP and AMS should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

21) REFUSE MANAGEMENT PLAN

- (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the **completion of above ground works** of each phase of development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

22) NO EXTERNAL PLUMBING OR PIPES

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including than rainwater pipes, shall be fixed on the external faces/front elevation of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

23) SATELLITE DISHES AND ANTENNA

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes or antenna shall be installed on the north/east/west elevations of the building or the roof of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

24) RETENTION OF AMENITY SPACE

The whole of the amenity space (including communal garden, roof terrace and balconies) shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the Local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Lewisham Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014)

25) DETAILS OF DRAINAGE

Above ground development shall not commence until full details of a detailed drainage and micro drainage plan (including site-specific maintenance plan) have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and retained in perpetuity.

**Reason:** In order to ensure that the development incorporates sustainable urban drainage systems in accordance with Paragraph 167 of the NPPF, London Plan Policy SI 13 Sustainable drainage, Policy SI 5 Water Infrastructure and Policy 10 of the Core Strategy (June 2011)

## 26) HOURS OF CONSTRUCTION

No deliveries in connection with construction works shall be taken at or dispatched 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 Monday to Fridays and 8am and 1pm on Saturdays and no at all on Sundays or Public Holidays.

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

## 27) SOLAR PANELS

- (a) Details of proposed PV panels shall be submitted to and approved in writing by the LPA prior to first installation.
- (b) The PV panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved and retained in perpetuity.

**Reason:** In order to comply with the Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011)

## 28) THAMES WATER CONDITION – PILING METHOD STATEMENT.

No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason:** The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure.

## 29) EXHAUST AIR HEAT PUMP

- (a) Details of the exhaust air heat pump shall be submitted and approved in writing by the LPA prior to first installation.
- (b) The EAHP, approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved and retained in perpetuity.

**Reason:** In order to comply with the Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011)

## INFORMATIVES

### A) Positive and Proactive Statement

**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.

### B Community Infrastructure Levy

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

### C Construction – Pollution and Noise

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.

### D Thames Water

Prior approval from Thames Water Developer Services will be required since the proposal is to discharge to a public sewer. Should you require further information please refer to our website. [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da\\_2Dlarge-2Dsite\\_Apply-2Dand-](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da_2Dlarge-2Dsite_Apply-2Dand-)

[2Dpay-2Dfor-2Dservices Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk\\_uw5MV45&m= PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=](https://www.thameswater.co.uk/developers/developing-large-site/apply-and-pay-for-services-wastewater-services?d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m=PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=)

A Groundwater Risk Management permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk).

Application forms should be completed on line via

[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.thameswater.co.uk&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk\\_uw5MV45&m= PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=ve30f4-WFK-Jg8q6XQvrrGIPToCqeGPbZlei0Rh2vi4&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.thameswater.co.uk&d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m=PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=ve30f4-WFK-Jg8q6XQvrrGIPToCqeGPbZlei0Rh2vi4&e=) Please refer to the Wholesale; Business customers; Groundwater discharges section.

Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_developers.thameswater.co.uk\\_Developing-2Da\\_2Dlarge-2Dsite\\_Apply-2Dand-2Dpay-2Dfor-2Dservices Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0\\_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk\\_uw5MV45&m= PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da_2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=OMjwGp47Ad5otWI0_1pOg&r=cdSiXDlpXFsyLuaHCol28GF9dvc6CyWe7PjAu3IAoCIXb6lcr1p1kk_uw5MV45&m=PW3H4aDw47wQJnkMEsjMnZ279mclR0FuH7MyoP28VI&s=oCeFhm0yWsYMdjahjiDhluws4d5Vz6WCecEXePL-qPE&e=)

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

#### E S106 Agreement

You are advised that the approved development is subject to a Section 106 agreement. Please ensure that your obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team at [CiIL@Lewisham.gov.uk](mailto:CiIL@Lewisham.gov.uk)

# Inglemere Domus Financial Viability Review

## **LB Lewisham**

Inglemere Domus  
27 Inglemere Road  
London  
SE23 2BB

December 2020

## **Prepared by**

GL Hearn

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**Confidential**



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## Quality Standards Control

The signatories below verify that this document has been prepared in accordance with our quality control requirements. These procedures do not affect the content and views expressed by the originator.

This document must only be treated as a draft unless it has been signed by the originators and approved by a Business or Associate Director.

**DATE**

3 February 2021

**ORIGINATORS**

Oliver Dawson  
Associate Director



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Director



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**Limitations**

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of GL Hearn; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

## 1 INTRODUCTION

### Purpose of Report

- 1.1 This statement has been prepared by GL Hearn on behalf of LB Lewisham in connection with planning application DC/20/117864 submitted for a site at Inglemere Domus, 27 Inglemere Road, London, SE23 2BB.
- 1.2 The purpose of this report is to provide an independent due diligence review of the applicant's submitted evidence base to establish:
- What level of planning contributions are considered financially viable; and
  - The impact, if required, of grant and external funding.
- 1.3 Financial viability is material in the consideration of planning applications. The cumulative impact of planning policies on the cost of development should not undermine the delivery of the Statutory Development Plan.
- 1.4 Plans are expected to be aspirational and set out developer contributions, including:
- Affordable housing and/or workspace expectations;
  - Infrastructure requirements; and
  - Design standards.

### Planning Policy Context

- 1.5 The National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG), along with regional and local plan policies, provide the framework within which the development proposals are embedded.
- 1.6 The NPPF is the key policy document against which financial viability should be considered, in the context of promoting sustainable development:

*“Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at*

*the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available”.<sup>1</sup>*

1.7 Local Planning Authorities (LPAs) are responsible for assessing housing need, including affordable housing tenure requirements:

*“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*

- *Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- *The agreed approach contributes to the objective of creating mixed and balanced communities”.<sup>2</sup>*

1.8 PPG emphasises the requirement for transparent and robust assessments:

*“Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.*

*The weight to be given to a viability assessment is a matter of the decision maker, having regard to all the circumstances in the case including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment”.<sup>3</sup>*

1.9 The London Plan sets out further requirements and considerations when considering schemes at a development management level:

*“A The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to;*

*current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 3.10 and 3.11 and having particular regard to the guidance provided by the Mayor through the London Housing Strategy, supplementary guidance and the London plan Annual Monitoring Report (see paragraph 3.68);*

- *affordable housing targets adopted in line with Policy 3.11,*
- *the need to encourage rather than restrain residential development (Policy 3.3),*
- *the need to promote mixed and balanced communities (Policy 3.9),*

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<sup>1</sup> National Planning Policy Framework paragraph 57 p.16 2019-02

<sup>2</sup> National Planning Policy Framework paragraph 62 p.17 2019-02

<sup>3</sup> Planning Practice Guidance paragraph 008 p.5 2019-11-01

- *the size and type of affordable housing needed in particular locations,*
- *the special circumstances of individual sites,*
- *resources available to fund affordable housing, to maximise affordable housing output and the investment criteria set by the mayor,*
- *the priority to be accorded to provision of affordable family housing in policies 3.8 and 3.11.*

*B Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of scheme prior to implementation ('contingent obligations'), and other scheme requirements.*

*C Affordable housing should normally be provided on-site. In exceptional cases where it can be demonstrated robustly that this is not appropriate in terms of the policies in this Plan, it may be provided off-site. A cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan and should be ring-fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing.”<sup>4</sup>*

1.10 Local Plan Policy 1 outlines the LPA’s aspirations in respect of affordable housing delivery, stating that:

*“The Council will seek the maximum provision of affordable housing with a strategic target for 50% affordable housing from all sources. This would equate to approximately 9,082 net new dwellings between 2010/11 and 2025/26...contributions to affordable housing should be sought on sites capable of providing 10 or more dwellings. The starting point for negotiations will be a contribution of 50% affordable housing on qualifying sites across the borough. This would be subject to a financial viability assessment. To ensure a mixed tenure and promote mixed and balanced communities, the affordable housing component is to be provided as 70% social rented and 30% intermediate housing”.*

1.11 Under local policy we understand the proposal should aim to provide 50% affordable housing, and affordable provision should, by habitable room, comprise the following tenure mix:

- 70% Affordable / Social rent; and
- 30% Intermediate

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<sup>4</sup> Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes. Paragraph 3.69 p.122 The London Plan: The Spatial Development Strategy for London Consolidated with Alterations Since 2011 Greater London Authority. March 2016.

- 1.12 A suite of documents was validated with the application on 20 August 2020, the adopted valuation date, and this forms the evidence base that is the subject of this due diligence review.

**Table 1: Initial Information**

Item	Author	Publication Date	Received Date
Financial Viability Assessment	Newsteer	03/08/2020	22/10/2020
Budget Cost Plan	Johnson Associates	20/07/2020	22/10/2020

- 1.13 Further subsequent evidence has also been supplied upon request, currently consisting of:

**Table 2: Subsequent Information**

Item	Author	Publication Date	Received Date
Benchmark Site Value Update	Newsteer	16/12/2020	21/12/2020

- 1.14 FVAs are required to be sufficiently detailed so that evidence and reasoning in support of key inputs and assumptions is clear and proportionate. In seeking any departures from relevant planning policies, the onus lies with the applicant to sufficiently evidence and justify their position in line with prevailing valuation best practice and other relevant guidance.

### Professional Statement

- 1.15 This report has been prepared in accordance with the requirements of the RICS Valuation-Global Standards 2017 and UK National Supplement (incorporating the International Valuation Standards 2017), referred to as the Red Book.
- 1.16 Advice given by RICS members is subject to the requirements of the Red Book; under Practice Statement 1 paragraph 5.4 of the Red Book the advice given in this report is exempt from the mandatory requirements of VPS1-5, does not represent a formal valuation, and should not be relied upon as such.
- 1.17 Costs and values change over time and the advice contained herein remains valid for 3 months from the appropriate Valuation Date, to be taken as the date of the report unless otherwise stated.
- 1.18 It is confirmed that in preparing this report and providing advice to the Client no fee payable is based upon a contingent or performance related basis. The report authors hereby confirm they have the necessary skills and experience to undertake the instruction competently, and in doing so have acted with objectivity, impartiality, without interference and with reference to all appropriate available sources of information.

## 2 METHODOLOGY

### Financial Viability in Planning

- 2.1 Methods and best practice for the valuation of land and property lie in various Professional Statements, Guidance Notes, and Information Papers published by the Royal Institution of Chartered Surveyors (RICS), including but not limited to:
- RICS Valuation – Global Standards (2017);
  - RICS Financial Viability in Planning Conduct and Reporting (2019);
  - RICS Viability in Planning Guidance Note (2012); and
  - RICS Valuation of Land for Affordable Housing Guidance Note (2016).
- 2.2 There are two recognised methods used in the valuation of development assets, both of which are relevant to the assessment of financial viability in planning.
- 2.3 The Comparable Method relies upon the analysis of comparable market transactions, whilst the Residual Method takes the assumed value of a completed scheme and deducts costs of development (including a profit-margin to a notional developer) to estimate the value of the land.
- 2.4 In practice both valuation methods should be used, with the comparable method providing a check against market conditions and sentiment.
- 2.5 The degree to which each should be relied upon depends upon site specific circumstances and the nature and complexity of the proposal being considered.

### Benchmarking

- 2.6 There are two approaches to benchmarking that can be relied upon to assess site specific viability in a planning context;
- Site Value (where a market-adjusted developer's return is treated as a cost of development); and
  - Developer's Return (where an appropriate site value is treated as a cost of development).
- 2.7 In adopting the Site Value approach, the Residual Land Value of the proposed scheme (assuming an appropriate market level of developer return as a cost of development) is compared to an appropriate Benchmark Land Value.
- 2.8 The Developer's Return approach adopts a fixed land value as a cost of development and compares a residual profit to an appropriate hurdle developer profit margin.

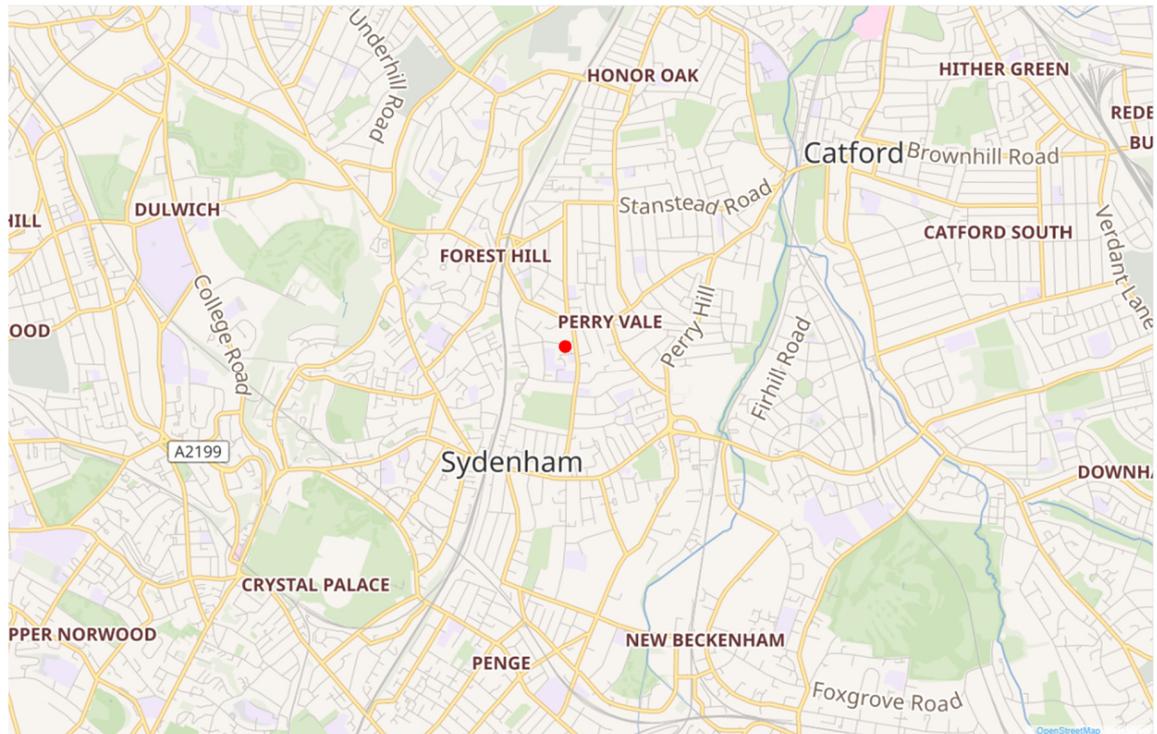
- 2.9 If the relevant metric (residual land value or hurdle profit margin) is greater than the benchmark, then the scheme can be considered viable at that level of total development costs. If less, then the scheme is unviable.
- 2.10 The subject assessment has been benchmarked on a Site Value basis.
- 2.11 Instances arise where the project programme of a proposal may span the usually anticipated development cycle, which may warrant the inclusion of projected cost and value assumptions. The subject FVA has been assessed on a present day basis.

### 3 PROPOSED DEVELOPMENT

#### Site Description

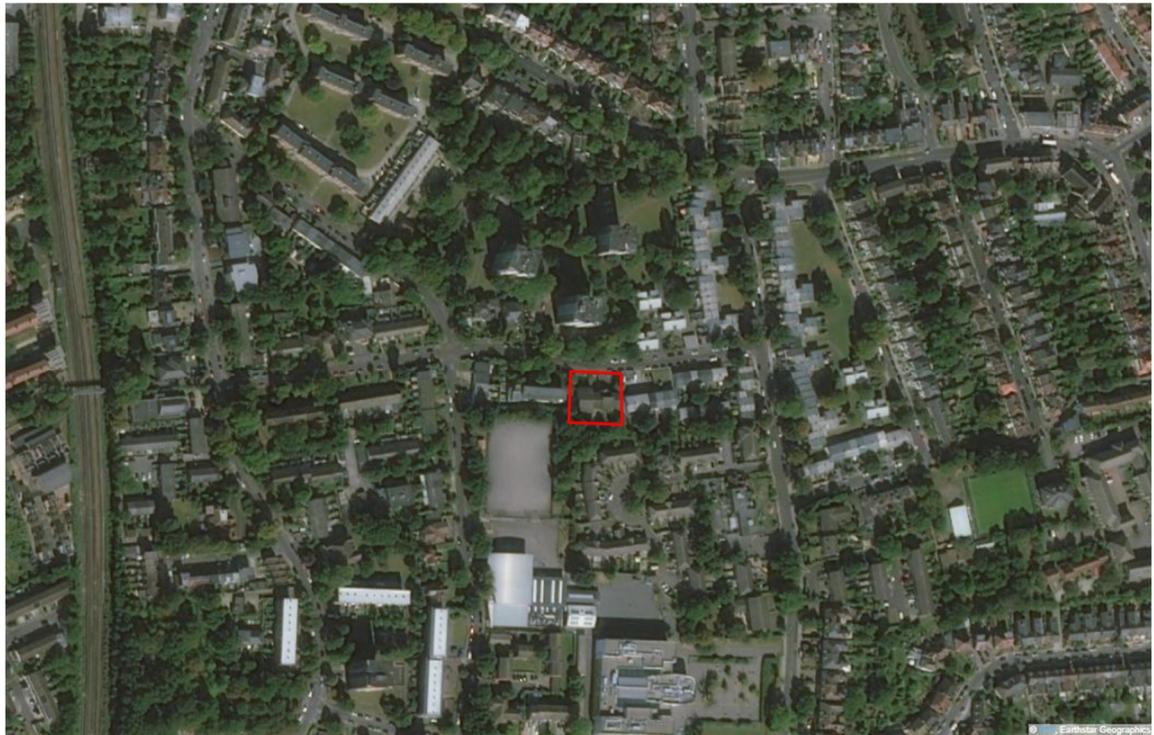
- 3.1 The site is understood to measure approximately 0.1434 hectares (0.3543 acres) and is located within the Perry Vale ward of LB Lewisham, between Forest Hill and Sydenham.

**Figure 1: Location Plan**



- 3.2 Situated on the south side of Inglemere Road, the site is bounded to the west and partially to the south by a vacant strip of overgrown land, and to the east by a terrace of maisonettes. Further to the west lies 1-15 Innes Lodge, a four-storey block of flats, and further to the south lies a terrace of two storey houses, whose rear elevation and back gardens face the site.
- 3.3 The site lies approximately equidistant between Forest Hill and Sydenham railway stations, to the east of the railway line that runs from north to south. Both Sydenham and Forest Hill stations provide London Overground and National Rail Services into Central London to the north and towards Croydon to the south.
- 3.4 The site's PTAL rating is 2-3.

**Figure 2: Site Plan**



- 3.5 Principal vehicular access is at present from Inglemere Road and surrounding land uses are predominantly residential in character.
- 3.6 The brownfield site is currently vacant and has been since 2015.
- 3.7 Existing buildings are not understood to be listed and the site is not understood to fall within a conservation area.
- 3.8 The subject assessment assumes the unencumbered freehold interest in the land is held free from any onerous restrictions on title. No independent searches on title have been undertaken as part of this review.

### Development Description

- 3.9 The detailed planning application proposes the follow description of development:

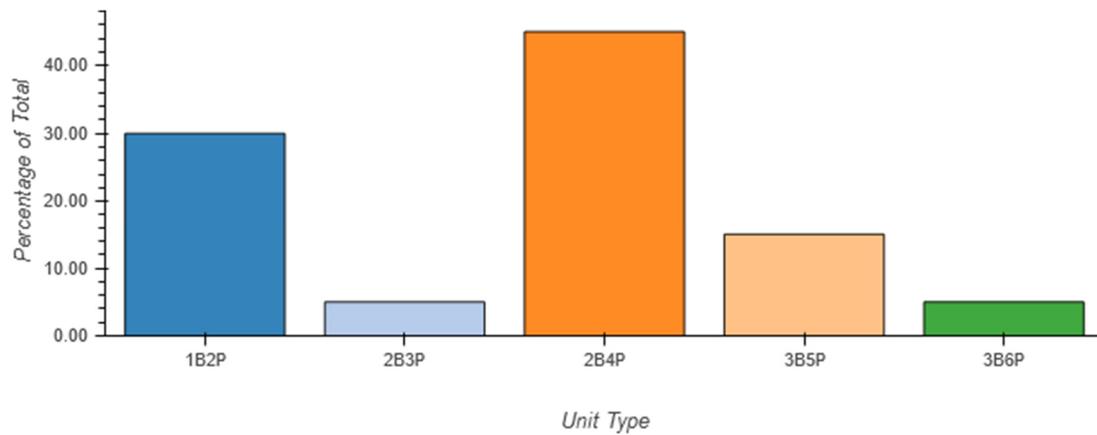
*“The demolition of the existing building (Use Class C2) and the construction of a part-3 and part-4 storey building to accommodate 20 residential units (Use Class C3) with basement plant room and associated works at Inglemere Domus, 27 Inglemere Road SE23”.*

- 3.10 The proposed phased development scheme comprises 20 residential units alongside surface car parking and basement plant provision. The applicant is proposing to bring forward the site with no

on-site affordable housing provision. The scheme also includes wheelchair accessible accommodation and blue badge parking.

3.11 The proposal reflects a gross density of 139.5 units per hectare, and the following residential unit mix:

**Figure 3: Proposed Residential Unit Mix**



## 4 FINANCIAL VIABILITY

### Gross Development Value

- 4.1 A Gross Development Value (GDV) for the proposed scheme has been established through reference to the following elements:

**Table 3: Gross Development Value Summary**

Use	Assumption
Market Residential	£9.123m
Total	£9.123m

### Residential Values

- 4.2 The proposed residential units offer a mix of unit type and amenity, with the majority of units benefitting from some form of outside amenity space. The units are reasonably well arranged, and have been priced to reflect differences in outlook, amenity, floor level and size.
- 4.3 The applicant has adopted the following range of unit prices within their assessment:

**Table 4: Applicant Residential Value Summary**

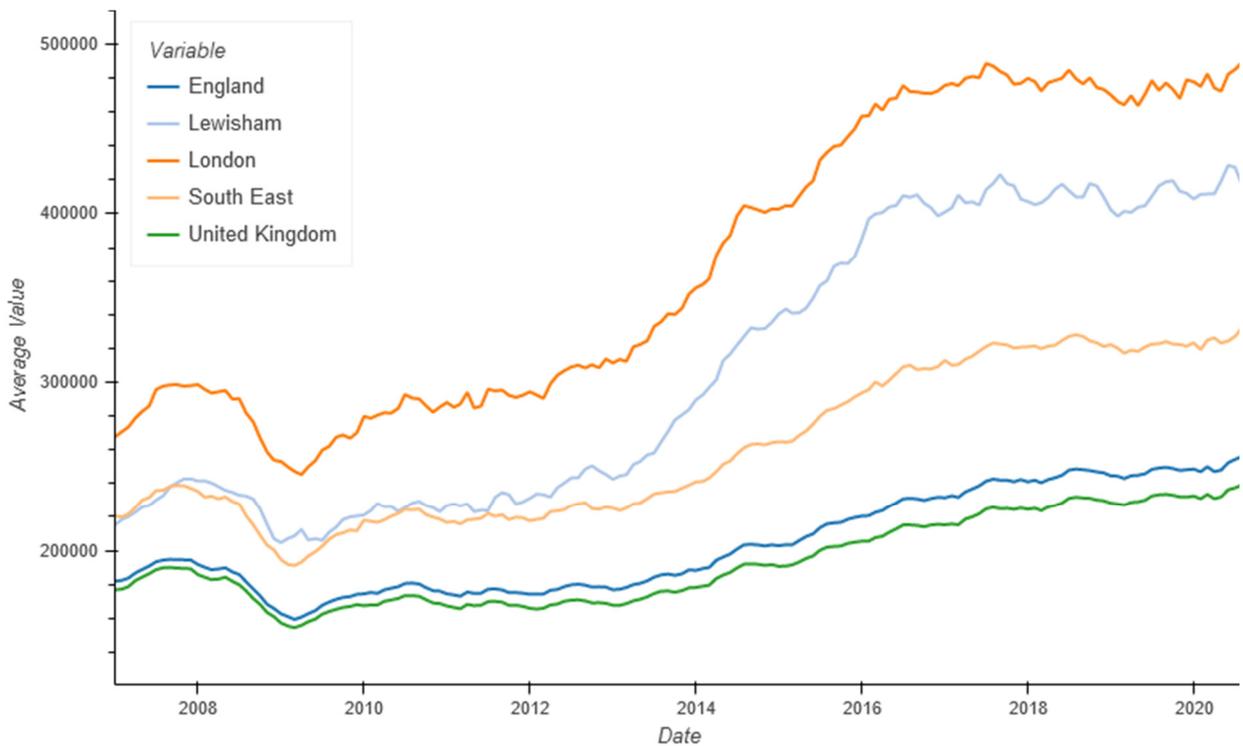
Unit Type	Market Value		
	1 Bed	2 Bed	3 Bed
Count	6	10	4
Minimum	£352,500	£412,500	£552,500
Mean	£370,833	£461,750	£570,000
Maximum	£390,000	£487,500	£582,500

- 4.4 Asking prices from a number of residential schemes have been referenced in their assessment of the achievable residential value assumptions:
- Venner Road, SE26
  - Prosperous Apartments, SE23
  - Dylon Works, SE26
  - 39 Kangley Bridge Road, SE26
  - Harfield Gardens, SE5
  - Lawrie Park Place, SE26
  - Wells Park Place, SE26

4.5 Asking prices can present a misleading picture as to achievable prices, and therefore we have looked toward actually observed transactions in the market place, and have therefore sought to corroborate the applicant’s evidence with further transactional evidence.

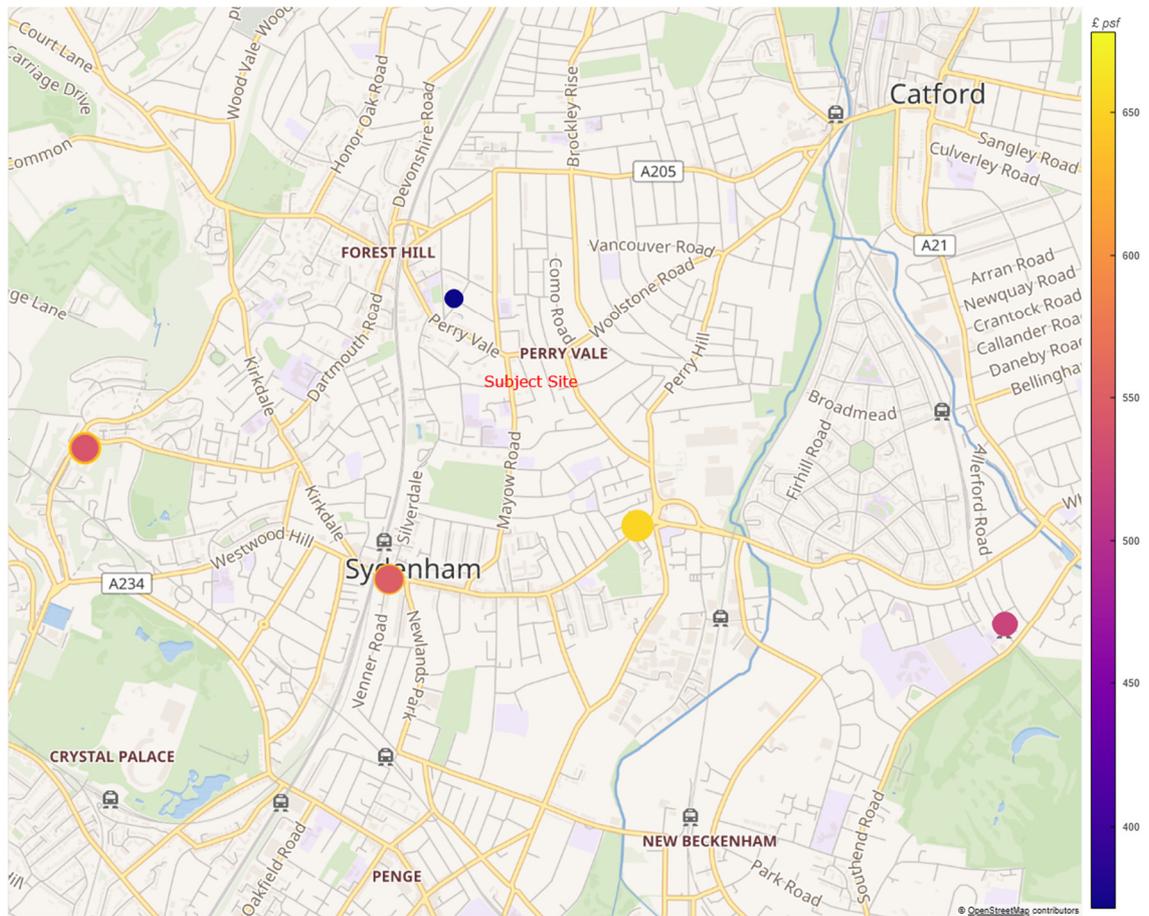
4.6 The applicant has adopted the following range of unit prices within their assessment:

**Figure 4: Average Residential Values by Region to August 2020**



Source: HMLR, GL Hearn

**Figure 5: New Build Residential Comparable Evidence Map**



Source: HMLR, MHCLG, GL Hearn

4.1 Transactional evidence from local new build schemes deemed to be most comparable and relevant has been drawn from the following:

- 351-355 Sydenham Road
- Zanara Court
- Exeter Place
- Beckenham Park Heights

4.2 Given the location it is considered prudent to review local second hand transactional evidence also, with the following consisting of useful evidence:

- 108-110 Perry Vale
- 26 Inglemere Road
- Ian Court
- 6 Wynell Road

- 4.3 A schedule of comparable evidence is set out at appendix A for reference and, following our review of wider evidence we are of the opinion the applicant's residential value assumptions are reasonable, albeit we have made adjustments to those units that benefit from private gardens, which demand premiums.
- 4.4 Capitalised residential ground rent income has been further allowed for within the assessment at prevailing market levels.

### Gross Development Cost

- 4.5 The Budget Cost Plan prepared by Johnson Associates on behalf of the applicant has been reviewed by Henry Riley LLP.
- 4.6 Following an initial review of the information presented, a more detailed elemental breakdown of costs was requested by Henry Riley LLP, however this information has yet to be supplied.
- 4.7 The review is attached for reference at appendix B and has found no arithmetical errors within the cost plan, although there are apparent floor area discrepancies in relation to the communal parts, for which adjustments have been made. Allowances for preliminaries and main contractor overheads and profit have been further adjusted in line with recent tender evidence.
- 4.8 The cumulative effects of these adjustments reduce the applicant's estimate of construction costs from c.£4.617m to c.£3.942m, a c.15% reduction (excluding contingency sums). The revised costs assume a mid-level of specification.
- 4.9 Other costs are reasonably in line with current market expectations, and are outlined within the following summary table:

**Table 5: Gross Development Cost Summary Inputs**

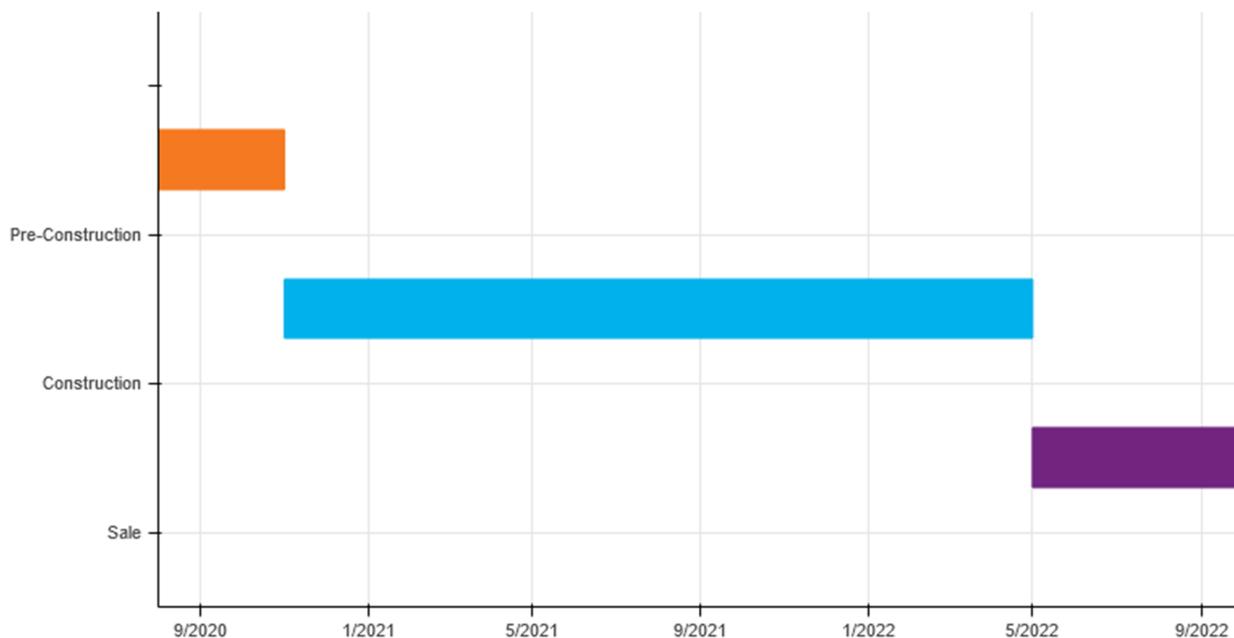
Input	Applicant Assumption	Review Assumption	Agreed Y / N
Professional Fees	10% of Build Cost	10% of Build Cost	Y
Residential Marketing Budget	2% of Value	1.5% of Value	N
Residential Agent Fee	1% of Value	1% of Value	Y
Residential Legal Fee	£800 per unit	£750 per unit	N
Developer's Return	17.5% of GDV	17.5% of GDV	Y
Finance Rate	6.0%	6.0%	Y
MCIL	£112,980	-	-
Borough CIL	£169,978	-	-
S106	£11,400	-	-

4.10 In respect of the package of planning obligations assumed we request confirmation from the LPA in due course that these sums are accurate.

### Project Programme

4.11 The applicant has adopted a project programme reflecting the following assumptions, which are considered reasonable for a development of this scale and complexity:

**Figure 6: Project Programme**



Source: GL Hearn / Newsteer

### Benchmark Site Value

4.12 The applicant's approach to the Benchmark Site Value is at present predicated upon an assessment of Existing Use Value plus a premium.

4.13 The planning application seeks a change of use from the site's existing use C2 to C3 residential. As part of this change of use the applicant has set out there is a lack of demand for C2 uses, evidenced through their statements contained within the New Steer Marketing and Demand Report dated August 2020.

4.14 The Marketing and Demand report states that:

*“Given the lack of demand from C2 operators and developers to re-furbish/re-use the existing building...”*

4.15 We therefore understand there to be a lack of demand from C2 operators and developers in connection with a refurbishment of the existing building:

*“...we also explored demand for the asset as a development site, speaking to both C2 and C3 developers. Feedback from the C2 market in response to under-lying site specific constraints, was as follows:*

- *The site was considered too small (at 0.36 acres) to provide the scale of care home development that private sector care home developers and operators are currently seeking... This site is constrained by being too small.*
- *Most care developers are seeking facilities with the potential to provide at least 50 C2 beds, and ideally 65 beds plus...the tightness of the site’s orientation, including proximity to neighbouring buildings, meant that the limitations of land area couldn’t adequately be addressed by increasing development height/density.”*

4.16 As the benchmark Site Value is predicated upon a refurbishment of the existing asset and sale to a C2 operator, for which they have stated there is no demand, it is difficult to support the methodology of approach.

4.17 With this in mind the applicant has explored an Alternative Use Value scenario predicated upon a change of use from C2 to C3 residential, whereby a proposal reflecting 8 market sale flats is assumed (see appendix C).

4.18 The update sets out a suite of land transaction evidence alongside the development scenario, accompanying evidence base and development appraisal. As set out at paragraph 2.4, this follows the requisite methodology of approach when valuing development land, insofar as both the residual and comparable methods of valuation are relied upon, with the comparable method providing a check against market conditions and sentiment.

4.19 In order to be confident that the alternative development scenario accords with the definition of SV as set out by the RICS, i.e. that it can be considered Planning Policy Compliant (PPC) we have sought comment from the LPA on the matter.

4.20 At present we are advised that there is insufficient detail contained within the SV update provided by the applicant to advise on whether or not the alternative scenarios would gain consent, and that the reliance upon an AUV in this instance is contrary to GLA guidance as there is no planning consent in place for the proposed alternative development scenario.

4.21 In conclusion, given the lack of demand identified within the Newsteer Marketing and Demand report for the site in its existing planning designation, it seems a nominal sum is appropriate as an EUV in this instance, at but say £1.

4.22 We therefore present our results against a nominal SV benchmark.

## 5 CONCLUSIONS

### Viability Conclusions

- 5.1 GL Hearn have modelled the assumptions as set out in this report in an independent financial model reflecting a 100% market sale scheme, which generates a Residual Land Value (RLV) of c.£1.906m (see appendix C). A sensitivity analysis reflecting +/- 5% on construction costs and residential market rental values has been modelled which returns the following range of land value:

**Table 6: Proposed Scheme 100% Market Sale Sensitivity Analysis**

		Sales Values				
		-5%	-2.5%	0%	2.5%	5%
Construction Costs	-5%	£1.805m	£1.950m	£2.095m	£2.240m	£2.385m
	-2.5%	£1.711m	£1.855m	£2.001m	£2.146m	£2.291m
	0%	£1.616m	£1.761m	<b>£1.906m</b>	£2.052m	£2.196m
	2.5%	£1.522m	£1.667m	£1.812m	£1.957m	£2.102m
	5%	£1.426m	£1.573m	£1.718m	£1.863m	£2.008m

Source: GL Hearn

- 5.2 Given the current nominal SV benchmark it is therefore necessary to explore the introduction of affordable housing, starting at a PPC level, to establish the capacity of the scheme to cross-fund the provision of units to be delivered on-site in parallel with the market sale units.
- 5.3 As such a PPC appraisal has also been prepared, reflecting 50% affordable housing on-site by habitable room, and a tenure split in line with local policy requirements. Again, results are presented against a sensitivity analysis of +/-5% on construction costs and market sale residential values, with the resultant range of RLV set out below:

**Table 7: Proposed Scheme 50% Affordable PPC Tenure Split Sensitivity Analysis**

		Sales Values				
		-5%	-2.5%	0%	2.5%	5%
Construction Costs	-5%	£0.677m	£0.744m	£0.871m	£0.966m	£1.059m
	-2.5%	£0.577m	£0.674m	£0.771m	£0.867m	£0.963m
	0%	£0.476m	£0.573m	<b>£0.670m</b>	£0.767m	£0.864m
	2.5%	£0.376m	£0.473m	£0.570m	£0.667m	£0.764m
	5%	£0.275m	£0.372m	£0.469m	£0.566m	£0.663m

Source: GL Hearn

- 5.4 The PPC appraisal generates a RLV of c.£0.670m, which indicates the scheme is at present viable on a 50% by habitable room level affordable housing, reflecting a 70% London Affordable Rent: 30% London Shared Ownership tenure split.

**Table 8: Financial Viability Conclusions**

Proposed Scheme PPC RLV	Benchmark SV	Surplus / Deficit	Viable Y / N
£0.670m	£1	£0.670m	Y

**Appendices**

**APPENDIX A: Residential Evidence**

# 2 bedroom apartment for sale

Inglemere Road, Forest Hill

Sold STC  
**£375,000**

Monthly mortgage payments

Print





## Property Description

### Key features

- Two Double Bedrooms
- Allocated Parking Space
- Modern Open Plan Lounge & Kitchen
- 0.5 Miles of Forest Hill Station and Town Centre
- Bright and Spacious
- Long Lease of 121 Years

### Full description

**Tenure:** Leasehold

With TWO DOUBLE BEDROOMS, this split level conversion is located on a quiet street close to both Forest Hill and Sydenham stations. With a very bright and spacious open plan lounge and kitchen and a modern bathroom suite, the property also boasts off road parking and has a long lease of 121 years.

### Energy Performance Certificate (EPC) graphs

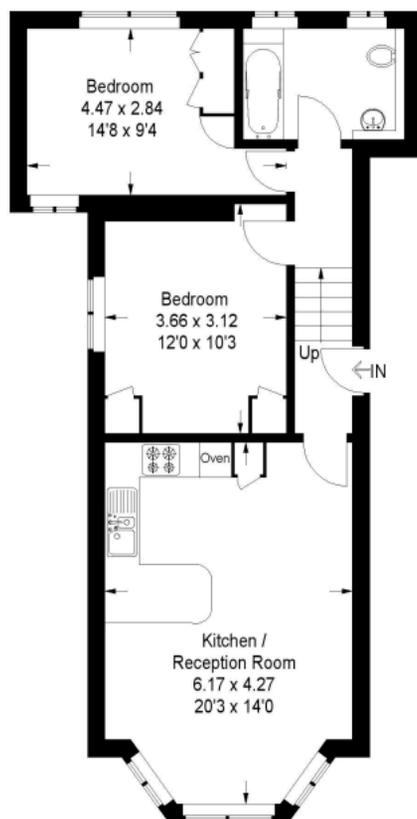
- See full size version online



## Floorplans

# Inglemere Road, SE23

Approximate Gross Internal Area  
61.1 sq m / 658 sq ft



## Ground Floor

This plan is for layout guidance only. Not drawn to scale unless stated. Windows and door openings are approximate. Whilst every care is taken in the preparation of this plan, please check all dimensions, shapes and compass bearings before making any decisions reliant upon them. (ID365167)

[map view](#)[street view](#)

Note: The pin shows the centre of the property's postcode, and does not pinpoint the exact address The pin shows the exact address of the property Street View is unavailable in this location You're in the centre of the property's postcode. Start exploring the local area from here. Take me back to the start

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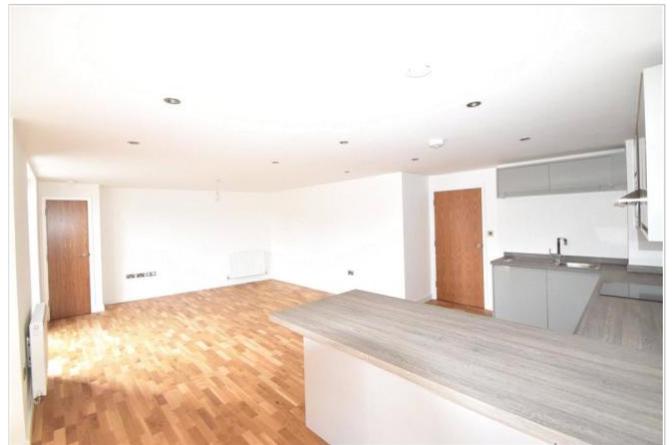
# 2 bedroom apartment for sale

**£400,000**

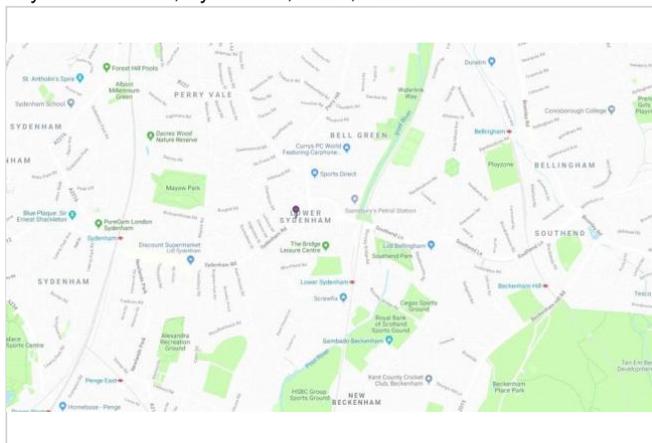
Sydenham Road, Sydenham, SE26

Monthly mortgage payments

Print







## Property Description

### Key features

- 40% London Help to Buy available
- Spacious open plan kitchen/living
- Juliette balcony
- 10 Year NHBC warranty
- NO ONWARD CHAIN!
- Two double bedroom apartment
- All integrated appliances
- Excellent commute into Central and East London
- Ready for immediate occupation!

### Full description

**Tenure:** Leasehold

LAST REMAINING FLAT!!

Positioned on the second floor of this newly built development this fabulous brand new two bedroom modern apartment has the benefit of London help to buy at 40%

The striking external contemporary design sets the tone for the comprehensive specification that consists throughout this apartment , the internal layout has been carefully considered to maximise both space and light with the added benefits of a Juliette balcony to the spacious open plan kitchen/living area with fully integrated appliances and neutral high gloss kitchen units with the added use of breakfast bar/dining area.

Throughout the apartment engineered oak flooring is laid up to the neutral carpets in the spacious double bedrooms , the bathroom is fully tiled and includes a thermostatically controlled shower and vanity unit.

There is the benefit of a 10 year NHBC warranty.

CALL NOW TO SPEAK TO ONE OF OUR EXPERIENCED HELP TO BUY SPECIALISTS , FOR FREE IMPARTIAL ADVICE!

#### DIRECTIONS

Sydenham offers a great array of local eateries, cafes and gastro pubs all rich in character and located only moments away from the famous and historic Crystal Palace Park as well as a number of other local parks and green open spaces.

Conveniently situated to both Lower Sydenham and Sydenham stations, both offering excellent easy commuting options into Central and East London , including London Bridge in only 17 minutes and Shoreditch High Street in 25 minutes. As well as regular bus services to Blackheath, Crystal Palace and West Croydon located on your door stop.

## Floorplans

Picture No. 16



#### APARTMENT 6

Kitchen/Living	4.3m x 7.6m	14ft 1 x 24ft 11
Bedroom 1	4.2m x 2.9m	13ft 9 x 9ft 6
Bedroom 2	4.2m x 2.7m	13ft 9 x 8ft 10
<b>Total</b>	<b>72.9 sqm</b>	<b>785 sq ft</b>

[map view](#)[street view](#)

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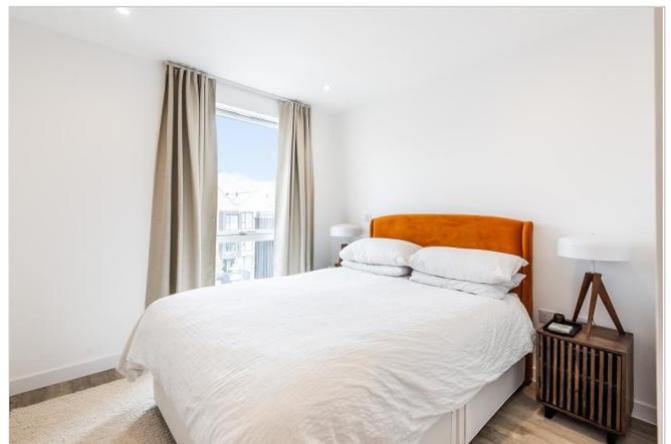
# 2 bedroom flat for sale

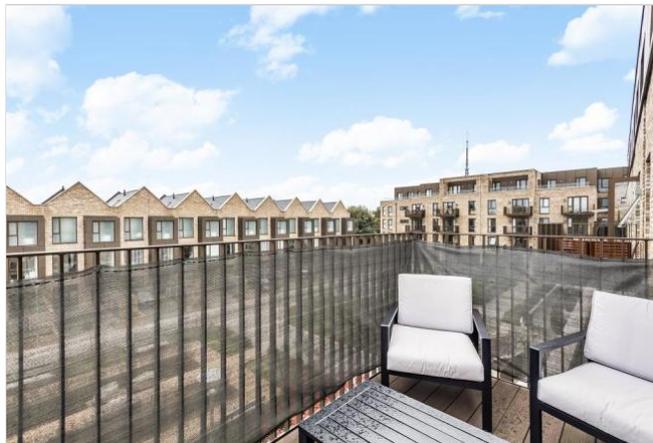
Exeter Place, LONDON

Offers in Excess of  
**£550,000**

Monthly mortgage payments

Print





## Property Description

### Key features

- Charming development
- Two double bedrooms
- Private balcony and communal gardens
- Secure parking
- Two bathrooms

### Full description

**Tenure:** Leasehold

## SUMMARY

This modern and spacious two bedroom new build flat is set within a charming development off Sydenham Hill. The property is presented in fantastic decorative order throughout and is set within easy reach of both Sydenham Road and Crystal Palace Triangle.

## DESCRIPTION

This modern and spacious two bedroom new build flat is set within a charming development off Sydenham Hill. The property is presented in fantastic decorative order throughout comprising of; a light and spacious open plan reception room with a stylish fitted kitchen, two double bedrooms, bathroom, and master bedroom with fitted wardrobe, dressing area and en-suite shower room. Benefits to include ample storage and private balcony, allocated secure underground parking space and communal gardens.

Dane House is set within easy reach of both Sydenham Road and Crystal Palace Triangle which combined offer a plethora of bars, shops, restaurants and transport links providing easy access to the city and surrounding areas. Wells Park and Crystal Palace Park are also close by providing a range of activities to include the National Sports Centre and Boating Lake. Transport links can be found close by at Sydenham Hill (southeastern, direct access into London Victoria in 14 minutes) and Crystal Palace (London overground Highbury and Islington via Canada Water and southern railway, direct access into London Bridge and London Victoria).

**Kitchen/reception Room** 23' 6" x 11' 10" ( 7.16m x 3.61m )

**Bedroom One** 11' 4" x 10' 5" ( 3.45m x 3.17m )

**Bedroom Two** 9' 8" x 9' 6" ( 2.95m x 2.90m )

**Bathroom One**

**Bathroom Two**

We currently hold lease details as displayed above, should you require further information please contact the branch. Please note additional fees could be incurred for items such as leasehold packs.

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2. General: While we endeavour to make our sales particulars fair, accurate and reliable, they are only a general guide to the property and, accordingly, if there is any point which is of particular importance to you, please contact the office and we will be pleased to check the position for you, especially if you are contemplating travelling some distance to view the property.
3. The measurements indicated are supplied for guidance only and as such must be considered incorrect.
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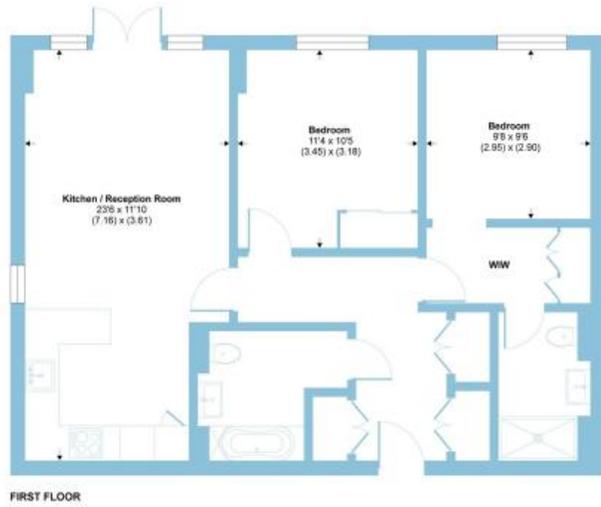
## Energy Performance Certificate (EPC) graphs

■ See full size version online



# Floorplans

Master Floorplan Image



**RICS** Certified Property Measurement Floor plan produced in accordance with RICS Property Measurement Standards incorporating International Property Measurement Standards (IPMS2 Residential). © richmon 2020. Produced for Barnard Marcus. REF: 100227 **barnard marcus**

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**Nearest stations**

Sydenham Hill (0.3 mi)

Gipsy Hill (0.7 mi)

Sydenham (0.9 mi)

Distances are straight line measurements from centre of postcode

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Page 204

**Zanara Court, Sydenham Road, London, SE26 5QW**

**welcome to**

**Zanara Court, Sydenham Road, London**

A great opportunity to acquire this stunning light and airy top floor flat located within a gated development and situated on Sydenham Road. This property is offered in excellent condition throughout and comprises large open plan reception room with modern fitted kitchen and breakfast bar, two double bedrooms and contemporary bathroom with the benefits to include, storage, private balcony and communal garden.

Zanara Court is set within easy reach of both Sydenham and Crystal Palace which combined offer a plethora of bars, shops, restaurants and transport links providing easy access to the city and surrounding areas.

Mayow Park, Wells Park and Crystal Palace Park are also close by providing a range of activities to include the National Sports Centre and Boating Lake

Transport links are available close by at Sydenham (London Overground and Southern Railway) and Penge East (southeastern providing direct access into London Victoria). There are also a range of bus routes available.

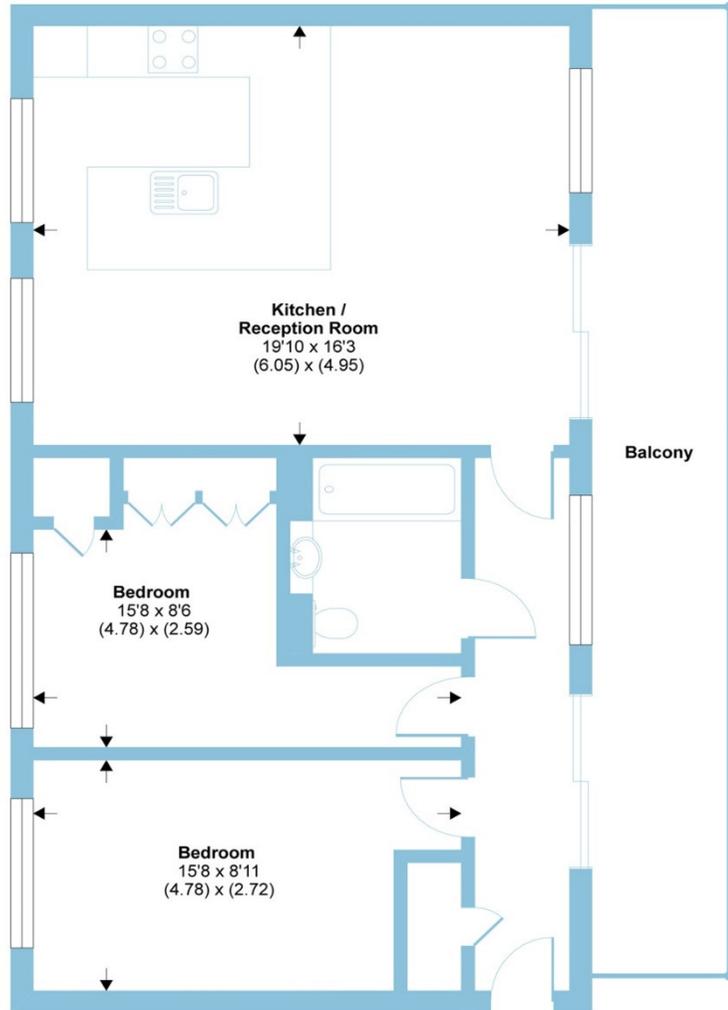
Early viewing requests are highly recommended to avoid disappointment!!



# Sydenham Road, London, SE26

Approximate Area = 749 sq ft / 69.5 sq m

For identification only - Not to scale



FIRST FLOOR



## Kitchen/reception

19' 10" x 16' 3" ( 6.05m x 4.95m )

## Bedroom One

15' 8" x 8' 6" ( 4.78m x 2.59m )

## Bedroom Two

15' 8" x 8' 11" ( 4.78m x 2.72m )

## Bathroom

## Balcony

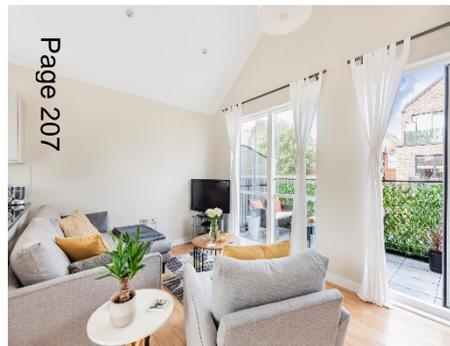
welcome to

## Zanara Court, Sydenham Road, London

- Gated development
- Excellent condition
- Large open plan reception with modern kitchen
- Two double bedrooms
- Healthy lease

Tenure: Leasehold EPC Rating: B

**£525,000**



Please note the marker reflects the postcode not the actual property

**view this property online** [barnardmarcus.co.uk/Property/SYD101424](https://barnardmarcus.co.uk/Property/SYD101424)

**see all our properties on** [zoopla.co.uk](https://zoopla.co.uk) | [rightmove.co.uk](https://rightmove.co.uk) | [sequencehome.co.uk](https://sequencehome.co.uk)

Lease details are currently being compiled. For further information please contact the branch. Please note additional fees could be incurred for items such as leasehold packs.



Property Ref:  
SYD101424 - 0002

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barnard marcus



**020 8776 9384**



[sydenham@barnardmarcus.co.uk](mailto:sydenham@barnardmarcus.co.uk)



13 Sydenham Road, LONDON, SE26 5EX



[barnardmarcus.co.uk](https://barnardmarcus.co.uk)

Address	Completion Year	Consideration	Net Sales Area sqft	£ psf	New Build
16 Zanara Court, 24, Sydenham Road	2019	£540,000	850	635	Y
2 Zanara Court, 24, Sydenham Road	2019	£390,000	678	575	Y
8 Zanara Court, 24, Sydenham Road	2019	£550,000	1001	549	Y
Flat 5, 351-355 Sydenham Road	2019	£375,000	678	553	Y
Flat 6, 351-355 Sydenham Road	2019	£375,000	743	505	Y
Flat 9, 351-355 Sydenham Road	2019	£365,000	560	652	Y
Flat 1 Dane House, Exeter Place	2019	£540,000	797	678	Y
Flat 10 Dane House, Exeter Place	2019	£568,000	936	607	Y
Flat 18 Dane House, Exeter Place	2019	£599,000	936	640	Y
Flat 25 Dane House, Exeter Place	2019	£805,000	1238	650	Y
Flat 25 Dane House, Exeter Place	2019	£805,000	1238	650	Y
Flat 26 Dane House, Exeter Place	2019	£775,000	1367	567	Y
Flat 3 Dane House, Exeter Place	2019	£590,000	969	609	Y
Flat 4 Dane House, Exeter Place	2019	£599,000	969	618	Y
Flat 5 Dane House, Exeter Place	2019	£599,000	969	618	Y
Flat 6 Dane House, Exeter Place	2019	£600,000	1109	541	Y
Flat 12 Beckenham Park Heights, Melfield Gardens	2020	£360,250	691	521	Y
Flat 1, 26 Inglemere Road	2019	£365,000	603	606	N
Flat 6, 26 Inglemere Road	2019	£427,500	775	552	N
Flat 8, 26 Inglemere Road	2020	£365,000	624	585	N

**APPENDIX B:** Cost Plan Review

Proposed Scheme - 20 Unit Residential Development

1.0 Review of Items, Specification and Rates

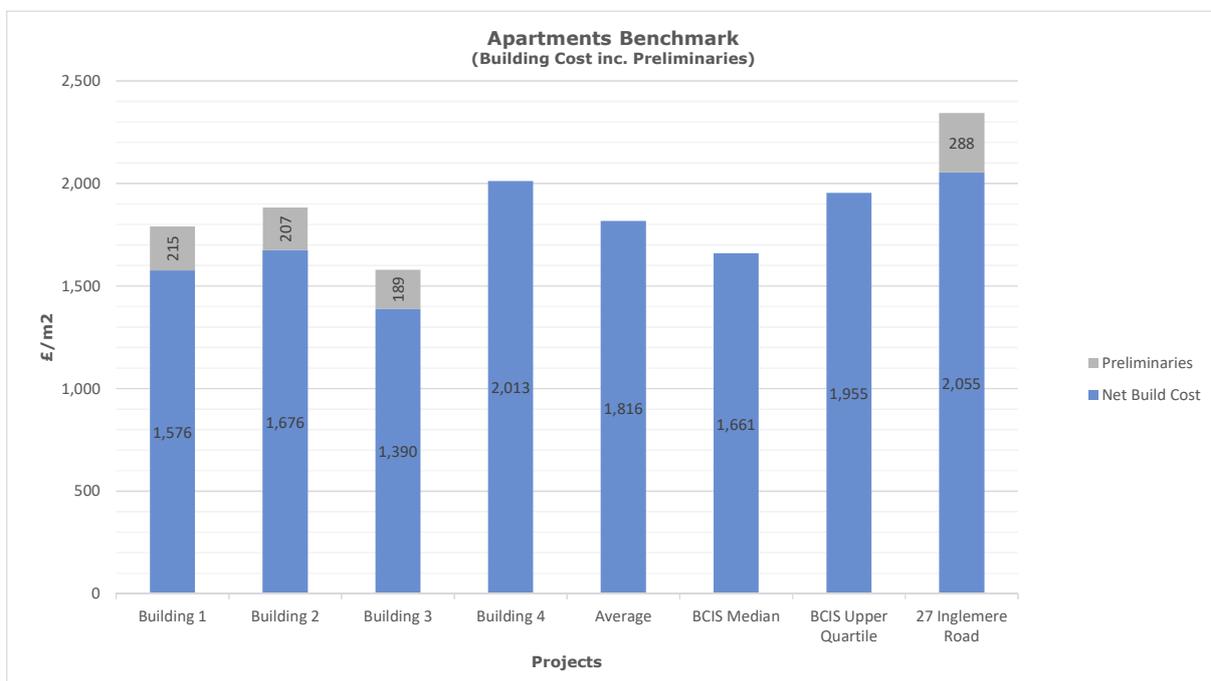
- 1.01 We have completed an arithmetical check on the Cost Plan and have found no arithmetical errors.
- 1.02 It is assumed the unit mix is 100% private as indicated in section 5.3 of report.
- 1.03 There is no indication of the quality/specification in the report, we therefore assume mid level spec.
- 1.04 There are no assumptions and exclusions included within the report.
- 1.05 The cost report is dated 20th July 2020, there is no allowance for inflation therefore we have assumed a base date of 3Q2020.
- 1.06 Main Contractor's Preliminaries & Overheads & Profit is included at a combined 21% of the net build cost. This is slightly higher than what we would expect, in recent tender returns we are seeing an average of prelims at 12% and OH&P at 5%. See section 4 for the saving.
- 1.07 Contingency is included at 7.5%. At this stage in the project we would consider this to be high and for 5% to be more reasonable. See section 4 for the saving. However we note that the appraisal summary reflects the reduced 5% in appendix F of the viability assessment.
- 1.08 The building works rate based on the GIFA is £2,343/m<sup>2</sup> (£218/ft<sup>2</sup>), which looks high. Please see section 3 benchmark graph for comparisons.
- 1.09 The demolition cost of £60,000 looks reasonable.
- 1.10 The overall cost for the external works package is £107,900 which we consider is reasonable.

2.0 Review of Measurements

- 2.01 We have checked the GIFA measure of 1,883m<sup>2</sup> and confirm this is correct.
- 2.02 We have checked the area of the communal areas and calculate this to be 198m<sup>2</sup>, 77m<sup>2</sup> less than the 274m<sup>2</sup> in the Cost Plan. See section 4 for the cost saving and Section 5 for our measurement.

3.0 Benchmarking

- 3.01 We have benchmarked the Cost Plan against BCIS average prices and our in house cost data . The below rates are inclusive of preliminaries and overheads and profit but exclusive of facilitating works, external works, drainage and services and contingency.
- 3.02 Based on the average of the similar projects at £1,816/m<sup>2</sup>, the Cost Plan is benchmarked at £2,343/m<sup>2</sup>. A difference of £527/m<sup>2</sup> (+29%).
- 3.03 The Cost Plan is £388/m<sup>2</sup> higher than the BCIS average prices upper quartile
- 3.04 Buildings 1-3 are affordable apartment schemes therefore we would expect these to be lower than this project. Building 4 is a private apartment scheme and reflects closer to where we would expect to see this project benchmark.
- 3.05 See section 4 which identifies our Cost Plan adjustments.

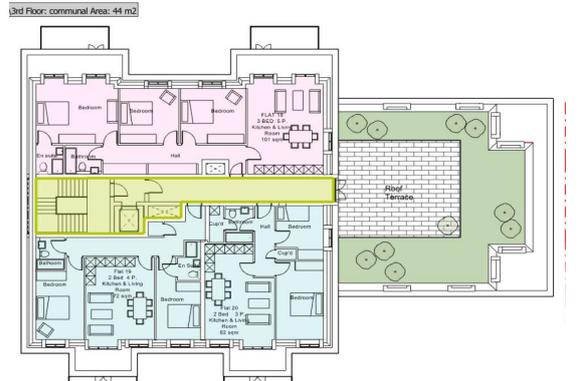
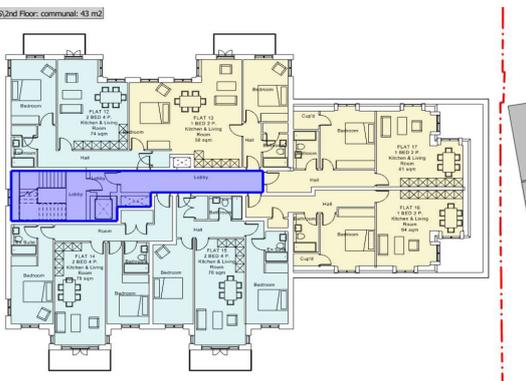
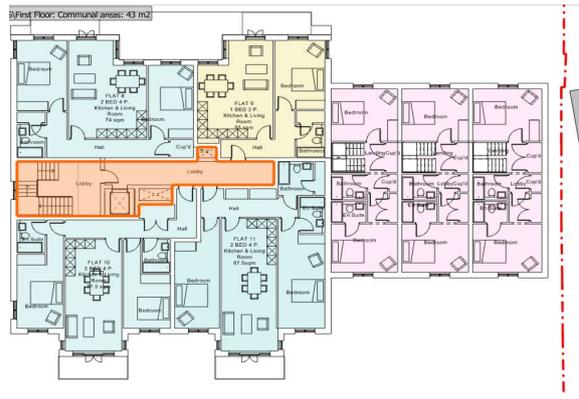


**Proposed Scheme - 20 Unit Residential Development**

4.0 Potential Cost Savings	Quant	Unit	Rate	Total
4.01 Reduced Communal areas by 76m2	-76	m2	1,450	-110,200
<b>SUB-TOTAL ADJUSTMENT</b>				<b>-110,200</b>
			Main Contractor Preliminaries 15%	-16,530
			Main Contractor Overheads and Profit 6%	-7,604
				<b>-134,334</b>
4.02 Reduced rate of prelims from 15% to 12%				-110,309
4.03 Reduced OH&P from 6% to 5%				-42,285
<b>TOTAL ADJUSTMENT (exc benchmark adj)</b>				<b>-286,928</b>
4.04 £/m2 adjustment made to align with BCIS upper quartile and Building 4 @ £1,985/m2				-387,183
<b>TOTAL ADJUSTMENT</b>				<b>-674,111</b>
4.05 Based on the cost savings in Section 4 this brings the total benchmark cost down to £3,737,755 (excluding external works and demolition) and the benchmark rate to £1,985/m2, a reduction of £358/m2. While this is subject to specification levels this is more in line with similar projects rebased to 4Q2020, London Borough of Lewisham.				

**5.0 Measurement**

5.01 See screenshots below of our communal area measure



**APPENDIX C:** Applicant Revised Viability Benchmark Methodology

16 December 2020

London Borough of Lewisham  
Laurence House  
1 Catford Road  
London  
SE6 4RU

**Newsteer**  
**Real Estate Advisers**

C/O HubHub London  
20 Farringdon Street  
London EC4A 4AB

**T** +44 (0)20 3151 4850  
**M** +44

Dear Sir / Madam,

**Financial Viability Assessment in Respect of: -  
Inglemere Domus, 27 Inglemere Road, Forest Hill, London, SE23 2BB**

Further to our Financial Viability Assessment dated 3 August 2020 in respect of the above site, we have receipt of correspondence from GL Hearn; your Financial Viability Assessment Advisors noting that we may wish to reconsider the approach to the Benchmark Land Value (VBV) at the above site.

GL Hearn has noted that the VBV in our initial report is predicated upon a refurbishment of the existing asset and sale to a C2 operator, for which the planning application has been brought forward based on there being no demand.

The preferred approach adopted by the GLA in the majority of Planning Applications in assessing the VBV is to adopt the basis of the EUV Plus approach, which is the methodology adopted in our initial Viability Assessment.

Whilst for planning purposes the Applicant has demonstrated that there is no immediate purchaser for the site in its existing use, we consider that there must be some value attributable to the site on this basis and are of the opinion that some consideration should be given to this approach.

However we accept that there could be some question as to this approach **in isolation** and we appreciate the opportunity proposed by GL Hearn to review the use of the EUV Plus approach alone.

We consider that given the difficulty in applying an EUV Plus to establish a VBV that it should be possible to present the VBV on the basis of EUV Plus; supported by evidence of Land Values; as well as reference to the adoption of an Alternative Use Value (AUV) approach.

A revised methodology to establish what an appropriate VBV might reflect is therefore set out below:

**Land Value – Methodology**

Whilst it can difficult to find comparable evidence for land transactions we append a table to this report which sets out some recent land transactions close to the site. These transactions show that land values for similar, comparable sites in the locality have ranged between £5.7m per acre and £11.2m per acre in recent years.

If applied to the subject site area of 0.36 acres this equates to a land value ranging between **£2m - £4m**.

We have also referred to the GLA's economic evidence base dated 2016; which sets out data for residential land values across the London Boroughs. This document sets out that in Lewisham, average Residential Land Values are reflective of £14.8m per hectare.

It is of note that land values have increased since this report was published. However assuming a value of £14.8m per hectare and applying this to the subject site; reflects a Land Value of **£2,200,000**, which is in excess of the RLV of £1,053,000 set out in our Initial Report; albeit slightly lower than the previously adopted VBV on the basis of the EUV Plus Approach.

In our opinion this approach demonstrates clearly that Land transactions support a VBV which is broadly reflective of the **£2m mark** as previously submitted.

### Alternative Use Value – Methodology

The GLA's Financial Viability and Affordable Housing SPG sets out that “An alternative approach will only be considered in exceptional circumstances which must be robustly justified by the applicant. One alternative approach determines the benchmark land value using the market value of land having regard to Development Plan policies and material considerations”

Therefore we have considered the Alternative Use Value of the existing property based on the following:

- Change of use to C3 residential

As set out in our initial viability report, the existing building extends to 8,498 sq ft and provides 16 no. rooms with shared bathrooms.

In forming an opinion of what might constitute an appropriate AUV we consider that the existing floorplate could be reconfigured to provide 8 flats with a similar dwelling type mix to the proposed planning application.

We have assumed a net:gross ratio of 72% to reflect the layout of the current building and areas that may not necessarily be easily converted to provide the following accommodation:

Unit Type	Sq m	Sq ft	No. units	Total NIA (sq ft)	% dwellings
<b>1 bed flat</b>	50	538	1	538	12.5%
<b>2 bed flat</b>	70	753	5	3,767	62.5%
<b>3 bed flat</b>	86	926	2	1,851	25%
<b>Total</b>			<b>8</b>	<b>6,517</b>	<b>100%</b>

The dwelling sizes assumed are within the minimum space standards set out by policy.

### Alternative Use Value – Scheme Timings

Our development appraisal assumes a project timescale that is considered appropriate for this type and size of development. The detailed timings can be seen within the appraisal summary and are summarised briefly below: -

Phases	No. months
<b>Pre-construction</b>	3 months
<b>Construction / conversion</b>	12 months
<b>Sales</b>	4*
<b>Total</b>	<b>17 months</b>

\*with 50% of sales pre-sales

We have allowed 3 months for pre-construction timings to allow for site preparation.

Due to the nature of the conversion we have assumed an 12 month build period for the residential element following demolition and enabling works to the ground levels. Car parking and landscaping are assumed to coincide with the residential build period.

The 4 month sales period includes an initial provision for 50% of the sales off plan, with the remainder of the sales transacting over the following 2 months.

Based upon the above timings a total period of circa 17 months has been assumed for development which is consistent with our experience of similar schemes within the locality.

#### Alternative Use Value – Gross Development Value

In forming an opinion of value in relation to these units we have referred to the market evidence set out in our initial report and have adopted the following values to arrive at a GDV of **£3,225,000 (c. £525psf)**.

Unit Type	Sq m	Sq ft	No. units	Market Value	Total Market Value
<b>1 bed flat</b>	50	538	1	£325,000.00	£325,000.00
<b>2 bed flat</b>	70	753	5	£390,000.00	£1,950,000.00
<b>3 bed flat</b>	86	926	2	£475,000.00	£950,000.00
<b>Total</b>			<b>8</b>		<b>£3,225,000.00</b>

We consider that the values achievable for a conversion would be slightly lower than those adopted in our initial appraisal as although they would benefit from a new specification and fit out they would not benefit from a typical “new build” premium.

#### Alternative Use Value – Conversion Costs

We have consulted BCIS for build prices in the area for similar schemes and have adopted a build cost for converting the building to provide 8 flats of £160psf. This is reflective of the median for all conversions in the area; as well as the median for 1-2 storey buildings. We consider this cost to be quite high particularly given the rate adopted in our EUV Plus a premium approach; but allows for abnormals that might arise in changing the configuration of the building.

In total the cost of conversion allowed for in our appraisal is **£1,317,190**.

### Alternative Use Value – Summary of assumptions

The table below sets out the assumptions adopted in our appraisal and corresponding notes:

Assumption	££	Notes
<b>Gross Development Value</b>	£3,225,000	
<b>Construction Costs</b>	£1,317,190	Based on BCIS Tender Price Index
<b>Contingency @ 5%</b>	£65,860	
<b>Professional Fees @ 7.5%</b>	£98,789	Lesser allowance given that the scheme is a conversion
<b>Planning Obligations/CIL</b>	£82,856	Change of Use
<b>Marketing &amp; Disposal Fees</b>	£42,650	£500 per unit marketing / £800 per unit Legal / 1% agency
<b>Finance</b>	£101,194	6% finance rate
<b>Total Costs</b>	£2,660,625	
<b>Profit</b>	£564,375	
<b>Profit on GDV (%)</b>	17.50%	
<b>Residual Land Value</b>	£903,837 say £905,000	

### Alternative Use Value – VBV

Based on the above assumptions the AUV of the site is **£905,000**.

The VBV of £905,000 is reflective of **c. £2.5m** per acre (£6.4m her hectare). Given the land values evidenced above we consider this figure to be below the average residential land values for sites in the locality.

The AUV approach demonstrated above clearly shows that it is in the Applicant's interest to bring forward a more significant scheme at the subject site than a pure change of use conversion. We therefore consider whilst some weight could be paid to this approach the Land Value and EUV plus a premium approaches are more relevant to establishing a VBV.

### Conclusions

We consider that given the land values set out earlier in this letter that the VBV should be reflective of somewhere between £905,000 and £2,000,000, **at least, say £1,500,000** (£10.6m per hectare).

Based on our initial appraisal when compared to a Residual Land Value of **£1,153,592**, there remains a deficit when comparing the RLV to the VBV. Therefore we maintain our opinion that the proposed scheme of 20 units should be brought forward as 100% private.

Yours faithfully,



**Lizzie Sears**

Development Director  
[lizzie.sears@newsteer.co.uk](mailto:lizzie.sears@newsteer.co.uk)

Forest Hill - SE23 2BB

**Land – Investment Comparables:**

Address	Status	Date	Price	Size (acre)	£per acre	Comments	Photo
26 Westwood Hill, Sydenham, London, SE26 6QR	Sold	18/07/2019	£800,000	0.14 ac 0.5 ha	£5,714,285	<ul style="list-style-type: none"> <li>• Comprising Four Self Contained Flats</li> <li>• Three x 1 Bedroom Flats and One x Studio Flats</li> <li>• Front and Rear Gardens</li> <li>• Approximate Site Area 0.06 Hectares (0.14 Acres)</li> <li>• The property is Grade II Listed</li> </ul>	
2 Bensham Grove, Thornton Heath, Surrey, CR7 8DA	Available	Unsold at auction Sept 2018	Last bid £965,000 Available £1,040,000	0.095 ac 0.38 ha	£10,157,894	<ul style="list-style-type: none"> <li>• Freehold development site</li> <li>• Has planning permission for the demolition of the existing building and erection of a replacement building to comprise 9 self-contained flats and parking</li> </ul>	
Land to the rear of 41-43 Nightingale Grove, fronting Springbank Road, Lewisham, SW13 6HE	Sold	September 2018	£560,000	0.05 ac 0.02 ha	£11,200,000	<ul style="list-style-type: none"> <li>• Freehold land</li> <li>• Development potential subject to Planning Permission</li> </ul>	

**27 Inglemere Road, SE23 2BB  
Change of Use to provide 8 units  
Alternative Use Value**

Appraisal Summary for Phase 1 Change of use - C3

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Sales Rate ft <sup>2</sup>	Unit Price	Gross Sales
Converted Flats	8	6,157	523.79	403,125	3,225,000

**NET REALISATION 3,225,000**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price (0.36 Acres @ 2,510,658.37 /Acre)			903,837		
Stamp Duty			34,692	903,837	
Effective Stamp Duty Rate		3.84%			
Agent Fee		1.00%	9,038		
Legal Fee		0.50%	4,519		
					48,249

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Build Rate ft <sup>2</sup>	Cost
Converted Flats	8,498	155.00	1,317,190
Contingency		5.00%	65,860
Local CIL	8,498 ft <sup>2</sup>	6.50	55,237
MCIL2	8,498 ft <sup>2</sup>	3.25	27,619
			1,465,905

**PROFESSIONAL FEES**

Professional Fees		7.50%	98,789	98,789
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**MARKETING & LETTING**

Marketing	8 un	500.00 /un	4,000	4,000
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**DISPOSAL FEES**

Sales Agent Fee		1.00%	32,250	
Sales Legal Fee	8 un	800.00 /un	6,400	
				38,650

**FINANCE**

Debit Rate 6.000%, Credit Rate 0.000% (Nominal)				
Land			68,144	
Construction			31,947	
Other			1,103	
Total Finance Cost				101,194

**TOTAL COSTS 2,660,625**

**PROFIT**

**564,375**

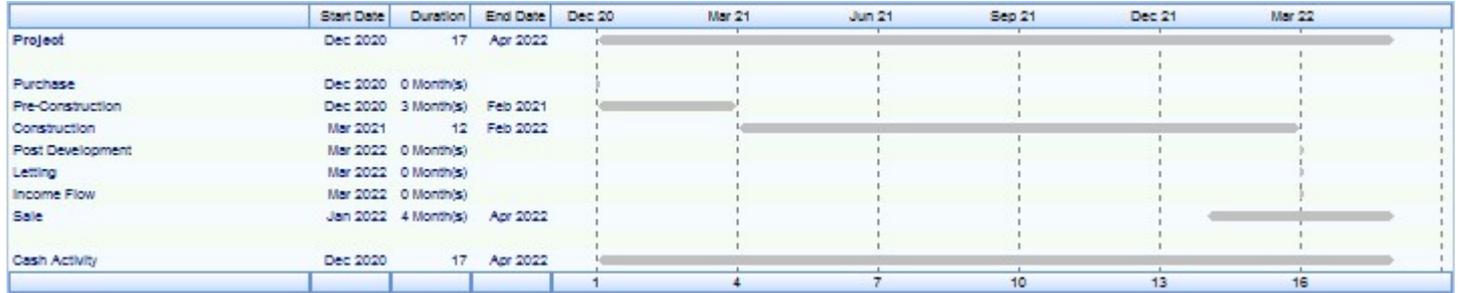
**Performance Measures**

Profit on Cost%	21.21%
Profit on GDV%	17.50%
Profit on NDV%	17.50%
IRR% (without Interest)	34.55%
Profit Erosion (finance rate 6.000)	3 yrs 3 mths

**27 Inglemere Road, SE23 2BB  
Change of Use to provide 8 units  
Alternative Use Value**

Project Timescale	
Project Start Date	Dec 2020
Project End Date	Apr 2022
Project Duration (Inc Exit Period)	17 months

**1. Change of use - C3**



**APPENDIX D:** Proposed Scheme Appraisal – 100% Market

Inglemere Domus  
Proposed Scheme - 100% Market Sale

**Inglemere Domus**

**Proposed Scheme - 100% Market Sale**

Summary Appraisal for Phase 1

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Unit Price	Gross Sales
Private Units	20	16,280	562.65	458,000	9,160,000

**Rental Area Summary**

	Units	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents	1	4,575	4,575	4,575

**Investment Valuation**

Ground Rents					
Current Rent	4,575	YP @	4.5000%	22.2222	101,667

**GROSS DEVELOPMENT VALUE**

**9,261,667**

Income from Tenants	1,525
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**NET REALISATION**

**9,263,192**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price			1,906,462	
				1,906,462
Stamp Duty			142,525	
Agent Fee		1.00%	19,065	
Legal Fee		0.50%	9,532	
				171,122

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Rate ft <sup>2</sup>	Cost	
Private Units	22,340 ft <sup>2</sup>	176.47 pf <sup>2</sup>	3,942,425	<b>3,942,425</b>
Contingency		5.00%	197,121	
S106			11,400	
MCIL			112,980	
CIL			169,978	
				491,479

**PROFESSIONAL FEES**

Professional Fees	10.00%	413,955	
			413,955

**MARKETING & LETTING**

Marketing	1.50%	137,400	
			137,400

**DISPOSAL FEES**

Sales Agent Fee		1.00%	92,617	
Sales Legal Fee	20 un	750.00 /un	15,000	
				107,617

**VAT**

Total Paid			5,719	
Balance				5,719

**FINANCE**

Debit Rate 6.0000%, Credit Rate 0.0000% (Nominal)				
Land			217,450	
Construction			212,700	
Other			36,072	
Total Finance Cost				466,223

**TOTAL COSTS**

**7,642,401**

**PROFIT**

**1,620,790**

**Performance Measures**

Profit on Cost%	21.21%
Profit on GDV%	17.50%
Profit on NDV%	17.50%
Development Yield% (on Rent)	0.06%

**Inglemere Domus****Proposed Scheme - 100% Market Sale**

Equivalent Yield% (Nominal)	4.50%
Equivalent Yield% (True)	4.63%
IRR	23.60%
Rent Cover	354 yrs 3 mths
Profit Erosion (finance rate 6.000%)	3 yrs 3 mths

**Inglemere Domus  
Proposed Scheme - 100% Market Sale**

**Table of Land Cost and Land Cost**

Sales: Gross Sales					
Construction: Gross Cost	-5.000%	-2.500%	0.000%	+2.500%	+5.000%
	8,702,000	8,931,000	9,160,000	9,389,000	9,618,000
-5.000%	-1,804,896	-1,949,974	-2,095,049	-2,240,123	-2,385,198
3,745,304	-1,804,896	-1,949,974	-2,095,049	-2,240,123	-2,385,198
-2.500%	-1,710,605	-1,855,679	-2,000,755	-2,145,829	-2,290,904
3,843,864	-1,710,605	-1,855,679	-2,000,755	-2,145,829	-2,290,904
0.000%	-1,616,308	-1,761,382	-1,906,462	-2,051,535	-2,196,610
3,942,425	-1,616,308	-1,761,382	-1,906,462	-2,051,535	-2,196,610
+2.500%	-1,522,017	-1,667,089	-1,812,164	-1,957,245	-2,102,316
4,040,986	-1,522,017	-1,667,089	-1,812,164	-1,957,245	-2,102,316
+5.000%	-1,426,430	-1,572,798	-1,717,870	-1,862,947	-2,008,022
4,139,546	-1,426,430	-1,572,798	-1,717,870	-1,862,947	-2,008,022

**Sensitivity Analysis : Assumptions for Calculation**

**Sales: Gross Sales**

Original Values are varied by Steps of 2.500%.

Heading	Phase	Amount	No. of Steps
Private Units	1	£9,160,000	2 Up & Down

**Construction: Gross Cost**

Original Values are varied by Steps of 2.500%.

Heading	Phase	Amount	No. of Steps
Private Units	1	£3,942,425	2 Up & Down

**APPENDIX E:** Proposed Scheme Appraisal – 50% Affordable Housing

Inglemere Domus  
Proposed Scheme - 50% Affordable PPC Tenure

Development Appraisal  
GL Hearn  
21 January 2021

**Inglemere Domus  
Proposed Scheme - 50% Affordable PPC Tenure**

**Summary Appraisal for Merged Phases 1 2**

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Unit Price	Gross Sales
Market Sale - 1B2P	2	1,292	590.17	381,250	762,500
Market Sale - 2B4P	3	2,589	557.16	480,833	1,442,500
Market Sale - 3B5P	3	3,165	552.92	583,333	1,750,000
Market Sale - 3B6P	1	1,087	508.28	552,500	552,500
Affordable Rent - 1B2P	4	2,519	222.78	140,296	561,183
Affordable Rent - 2B4P	4	3,369	222.78	187,636	750,546
Shared Ownership - 2B3P	1	667	397.27	264,979	264,979
Shared Ownership - 2B4P	2	1,593	397.27	316,426	632,851
<b>Totals</b>	<b>20</b>	<b>16,281</b>			<b>6,717,059</b>

**Rental Area Summary**

	Units	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents	1	2,275	2,275	2,275

**Investment Valuation**

Ground Rents					
Current Rent	2,275	YP @	4.5000%	22.2222	50,556

**GROSS DEVELOPMENT VALUE**

**6,767,614**

**NET REALISATION**

**6,767,614**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price			670,241		
Stamp Duty			23,512		670,241
Agent Fee		1.00%	6,702		
Legal Fee		0.50%	3,351		
					33,566

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Rate ft <sup>2</sup>	Cost	
Market Sale - 1B2P	1,608 ft <sup>2</sup>	194.52 pf <sup>2</sup>	312,787	
Market Sale - 2B4P	3,223 ft <sup>2</sup>	194.50 pf <sup>2</sup>	626,878	
Market Sale - 3B5P	3,939 ft <sup>2</sup>	194.55 pf <sup>2</sup>	766,329	
Market Sale - 3B6P	1,353 ft <sup>2</sup>	194.58 pf <sup>2</sup>	263,263	
Affordable Rent - 1B2P	3,135 ft <sup>2</sup>	194.56 pf <sup>2</sup>	609,936	
Affordable Rent - 2B4P	4,194 ft <sup>2</sup>	194.53 pf <sup>2</sup>	815,854	
Shared Ownership - 2B3P	831 ft <sup>2</sup>	194.47 pf <sup>2</sup>	161,607	
Shared Ownership - 2B4P	1,983 ft <sup>2</sup>	194.54 pf <sup>2</sup>	385,771	
<b>Totals</b>	<b>20,266 ft<sup>2</sup></b>		<b>3,942,425</b>	<b>3,942,425</b>
Contingency		5.00%	197,121	
S106			11,400	
MCIL	20,266 ft <sup>2</sup>	5.49 pf <sup>2</sup>	111,260	
CIL	10,123 ft <sup>2</sup>	11.98 pf <sup>2</sup>	121,274	
				441,055

**PROFESSIONAL FEES**

Professional Fees		10.00%	206,772	
Professional Fees		10.00%	206,772	
				413,544

**MARKETING & LETTING**

Marketing		1.50%	67,613	
				67,613

**DISPOSAL FEES**

Sales Agent Fee		1.00%	67,676	
Sales Legal Fee	20 un	750.00 /un	15,000	
				82,676

**VAT**

Total Paid			2,011	
Balance				2,011

**FINANCE**

Debit Rate 6.0000%, Credit Rate 0.0000% (Nominal)

**Inglemere Domus****Proposed Scheme - 50% Affordable PPC Tenure**

Total Finance Cost	188,070
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<b>TOTAL COSTS</b>	<b>5,841,200</b>
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<b>PROFIT</b>	<b>926,415</b>
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**Performance Measures**

Profit on Cost%	15.86%
Profit on GDV%	13.69%
Profit on NDV%	13.69%
Development Yield% (on Rent)	0.04%
Equivalent Yield% (Nominal)	4.50%
Equivalent Yield% (True)	4.63%

IRR	29.24%
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Rent Cover	407 yrs 3 mths
Profit Erosion (finance rate 6.000%)	2 yrs 6 mths

**General Disclaimer**

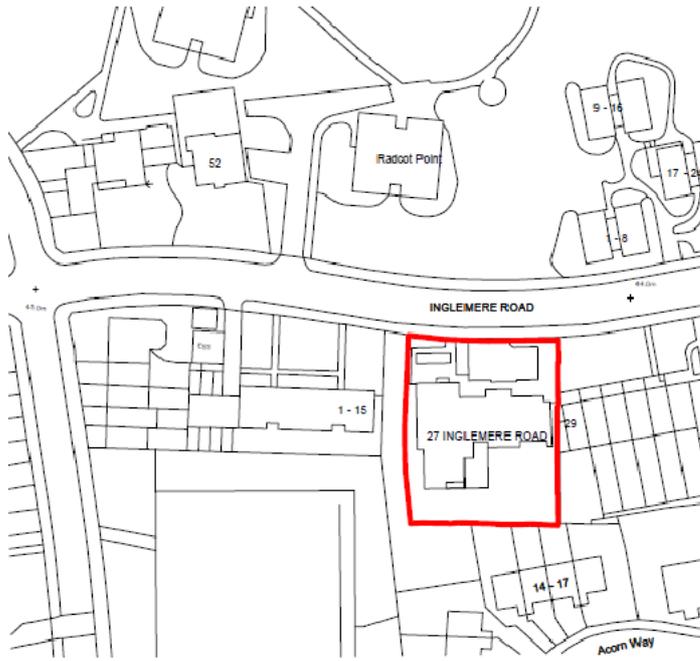
This report has been prepared by GL Hearn Limited (GL Hearn) in favour of LB Lewisham (“the Client”) and is for the sole use and benefit of the Client in accordance with the agreement between the Client and GL Hearn dated 11 October 2020 under which GL Hearn’s services were performed. GL Hearn accepts no liability to any other party in respect of the contents of this report. This report is confidential and may not be disclosed by the Client or relied on by any other party without the express prior written consent of GL Hearn.

Whilst care has been taken in the construction of this report, the conclusions and recommendations which it contains are based upon information provided by third parties (“Third Party Information”). GL Hearn has for the purposes of this report relied upon and assumed that the Third Party Information is accurate and complete and has not independently verified such information for the purposes of this report. GL Hearn makes no representation, warranty or undertaking (express or implied) in the context of the Third Party Information and no responsibility is taken or accepted by GL Hearn for the adequacy, completeness or accuracy of the report in the context of the Third Party Information on which it is based.

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GL Hearn understands and acknowledges the Authority’s legal obligations and responsibilities under the Freedom of Information Act 2000 (the “Act”) and fully appreciates that the Authority may be required under the terms of the Act to disclose any information which it holds. GL Hearn maintains that the report contains commercially sensitive information that could be prejudicial to the commercial interests of the parties. On this basis GL Hearn believes that the report should attract exemption from disclosure, at least in the first instance, under Sections 41 and/or 43 of the Act. GL Hearn accepts that the damage which it would suffer in the event of disclosure of certain of the confidential information would, to some extent, reduce with the passage of time and therefore proposes that any disclosure (pursuant to the Act) of the confidential information contained in the report should be restricted until after the expiry of 24 months from the date of the report.

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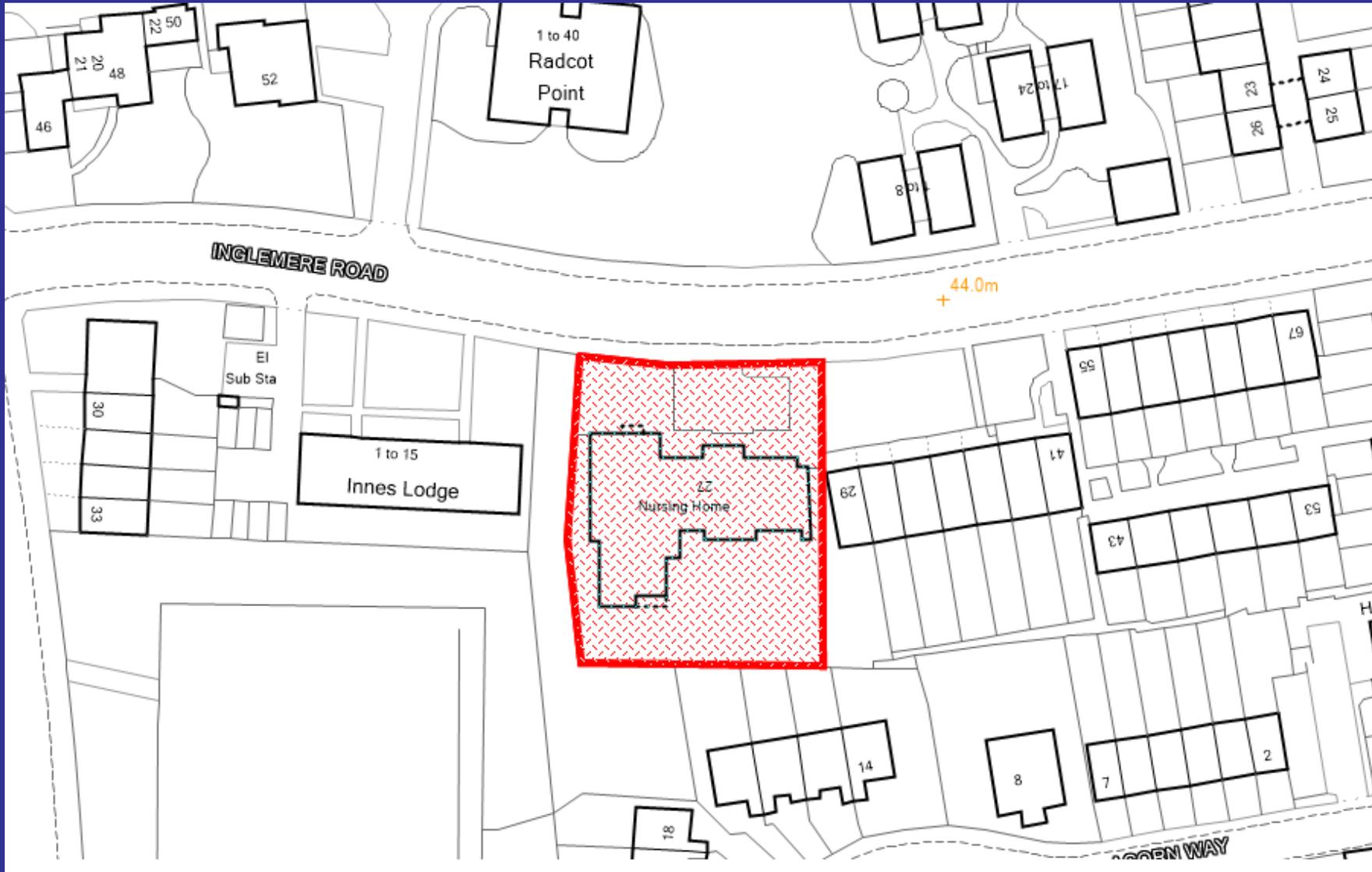
# INGLEMERE DOMUS, 27 INGLEMERE ROAD, LONDON, SE23 2BB

Demolition of the existing building (Use Class C2) and the construction of a part-3 and part-4 storey building to accommodate 20 residential units (Use Class C3) with basement plant room and associated works at Inglemere Domus, 27 Inglemere Road SE23.

## Application No. DC/20/117864

This presentation forms no part of a planning application and is for information only.

# Site Location Plan



# Site Location Arial- Context



# Existing Site – Front and Rear Elevations.

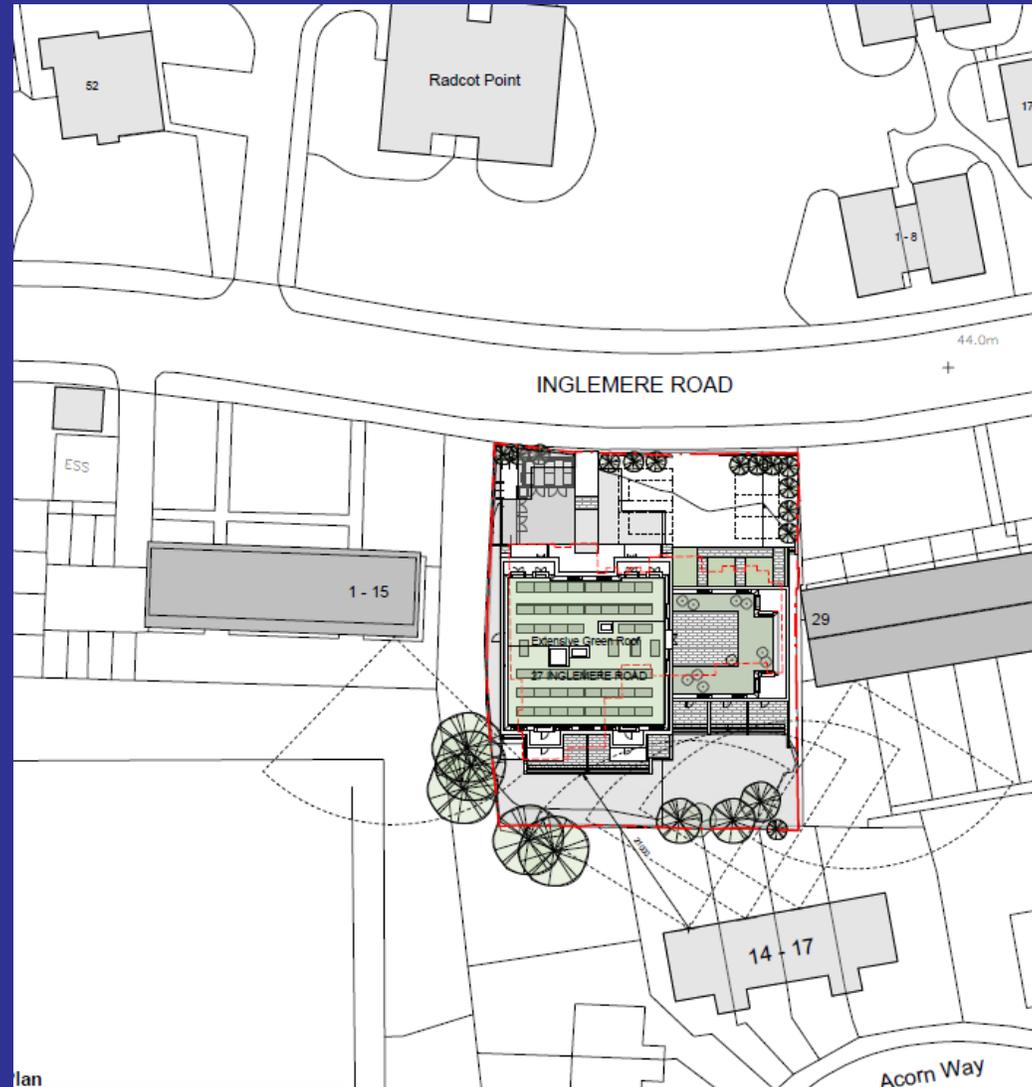


# Views along Inglemere Road Towards the East

# Towards the West



# Proposed Application Site



# Proposal in 3D



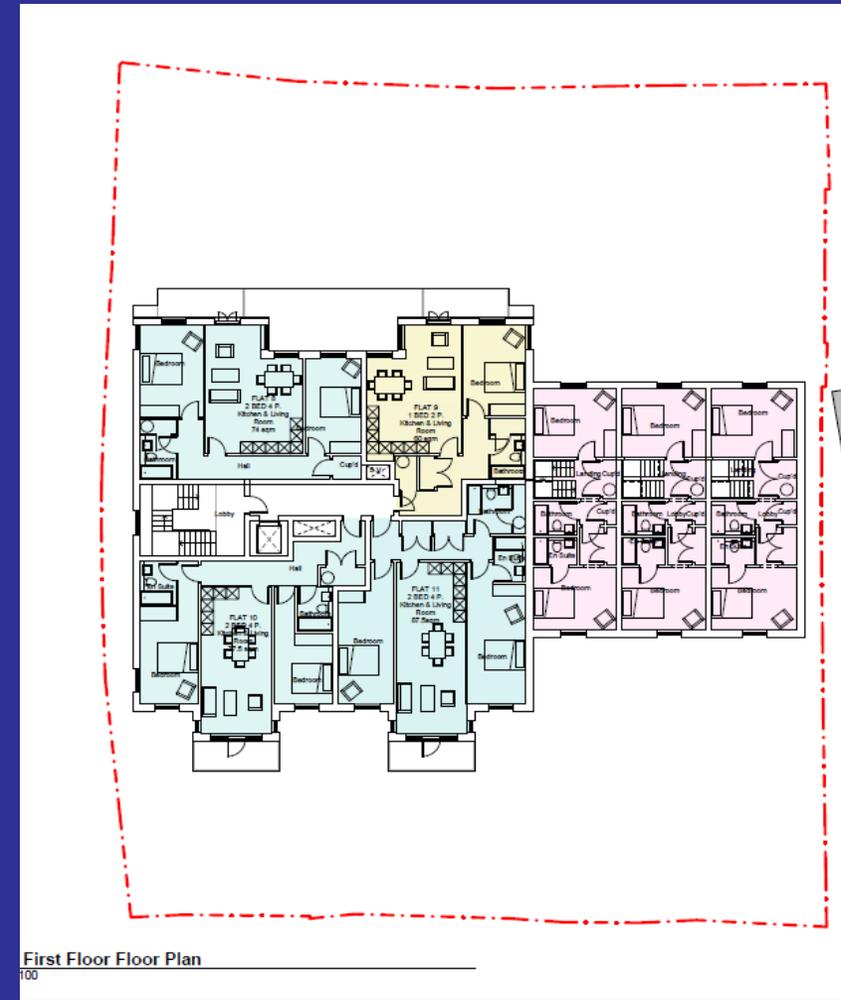
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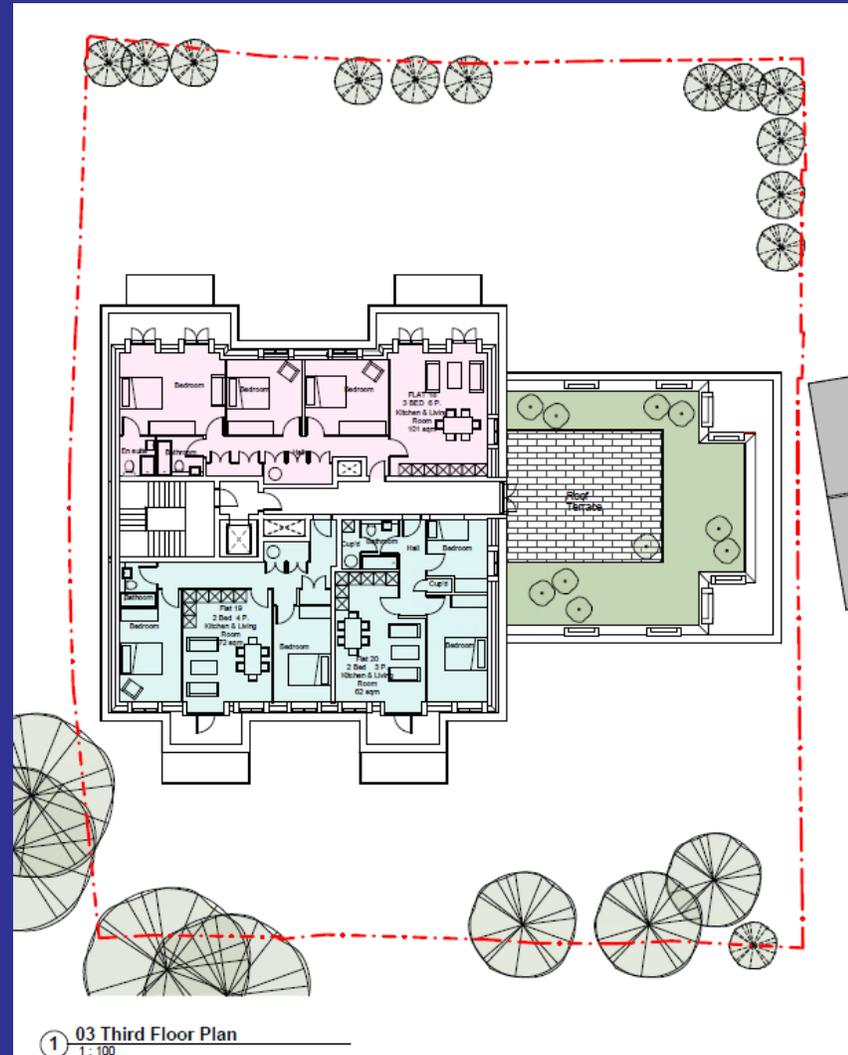
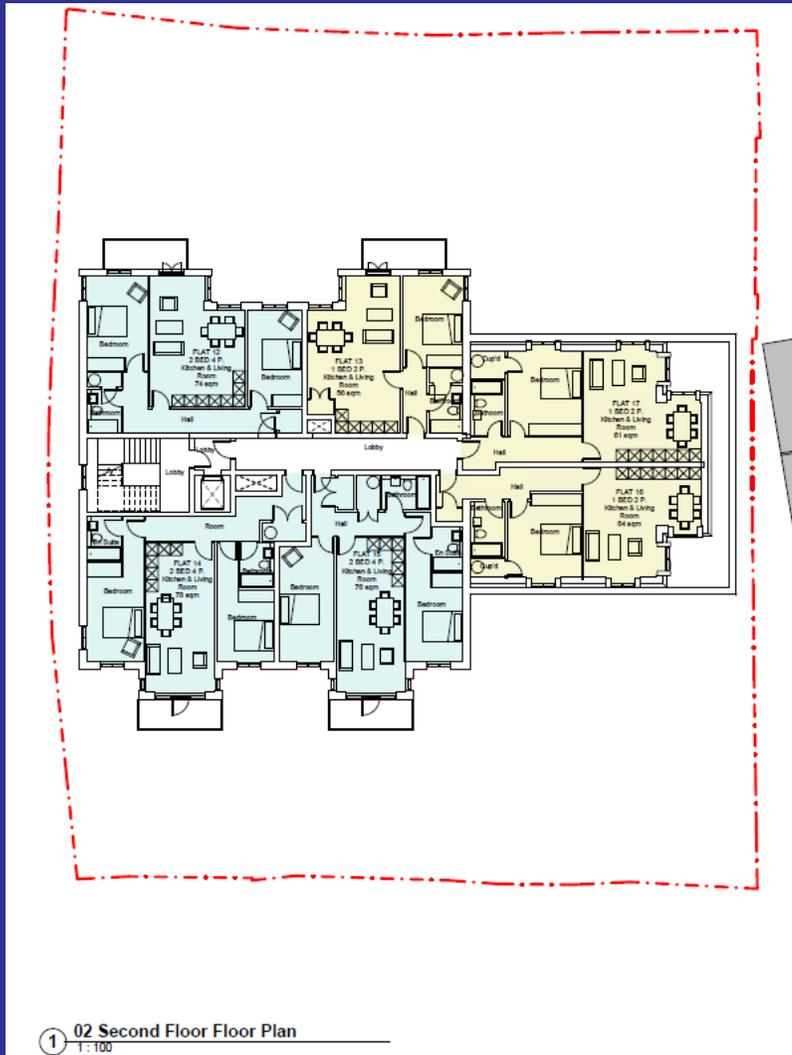
# Proposed Ground & First Floor Plans



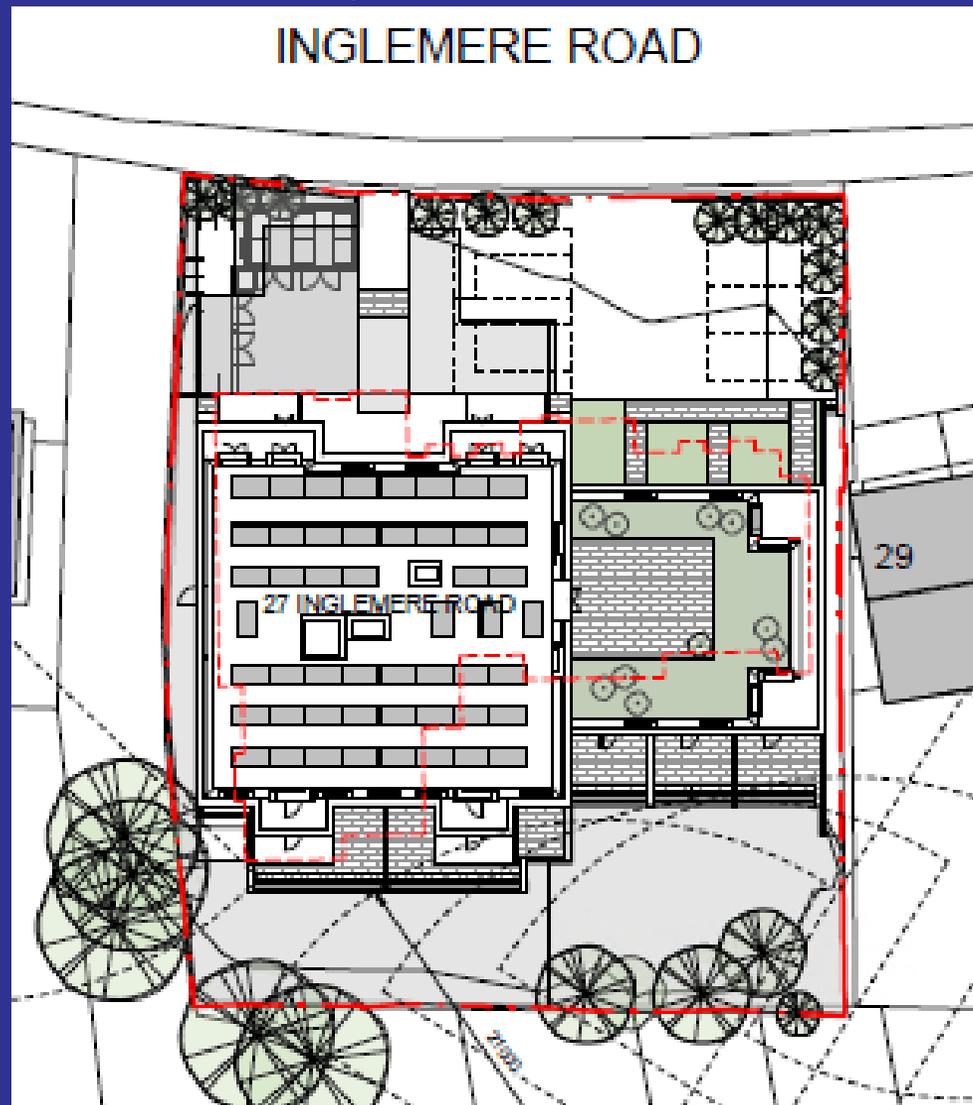
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# Proposed Second & Third Floor Plans



# Proposed Roof Plan



# Key material planning considerations:

- **Principle of development** (loss of care home and provision of residential accommodation)
- **Affordable housing**
- **Urban Design** (scale and massing)
- **Impact on neighbour amenity**
- **Transport and Highway** (car parking, refuse, construction)
- **Sustainability**

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Committee	PLANNING COMMITTEE A	
Report Title	4 Lind Street	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	12 AUGUST 2021

Reg. Nos. DC/20/119652

Application dated 16.12.2020

Applicant James Stewart

Proposal The construction of a mansard extension to the roof of 4 Lind Street, SE8, together with the construction of single storey extension to the rear elevation, the installation of replacement timber windows in the front elevation and the insertion of new windows in the flank elevation.

Background Papers

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses

Designation

- Air Quality Management Area
- Area of Archaeological Priority
- Brookmill Road Conservation Area
- Brookmill Road Conservation Area Article 4 Direction
- Deptford Neighbourhood Forum
- PTAL 4

## 1 SUMMARY

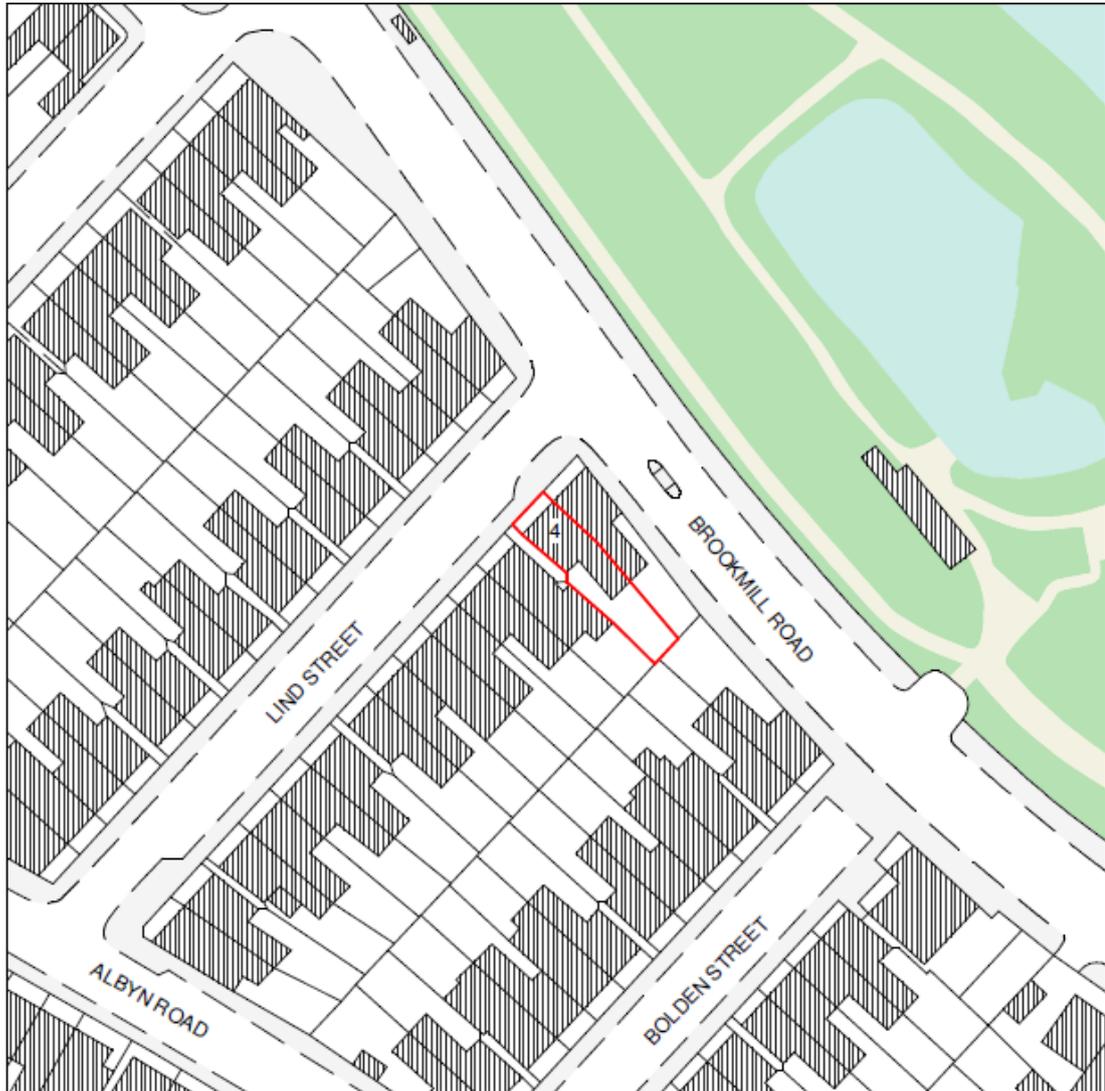
- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of an objection by the Brookmill Road Conservation Area Society.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is a two storey end-of-terrace property located on the south-eastern side of Lind Street. The property is constructed from yellow stock brick under its original slate London 'butterfly' roof and chimney stacks. The roof is concealed behind the front façade by a continuous parapet, obscuring the pitches and gutter. The front elevation is partially screened by a mature street tree located immediately to the front of the property. At the rear, the property features a two storey outrigger.

**Figure 1. Site Location Plan**



**Character of area**

- 3 The surrounding area is predominantly residential and is comprised of similar Victorian terraces. The properties on Lind Street are characterised by London ‘Butterfly’ roofs, which were used extensively in the 19th century and can be found throughout the Brookmill Road Conservation Area. The roofscape of Lind Street has been altered by three mansard extensions at nos 16, 28 and 29. Albyn Road at the south-western end of the road features a high proportion of Mansard extensions. The mansard extensions at Nos 140-146 and 158 Albyn Road are visible from Lind Street.

**Heritage/archaeology**

- 4 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, originally for working and lower middle classes, built mainly between 1850 and 1890. Houses are usually grouped in short terraces of two, four, six or eight in which the single house forms a unit within the larger entity of the street. Despite some differences in elevation treatment of the terraces, the character of the area is one of great architectural unity with the occasional accent at a street corner.
- 5 The building is not listed nor is it in the vicinity of a listed building. However, Lind Steet does form part of the setting of the Grade II Listed St John’s Church, situated approximately 250m to the south-west of the site.

## ***Transport***

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

## **3 RELEVANT PLANNING HISTORY**

### *Application site*

- 7 None relevant to this application.

### *Neighbouring sites*

- 8 DC/13/82295: The construction of a mansard roof extension, incorporating two dormer windows to the front and rear roof slopes of 29 Lind Street SE8 – granted 5 March 2013 and implemented.
- 9 DC/13/83738: The construction of a mansard roof extension incorporating two dormer windows to the front and rear roof slopes of 16 Lind Street SE8 4JE together with a single storey extension to the rear - granted 13 September 2013 and implemented.
- 10 DC/13/84135: The construction of a mansard roof extension, incorporating two dormer windows to the front and rear roof slopes of 28 Lind Street SE8 – granted 16 October 2013 and implemented.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 11 The proposed development would see the construction of a mansard extension to the butterfly roof. The mansard would measure 7.2m deep x 5.7m wide with a height of 1.4m above the parapet. The front roof slope of the mansard would be set back 0.25m from the bottom of the parapet.
- 12 The mansard would be clad in natural slate with a stock brick parapet wall on either side. The front and rear roof slopes would be punctuated with lead clad dormers housing timber sash windows. The dormers would be centred to the front and aligned with the existing windows to the rear. The butterfly roof form would be retained to the rear, preserved by a lead apron. Additionally, cornicing would be added to the front parapet.
- 13 The proposed development also includes the construction of a single storey infill extension to the rear measuring 7m deep and between 2.5-3.2m wide and a height of between 2.7-3.1m (due to variable ground levels). The extension would feature matching brickwork, a patio door in the rear and rooflights in the flat roof.
- 14 Finally, alterations to the windows are proposed. This would include restoring timber sash windows to the front elevation and the installation of two new windows in the flank elevation of the rear outrigger at first floor level.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

- 15 Site notices were displayed and a press notice was published on 13 January 2021.
- 16 Letters were sent to residents in the surrounding area as well as to the relevant Ward Councillors and the Brookmill Society on 23 December 2020.
- 17 Nine responses were received from local residents and the St John's Society, comprising nine letters of support

#### 5.1.1 Comments in objection

- 18 The amenity society for this area, Brookmill Road Conservation Area Society, raised objections to the harmful visual impact to the Conservation Area resulting from the visual intrusion of the mansard above the characteristic unified parapet line in a prominent location close to the junction with Brookmill Road. The society also raised concerns with the mansard as initially proposed as it did not include the retention of the butterfly roof form at the rear. Officers note that the scheme was revised to address this concern. See paras 46-55 for further discussion

#### 5.1.2 Comments in support

Comment	Para where addressed
Provides family housing	32-34
The mansard would be historically sympathetic in terms of design, form and materials	52-55
The mansard would be in keeping with the established character of the surrounding roofscape	52-55
Enhancement resulting from restoring timber windows and the cornicing to the front parapet	54 & 58
Improved energy efficiency	55

- 19 The St John's Society (covering the St John's Conservation Area) commented in support of the application on the grounds that mansards are an appropriate addition to this building typology and noted that there are precedents in the vicinity and throughout the conservation area. The society also noted that are environmental benefits in terms of conserving energy and extending an existing building rather than building on new land. See para for 46-55 further discussion.

### 5.2 INTERNAL CONSULTATION

- 20 The following internal consultees were notified on 23 December 2020.
- 21 Conservation: raised objections. See paras 46-55 for further details.

### **5.3 EXTERNAL CONSULTATION**

22 The following External Consultees were notified on 23 December 2020

23 Deptford Action: Did not submit comments.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

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

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

### **6.2 MATERIAL CONSIDERATIONS**

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

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

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

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

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.4 DEVELOPMENT PLAN**

29 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**

30 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## **7 PLANNING CONSIDERATIONS**

31 The main issues are:

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

### **7.1 PRINCIPLE OF DEVELOPMENT**

General Policy

32 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.

*Discussion*

33 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.

#### **7.1.1 Principle of development conclusions**

34 The principle of providing additional habitable space within the property is supported subject to an assessment of the other relevant material planning considerations.

### **7.2 URBAN DESIGN & HERITAGE IMPACT**

*General Policy*

35 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

*Policy*

36 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

37 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 38 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 39 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 40 LPP HC1 states that where development would affect heritage assets, it should be sympathetic to their form, scale, materials and architectural details.
- 41 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 42 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 43 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.
- 44 The Alterations and Extensions SPD provides detailed guidance for the design of mansard roofs but is clear that mansards may not always be an appropriate form of development within conservation areas.

#### *Discussion*

- 45 The proposed development would include: (i) a mansard extension to the roof; (ii) a single storey infill extension to the rear and (iii) the installation of new windows.

#### **7.2.1 Mansard extension**

- 46 The Conservation Officer has raised an objection to the proposed addition of a mansard roof extension to the characteristic London roof of this building typology. The character of the Brookmill Conservation Area is defined, in part, by the continuous parapet line of the terraces, embellished by cornice, and the regular rhythm of doors and window openings on the elevation below. Mansard extensions project above the parapet line, interrupting the roofline, and detract significantly from the uniform character of the terraces along the street due to the additional bulk and height. As such, the Conservation Officer concludes that the proposal will cause a high degree of harm (less than substantial in NPPF terms) to the Brookmill Road Conservation Area. This assessment of the harm is supported by recent guidance published by Historic England *Conserving Georgian and Victorian Terraced Houses* (July 2020).
- 47 The Council's Conservation Officer assesses that the prevailing and dominant roofscape within Lind Street, and the Conservation Area as a whole, remains the original form. As such, the Conservation Officer concludes that the presence of other mansards within the vicinity of the application site, visible from the street, does not provide justification for additional harm.
- 48 The Conservation Officer has also identified the impact to views of the St John's Church (listed at grade II and dating to 1854), which is visible in a number of views within the Brookmill Conservation Area. The Church is particularly notable at this southern end of

the Conservation Area where it can be seen over the rooftops in oblique views. From Lind Street it has a prime position terminating the view looking up the street. This view is shown in Photograph 1, below.

**Photograph 1 (below). View of St John Church from Lind Street**



- 49 This view, from the streets which are part of its Parish, is significant and contributes to the listed building's setting. The Conservation Officer assesses that the addition of a mansard at No.4 would result in a moderate degree of harm (less than substantial in NPPF terms) to the setting of the church by introducing an anomalous roof structure which would erode the prevailing architectural uniformity in significant views of the listed building.
- 50 The Conservation Officer therefore identifies harm (in the range of less than substantial in NPPF terms) to both the Brookmill Road Conservation Area and the setting of the Grade II Listed St John's Church.
- 51 The further loss of the traditional roof form identified by the Conservation Officer is acknowledged. However, the unified composition of the roofscape within the Lind Street has already been eroded by the mansard extensions at Nos 16, 28 and 29. All three mansards form prominent additions to the streetscene as illustrated within Photographs 2 - 4 below.

**Photographs 2-4 (below).**

<b>No.16 Lind Street</b>	<b>No.28 Lind Street</b>	<b>No.29 Lind Street</b>
--------------------------	--------------------------	--------------------------



- 52 The mansards at Nos 16, 28 and 29 form part of the roofscape on Lind Street and as a matter of planning judgement are attributed more weight as a material consideration than given by the Conservation Officer. This interpretation is supported by Para 5.12.4 of the Alterations and Extensions SPD, which states that where a sympathetic, traditional style mansard has been established as an accepted and prevailing characteristic within the street then future traditional style mansard proposals will be considered.
- 53 Mansard extensions are not yet a prevailing characteristic of Lind Street. However, mansards are more prevalent on Albyn Road, which is visible from Lind Street. The properties on Albyn Road visible on Photograph 1, terminating the view up Lind Street, have mansard additions in the middle ground of the long view to St John's Church. The combination of the existing mansards on Albyn Road and Lind Street mean that the roofscape on Lind Street already forms part of the evolving character for mansards in the southern half of the Brookmill Road Conservation Area. Therefore, a new mansard at No 4 would not result in any additional harm to the character and appearance of the Conservation Area or to the setting of the Grade II Listed St John's Church.
- 54 The Alterations and Extensions SPD provides detailed guidance for the design of mansard extensions. The proposed mansard meets that guidance, including the front roof slope of the mansard being set back from the bottom of the parapet by 0.25m, the retention of the butterfly form at the rear, the position of the windows and the use of historically appropriate materials. A condition is recommended securing the specification of the materials as well detailed drawings of the dormers and rainwater goods. This would include detailed drawings of the proposed corncicing to the front parapet to ensure that it would be a close match to the detailing on the neighbouring terrace.
- 55 It is therefore concluded that the proposed mansard would lead to no harm to the Brookmill Road Conservation Area. As such, it is not necessary to consider the public benefits of the scheme, including the potential environmental benefits in terms of energy efficiency raised in the letters in support, which have not been substantiated.

## 7.2.2 Rear Extension

- 56 The proposed rear extension would infill the side return adjacent to the outrigger. The form of the original outrigger would be preserved at first floor level and therefore the extension is assessed to be subservient to the host property. The proposed yellow stock brickwork would match the existing and as such is considered appropriate. Officers also consider the contemporary flat roof form and patio doors to be suitable for an addition to the rear of the property as the extension would not be prominent from public viewpoints.
- 57 Overall, Officers are satisfied that the extension would form a sensitive addition to the property owing to the combination of historically appropriate materials and the

subservient scale. Details of the patio doors will be secured by condition to ensure that they would be high quality.

### **7.2.3 Windows**

58 The proposal would see the removal of the poor quality uPVC front windows and replacement with timber sash windows. The detailed drawings submitted with the application confirm that the new windows would replicate the design of the original windows in terms of the proportions of the joinery and the inclusion of the decorative horns. Therefore, the restoration of timber sash windows to the front elevation of the property would enhance the character and appearance of the Conservation Area.

### **7.2.4 Urban design and heritage impacts conclusion**

59 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of the Brookmill Road Conservation Area. The replacement of the existing unsympathetic windows and restoration of the cornice are merits which would enhance the Conservation Area.

## **7.3 LIVING CONDITIONS OF NEIGHBOURS**

60 NPPF para 130 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 185 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.

61 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).

### *Discussion*

62 The main impacts on amenity relevant to this application potentially arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas.

63 The proposed single storey rear infill extension would be confined to the side return adjacent to the outrigger and therefore potential impacts in terms of outlook and light would be limited to No 6. No 6 has an existing lean-to structure with a plastic roof within the side return, which effectively encloses the area adjacent to boundary. The structure does not benefit from planning permission but has been in place for longer than four years and therefore is immune from enforcement action and thus can be attributed weight as a material consideration. As such, the proposed extension is not considered to introduce any additional adverse impacts in terms of outlook and light to No.6. The mansard extension would be constructed within the footprint of the existing roof resulting in a modest increase to the height of the building. The increase in height is not assessed to introduce any adverse impact to the neighbouring properties in terms of enclosure or a harmful reduction to daylight and sunlight.

64 The replacement of existing windows would not introduce any additional overlooking. The introduction of windows at roof level would provide views similar to those already established on the elevations below thereby preventing any material change to the privacy currently enjoyed by neighbours. This is also true of the new windows in the side elevation of the outrigger given that there is an existing side window at first floor level.

### 7.3.1 Impact on neighbours conclusion

65 Officers have not identified any materially harmful impacts to the living conditions of the neighbouring properties and therefore the proposed development would be compliant with CSP 15 and DMP 31.

## 8 LOCAL FINANCE CONSIDERATIONS

66 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).

67 The weight to be attached to a local finance consideration remains a matter for the decision maker.

68 This proposal would not be liable to pay CIL

## 9 EQUALITIES CONSIDERATIONS

69 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.

70 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.

71 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.

72 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>

- 73 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
- 74 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>
- 75 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

- 76 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
- 77 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.
- 78 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.
- 79 This application has the legitimate aim of providing alterations and extensions to a residential building. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

81 Overall, the proposed development is considered to preserve the character and appearance of the Brookmill Road Conservation Area or to the living conditions of the neighbouring properties. Therefore, the application is recommended for approval subject to the conditions set out below.

## 12 RECOMMENDATION

82 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:

PL-P-01; PL-P-02; PL-P-03; PL-P-04; PL-P-05; PL-P-07; PL-S-09; PL-S-10; PL-P-13 Rev 1; PL-P-14 Rev 1; PL-P-15 Re1; PL-P-16 Rev 1; PL-E-17; PL-S-18; PL-E-19; PL-D-20 received 17 December 2021;

PL-P-06 Rev 3; PL-S11 Rev 3; PL-S22 Rev 1 received 13 July 2021;

PL-E-08 received 20 Jul 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.

#### 3) MATERIALS

(a) A detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

- i) natural slate roof covering;
- ii) dormers (including sections at scale 1:10);
- iii) external brickwork;
- iv) rainwater goods and guttering;

- v) external doors
- vi) front parapet (drawings at scale 1:10)

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

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014)

#### 4) **EXTERNAL PIPEWORK**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, or rainwater pipes, shall be fixed on the front elevation of the building.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) .

#### 5) **FURTHER DETAILS**

Prior to the commencement of above ground works and notwithstanding the plans hereby approved, further details of the cornice and the replacement windows shall be submitted to and approved in writing by the local planning authority, such details shall include drawings and cross-sections at an appropriate scale (e.g. 1:5, 1:10 or 1:20) which show:

- (i) The details of the corning to match the likely original cornice design; and
- (ii) A meeting rail of not more than 35mm width for the sliding sash windows.

The works shall be carried out in accordance with the approved details and shall be retained for the lifetime of the development.

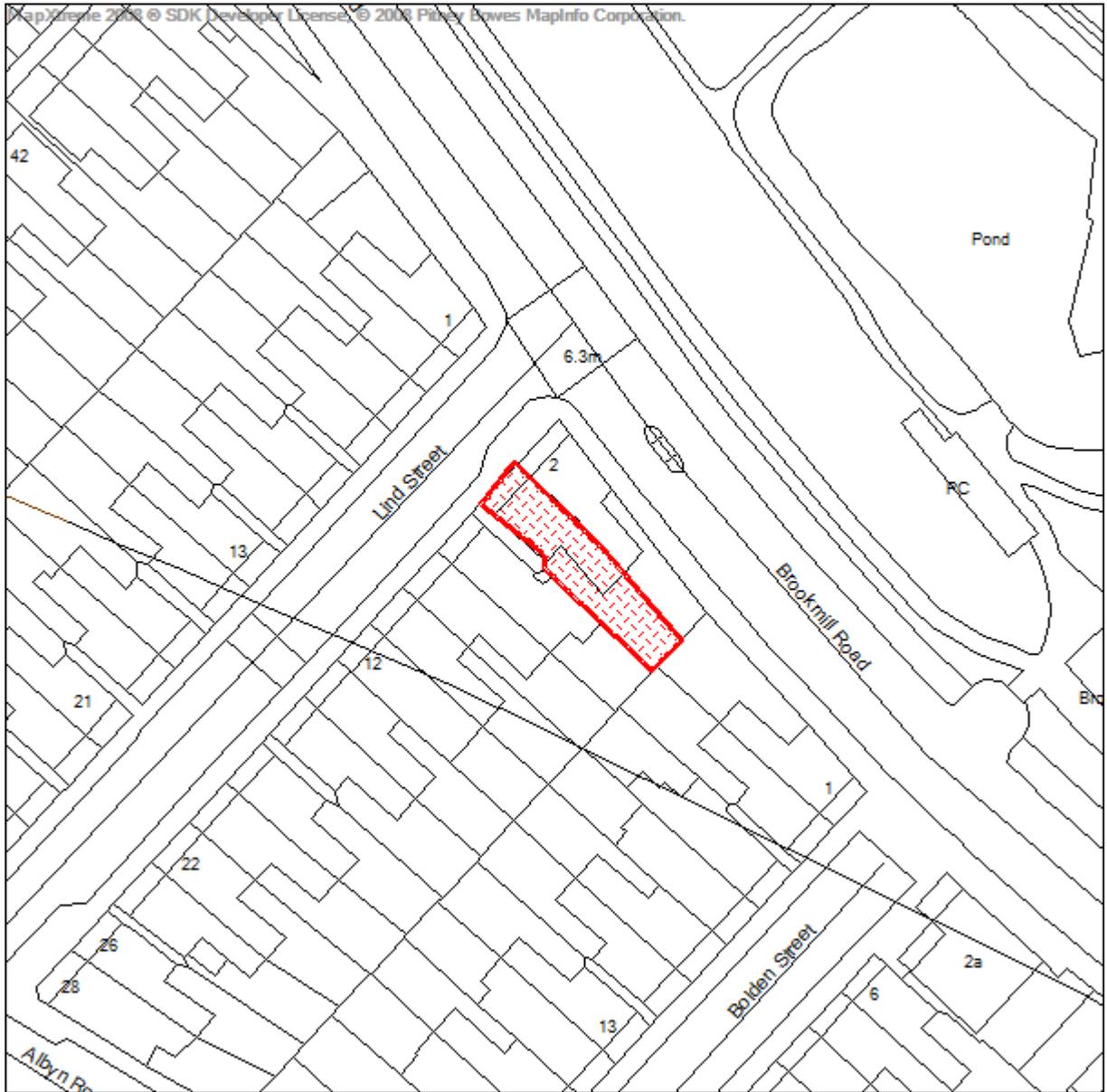
**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality

design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) .

## 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.

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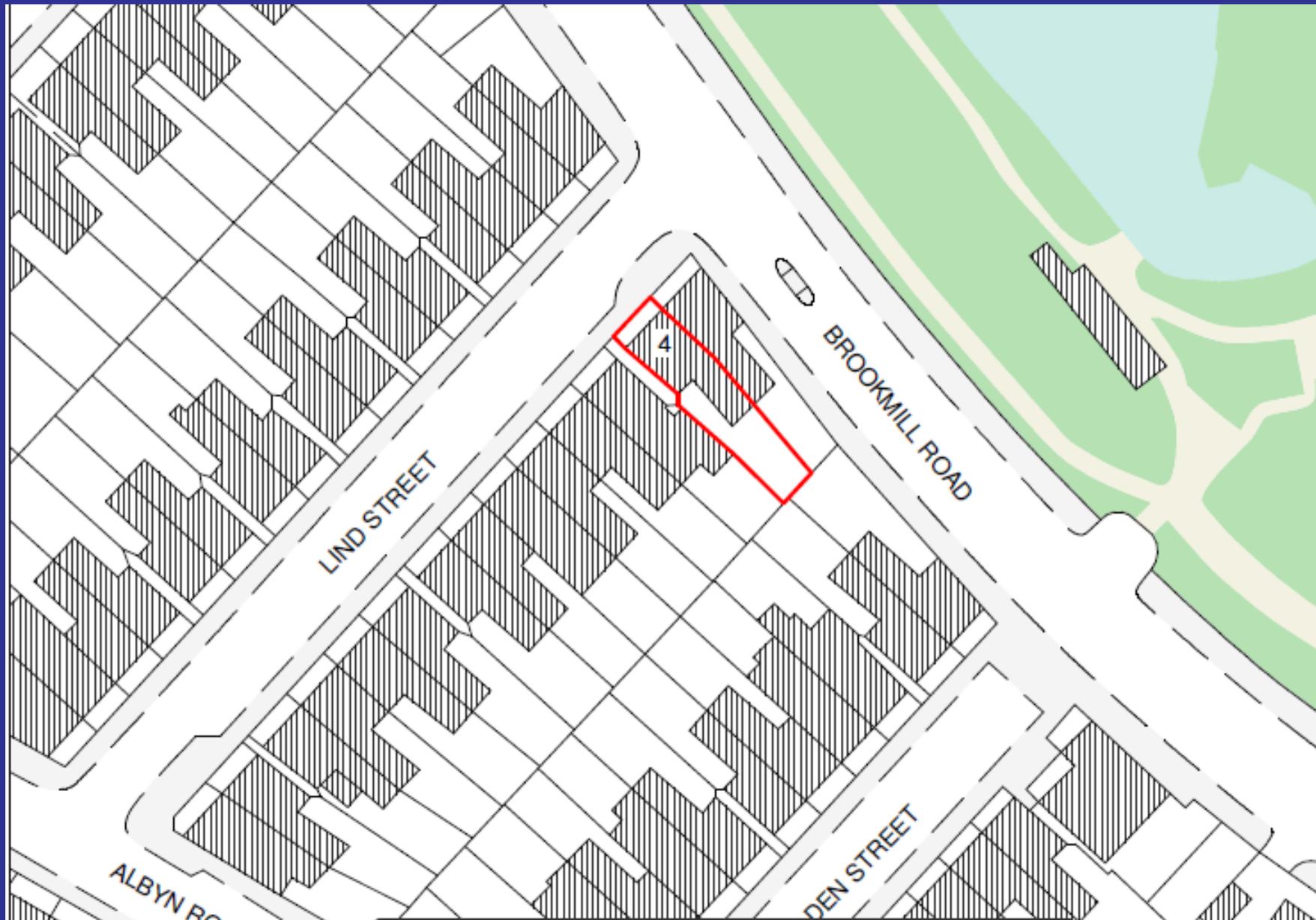
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**4 Lind Street  
London,  
SE8 4JE**

**Application No. DC/20/119652**

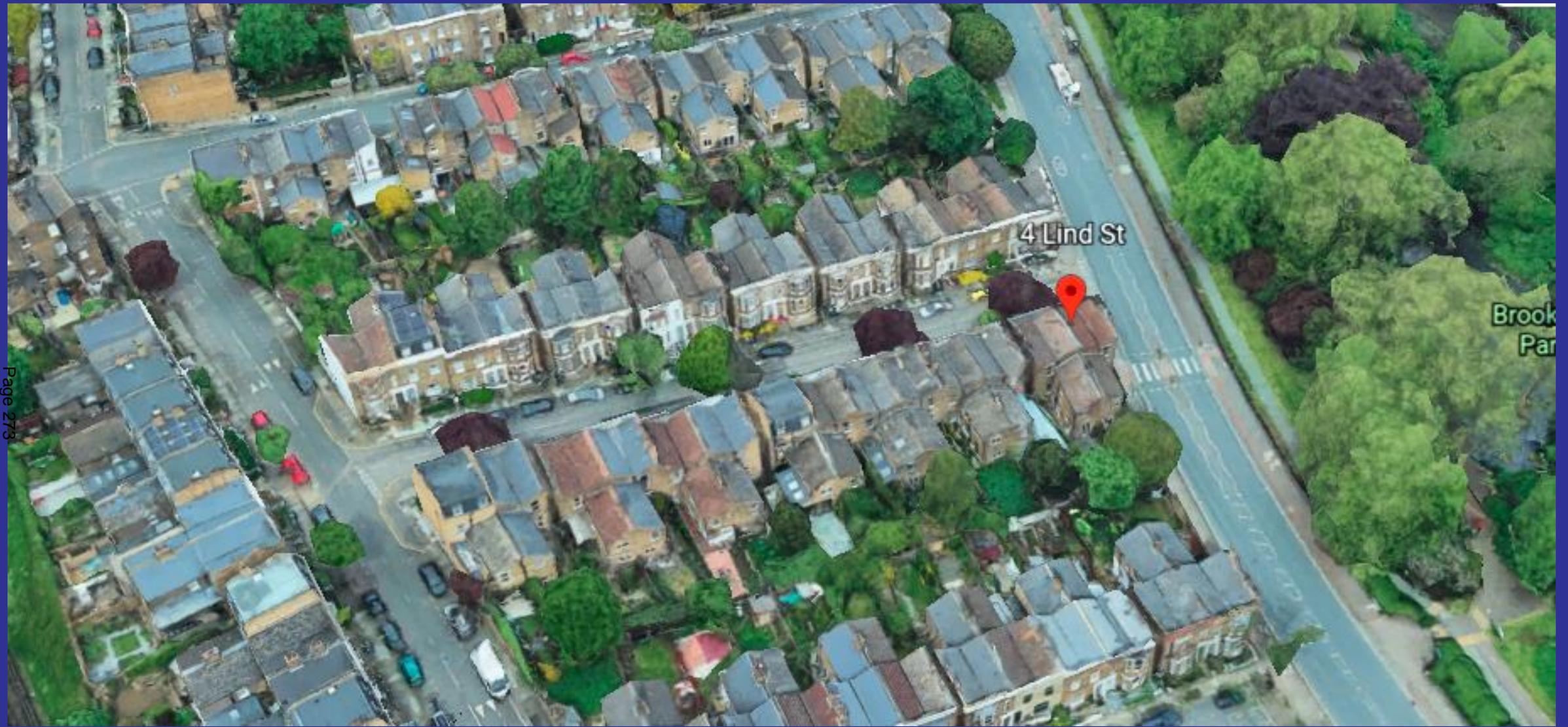
This presentation forms no part of a planning application  
and is for information only.

The construction of a mansard extension to the roof of 4 Lind Street, SE8, together with the construction of single storey extension to the rear elevation, the installation of replacement timber windows in the front elevation and the insertion of new windows in the flank elevation.





## Front Elevation Photographs





Page 274

16 Lind Street

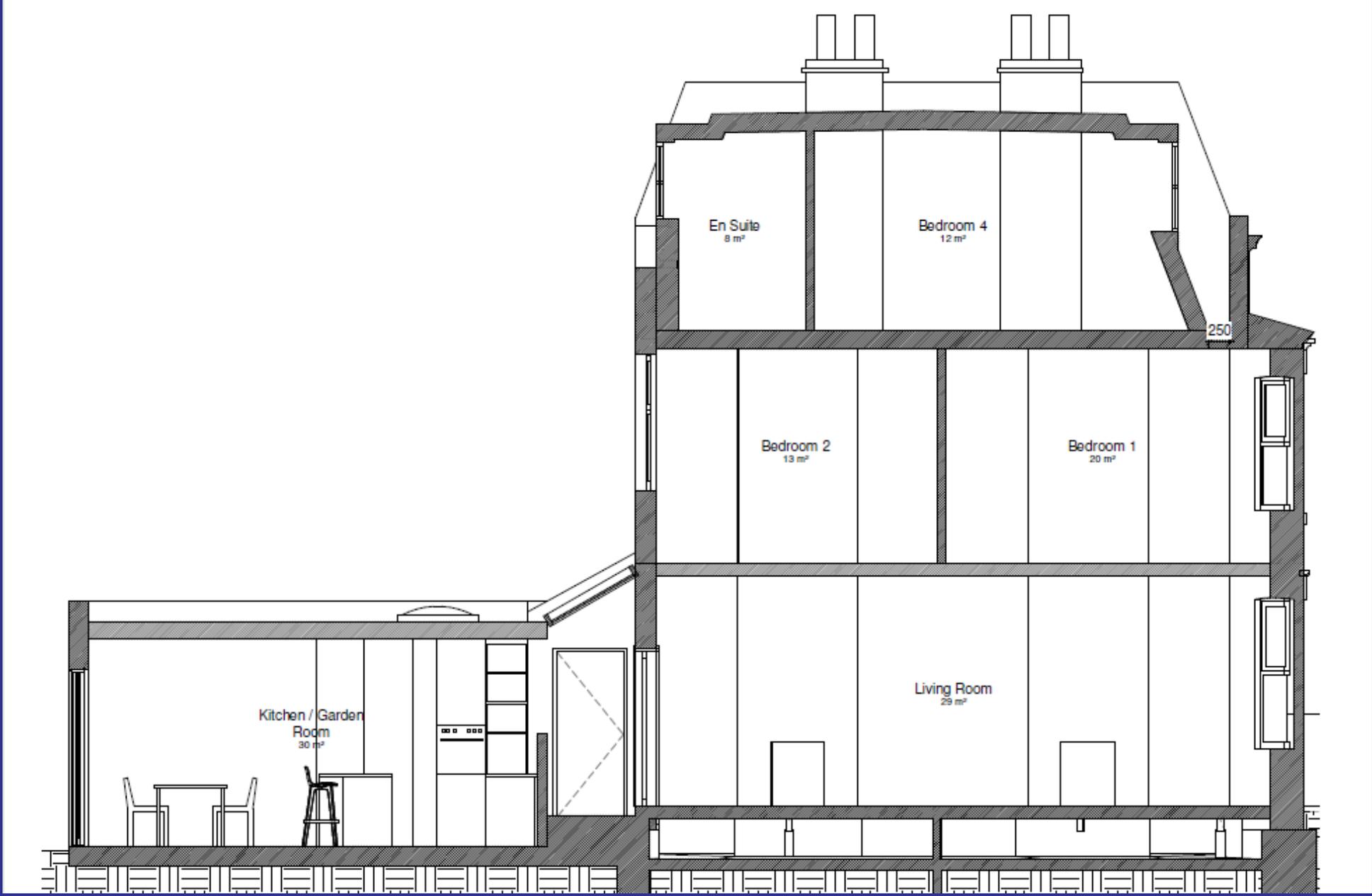


29 Lind Street



28 Lind Street



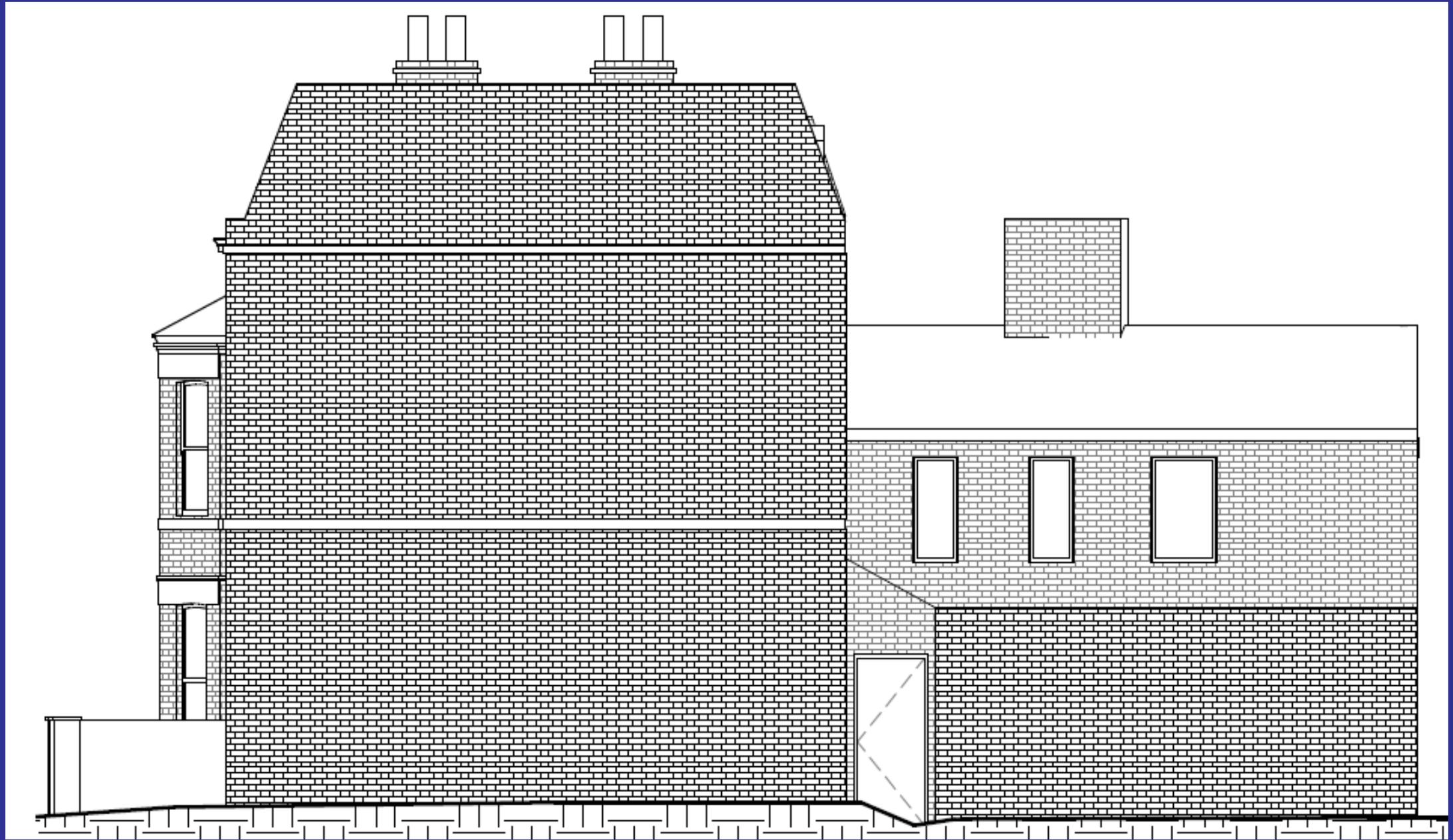


# Proposed Section



Proposed Front Elevation





# MAIN PLANNING CONSIDERATIONS

- Principle of Development
- Urban Design
- Living Conditions of Neighbouring Properties



# MAIN PLANNING CONSIDERATIONS

- Principle of Development
- Urban Design
- Living Conditions of Neighbouring Properties

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Members of Planning Committee B  
London Borough of Lewisham

9<sup>th</sup> September 2021

Dear Member of Planning Committee B,

Re: Meeting 14<sup>th</sup> September 2021, 13 Bolden Street and 4 Lind Street, SE8

The Society writes to underline the deleterious impact on the Brookmill Road Conservation Area if you grant permission to applications for mansard roof extensions at 13 Bolden Street and 4 Lind Street. Unfortunately, Officer support in their reports for both applications is primarily argued on existing precedents. We disagree and point out that by granting permission for these applications, you will be overseeing the further incremental destruction of the principles of this Conservation Area and will bring into question its status as a unique LBL Heritage asset.

Whereas permission was regrettably given in an earlier era for a number of roof extensions of varying quality in the CA, we note that these represent a mere 16% of properties and are mainly confined to the South East section of the CA. Fortunately the vast majority of houses elsewhere in the area, including St John's Vale to Friendly Street, still retain their original architectural integrity via intact, uninterrupted, unified rooflines and butterfly roofs. These were key factors that contributed to Brookmill Road CA being designated as one of the earliest CAs in Lewisham in 1972.

Since the defining characteristic of the Conservation Area is its architectural integrity as exemplified by unified rooflines, we consider that any further spread of roof extensions threatens destruction of the very principles defining the conservation area.

We therefore remind you of your obligations as decision-makers to "have special regard" and "pay special attention" to the character or appearance of the CA and its key characteristics in the face of possible harm and to:

\*DMP 31 which 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”.

\*the Alterations and Extensions SPD at pp71&72 which illustrate how visual damage can be created – see figures 5.33 and 5.36.

Regarding 13 Bolden Street, a similar application was turned down on appeal in 2017. The objections given then still apply as the Inspector upholding refusal stated:

“Although the front of the proposed mansard roof would be recessed behind the parapet, I do not share the appellant’s view that it would have no tangible impact on the street scene. It would create a further storey that would appear bulky relative to the original house, and disruptive to the cohesion of the terrace and wider streetscene”.

These comments have been further reinforced by the Appeal Inspector who dismissed similar appeals at 38 & 40 St John’s Vale.

We therefore urge you to consider very carefully the impact of these applications to the overall status of the Brookmill Road Conservation Area by refusing the applications before you. Further we urge LBL planning to clarify policy and establish exemplary guidance as a matter of priority.

Kind regards,

Julia Rowntree  
Chair  
Brookmill Road Conservation Area Society

Committee	PLANNING COMMITTEE A	
Report Title	13 Bolden Street	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	22 July 2021

Reg. Nos. DC/20/120731

Application dated 08.03.21

Applicant Mary-Clare Awford

Proposal The construction of a mansard roof extension with two dormer windows to the front roofslope and two windows to the rear at 13 Bolden Street, SE8.

Background Papers

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses

Designation

- Air Quality Management Area
- Area of Archaeological Priority
- Brookmill Road Conservation Area
- Brookmill Road Conservation Area Article 4 Direction
- Deptford Neighbourhood Forum
- PTAL 4

## 1 SUMMARY

- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of an objection by the Brookmill Road Conservation Area Society.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is a two storey end-of-terrace property located on the north-western side of Bolden Steet. The property is constructed from yellow stock brick under its original slate London 'butterfly' roof and chimney stacks. The roof is concealed behind the front façade by a continuous parapet with stucco cornice, obscuring the pitches and gutter, with only chimney stacks and pots visible above the corniced parapets. At the rear, the property features a two storey outrigger.

### **Figure 1. Site Location Plan**



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

- 3 The surrounding area is prominently residential and is comprised of similar Victorian terraces. The properties on Bolden Street are characterised by London ‘Butterfly’ roofs, which were used extensively in the 19th century and can be found throughout the Brookmill Road Conservation Area. The roofscape of Bolden Street is largely unaltered other than a mansard extension at No 18 on the opposite side of the road. The mansard at No18 is nearing completion following an application granted in January 2019. Albyn Road, at the south-eastern end of road features a high proportion of mansard extensions. The mansard extensions at Nos 158, 162 and 164 Albyn Road are visible from Bolden Street.

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

- 4 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, originally for working and lower middle classes, built mainly between 1850 and 1890. Houses are usually grouped in short terraces of two, four, six or eight in which the single house forms a unit within the larger entity of the street. Despite some differences in elevation treatment of the terraces, the character of the area is one of great architectural unity with the occasional accent at a street corner.
- 5 The building is not listed nor is it in the vicinity of a listed building.

### ***Transport***

- 6 The application site has a Public Transport Accessibility Level (PTAL) rating of four, where on a scale of 1-6b, 1 is lowest and 6b is highest.

### 3 RELEVANT PLANNING HISTORY

#### *Application site*

7 DC/16/97644: The construction of a mansard roof extension with two dormer windows to the front roofslope and two dormers to the rear at 13 Bolden Street, SE8 – refused 16 September 2016 for the following reasons:

1. *The proposed mansard roof extension, by reason of its height, detailed design and materials would be an incongruous, unsympathetic and visually intrusive addition harmful to the historic design conventions of the host property and the character and appearance of the Brookmill Road Conservation Area. As such, the proposal would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).*
2. *The proposed mansard roof extension would result in the loss of the historic roof form to the detriment of the character of the host property, the historic and cohesive nature of the immediate terrace of which it forms part, Bolden Street and the Brookmill Road Conservation Area. As such it would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).*

8 An appeal against the refusal was dismissed on 1 February 2017 with the Inspector making the following assessment:

*“Although the front of the proposed mansard roof would be recessed behind the parapet, I do not share the appellant’s view that it would have no tangible impact on the street scene. It would create a further storey that would appear bulky relative to the original house, and disruptive to the cohesion of the terrace and wider streetscene”*

#### *Neighbouring sites*

9 DC/18/109040: The construction of a mansard roof extension at 18 Bolden Street, SE8 – granted on 29 January 2019 following the Planning Committee C meeting held on 24 January 2019 in which members resolved to overturn Officers recommendation of refusal.



## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

13 Site notices were displayed and a press notice was published on 24 March 2021.

14 Letters were also sent to residents in the surrounding area as well as to the relevant Ward Councillors on 24 March 2021. The Brookmill Society was consulted on 6 April 2021.

15 21 responses were received in response all in support of the application.

#### 5.1.1 Comments in objection

16 The amenity society for this area, Brookmill Road Conservation Area Society, raised objections to the harmful visual impact to the Brookmill Road Conservation Area resulting from the visual intrusion resulting from the additional bulk and massing of the mansard above the characteristic unified parapet line of the group of houses within an otherwise unaltered roofscape. This assessment of the harm to the Conservation Area was supported by the Brockley Society, the amenity society for the Brockley Conservation Area. See paras 43-53 for further discussion.

#### 5.1.2 Comments in support

Comment	Para where addressed
Provides family housing	31-33
Historically sympathetic in terms of design, form and materials	47-52
In keeping with the established character of the surrounding roofscape	47-52

17 A comment in support of the application also raised the cost of maintaining London roofs, which is not assessed to be material to this planning application.

18 The St John's Society (covering the St John's Conservation Area) commented in support of the application on the grounds that mansards are an appropriate addition to this building typology and noted that there are precedents in the vicinity and throughout the conservation area. The society also noted that there are environmental benefits in terms of conserving energy and extending an existing building rather than building on new land. See paras 43-53 for further discussion.

### 5.2 INTERNAL CONSULTATION

19 The following internal consultees were notified on 17 March 2021.

20 Conservation: raised objections. See paras 34-53 for further details.

### 5.3 EXTERNAL CONSULTATION

21 The following External Consultees were notified on 6 April 2021:

22 Deptford Action: Did not submit comments.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

23 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).

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

### **6.2 MATERIAL CONSIDERATIONS**

25 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.

26 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.

27 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 aforementioned directions and the test of reasonableness.

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

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.4 DEVELOPMENT PLAN**

28 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**

29 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## **7 PLANNING CONSIDERATIONS**

30 The main issues are:

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

### **7.1 PRINCIPLE OF DEVELOPMENT**

#### *General policy*

31 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.

#### *Discussion*

32 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.

#### **7.1.1 Principle of development conclusions**

33 The principle of providing additional habitable space within the property is supported subject to an assessment of the other relevant material planning considerations.

### **7.2 URBAN DESIGN & HERITAGE IMPACTS**

#### *General Policy*

34 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

#### *Policy*

35 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

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

37 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

38 LPP HC1 states that where development would affect heritage assets, it should be sympathetic to their form, scale, materials and architectural details.

- 39 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 40 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 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 detailed guidance for the design of mansard roofs but is clear that mansards may not always be an appropriate form of development within conservation areas.

*Discussion*

- 43 The Conservation Officer has raised an objection to the proposed addition of a mansard roof extension to the characteristic London roof of this building typology. The character of the Brookmill Conservation Area is defined, in part, by the continuous parapet line of the terraces, embellished by cornice, and the regular rhythm of doors and window openings on the elevation below. Mansard extensions project above the parapet line, interrupting the roofline of the terrace, and can detract significantly from the uniform character of the terraces along the street due to the additional bulk and height. This assessment of the harm is supported by recent guidance published by Historic England *Conserving Georgian and Victorian Terraced Houses* (July 2020).
- 44 The Council's Conservation Officer assesses that the prevailing and dominant roofscape within Bolden Street, and the Conservation Area as a whole, remains the original form. As such, the Conservation Officer concludes that the presence of other mansards within the vicinity of the application site, visible from the street and from the rear of the property, does not provide justification for additional harm. The Conservation Officer therefore identifies a high degree of harm (in the range of less than substantial in NPPF terms) to the as yet unaltered roofscape on the north-western side of Bolden Street, which forms an essential characteristic of the Conservation Area.
- 45 This conclusion is supported by the assessment of the refused 2016 application, which was appealed and the appeal dismissed. In dismissing the appeal the Inspector was clear that a mansard would be harmful to the character and appearance of the Brookmill Road Conservation Area. The Inspector was also clear that the mansard extensions on the neighbouring streets should not be considered as precedent for roof alterations on Bolden Street. This is discussed at para 7 of the appeal decision, which reads:
- "The appellant has drawn attention to a number of mansard roof extensions in the vicinity of the site, and I am mindful that there are examples in Albyn Road and Lind Street within the same vista as the appeal property. To an extent, they are a feature of the conservation area, but the original roofline and form prevails. Indeed, in some cases these roof extensions have undermined the character and appearance of the original roofscape, and serve to demonstrate the harm which would result from the appeal proposal. In this case, the set-back, traditional design and matching materials of the extension would not mitigate the adverse visual impact on the dwelling, the street scene and the wider conservation area."*
- 46 At para 12 of the appeal decision the Inspector considers the roofscape on Bolden Street and gives weight to the absence of mansard extensions. Para 12 reads:

*“I can appreciate the appellant’s frustration given the number of mansard roofs in the conservation area, including examples seen from the appeal site itself. However, I am persuaded by the Council’s view that the appropriateness of this form of development in the Conservation Area will need to be assessed on a case by case basis. Whilst I note the appellant’s view that there is no policy basis to ‘single out’ Bolden Street as a sub-area of the conservation area, its largely unaltered roofscape is nevertheless an important example of the appearance, character and continuity of the historic street.”*

47 The photograph below confirms that the mansard at No.18 Bolden Street, granted planning permission at Planning Committee in January 2019, is substantially built.

**Photograph 1. Street elevation of 18 Bolden Street**



48 The construction of the mansard at No.18 Bolden Street, opposite the application site, represents a material change compared to the time of the appeal decision and as such carries weight in the assessment of the new application. Bolden Street can therefore no longer be considered to retain an unaltered roofscape. Para 5.12.4 of the Alterations and Extensions SPD is relevant and states that where a sympathetic, traditional style mansard has been established as an accepted and prevailing characteristic within the street then future traditional style mansard proposals will be considered.

- 49 Mansard extensions are not yet a prevailing characteristic of Bolden Street. However, as Photograph 2 below demonstrates, mansards are prevalent on the Albyn Road and are visible from Bolden Street.

**Photograph 2. View south-east from Bolden Street to Albyn Road**



- 50 The mansard at No.18 means that it is no longer possible to view the roofscape on Bolden Street as distinct from Albyn Road, particularly given that Bolden Street adjoins Albyn Road and mansards are visible on both streets. As such, the evolving character for mansards in the southern half of the Conservation Area is now considered to extend into Bolden Street and therefore the principle of a mansard at the application property is accepted.
- 51 The Alterations and Extensions SPD provides detailed guidance for the design of mansard extensions. The proposed mansard meets that guidance, including the front roof slope of the mansard being set back from the bottom of the parapet by 0.25m, the retention of the butterfly form at the rear, the alignment of the windows and the use of historically appropriate materials. A condition is recommended securing the specification of the materials as well as detailed drawings of the dormers, windows and rainwater goods.
- 52 It is therefore concluded that the current proposal would lead to no harm to the Brookmill Road Conservation Area. As such, it is not necessary to consider any public benefits of the scheme, including the potential environmental benefits in terms of energy efficiency raised in the letters in support, which have not been substantiated.

### *Summary*

- 53 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of the Brookmill Road Conservation Area.

## **7.3 LIVING CONDITIONS OF NEIGHBOURS**

### *Policy*

54 NPPF para 130 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 185 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.

55 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).

#### *Discussion*

56 The main impacts on amenity relevant to this application potentially arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas.

57 The mansard extension would be constructed within the footprint of the existing roof resulting in a modest increase to the height of the building. As such, the proposed development is not considered to introduce any adverse impact to neighbours in terms of an increased sense of enclosure or a harmful reduction to daylight and sunlight to neighbouring rooms or gardens. The introduction of windows at roof level would provide views similar to those already established on the elevations below thereby preventing any material change to the privacy currently enjoyed by neighbours. Noise and disturbance are not considered to be impacts given the modest scale of development proposed.

### **7.3.1 Impact on neighbours conclusion**

58 The mansard extension would not result in any material harm to the living conditions of the neighbouring properties and therefore the proposed development would be compliant with CSP 15 and DMP 31.

## **8 LOCAL FINANCE CONSIDERATIONS**

59 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).

60 The weight to be attached to a local finance consideration remains a matter for the decision maker.

61 This proposal would not be liable to pay CIL.

## **9 EQUALITIES CONSIDERATIONS**

62 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.

- 63 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.

64 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.

65 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>

66 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

67 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>

68 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

69 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

70 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.

71 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.

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

## 11 CONCLUSION

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

74 Overall, the proposed development is considered to preserve the character and appearance of the Brookmill Road Conservation Area and no adverse impacts have been identified to the living conditions of the neighbouring properties. Therefore, the application is recommended for approval subject to the conditions set out below.

## 12 RECOMMENDATION

75 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:

Site Location Plan received 8 March 2021;

2020/074/01A; 2020/074/02a; 2020/074/03A; 2020/074/04A; 2020/074/05A;  
2020/074/06A; 2020/074/07A; 2020/074/08A; 2020/074/09A; 2020/074/10A;  
2020/074/11A received 7 July 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.

### 3) **MATERIALS**

(a) A detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

- i) natural slate roof covering;
- ii) dormers and windows (including sections at scale 1:10);
- iii) external brickwork;
- iv) rainwater goods and guttering

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

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014)

### 4) **EXTERNAL PIPEWORK**

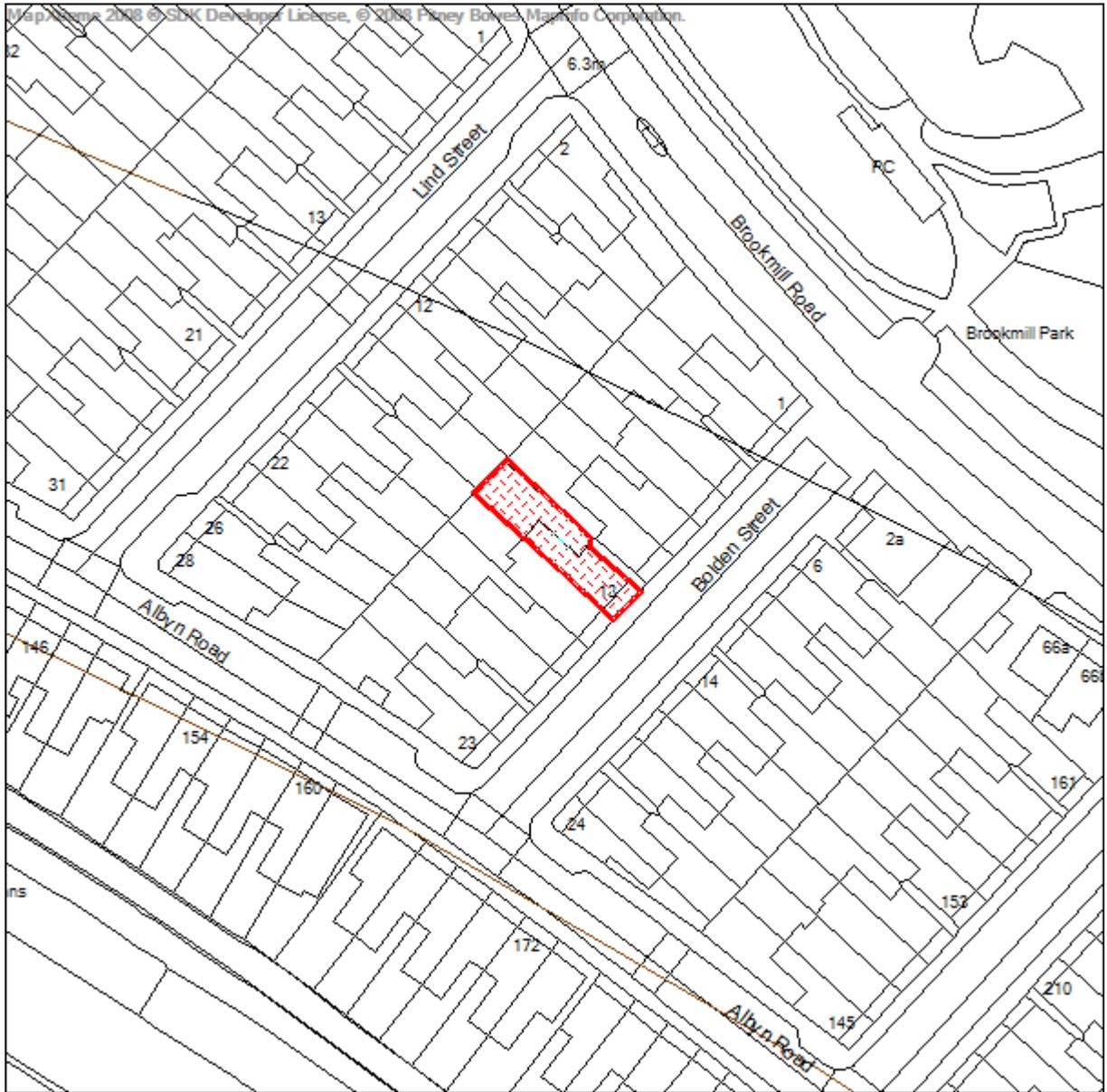
Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, or rainwater pipes, shall be fixed on the front elevation of the building.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) .

## 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.

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**13 Bolden Street  
London,  
SE8 4JF**

**Application No. DC/21/120731**

This presentation forms no part of a planning application  
and is for information only.

The construction of a mansard roof extension with two dormer windows to the front roof slope and two windows to the rear at 13 Bolden Street, SE8.







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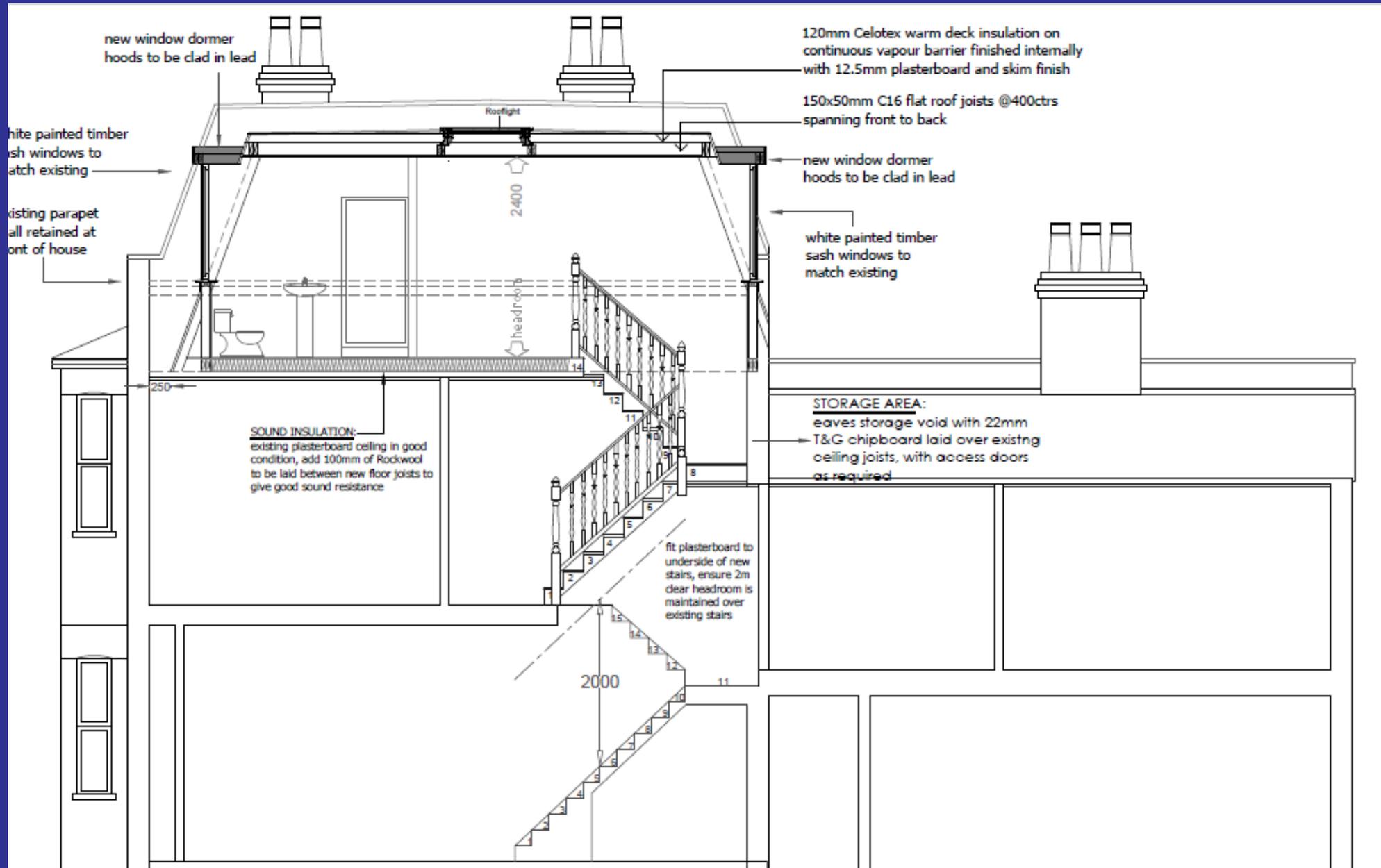






18 Bolden Street (opposite the application site)

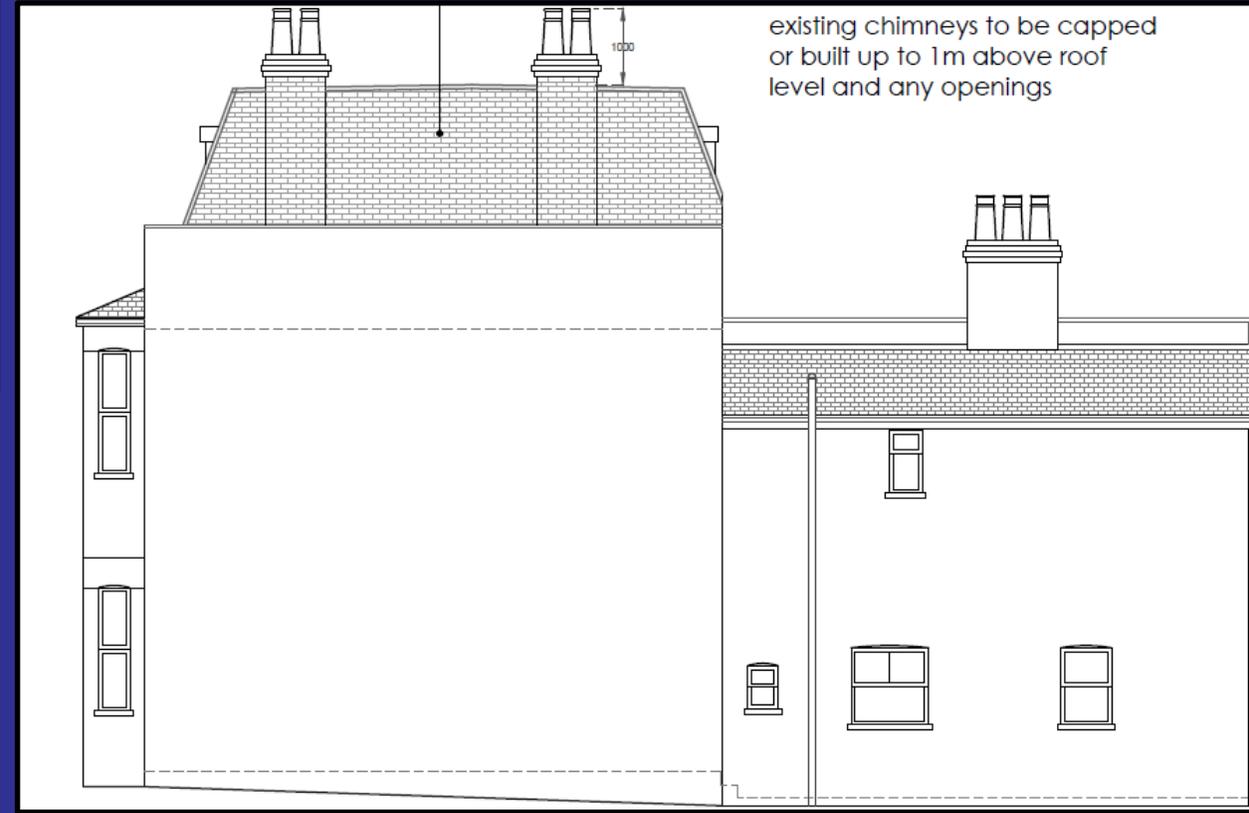
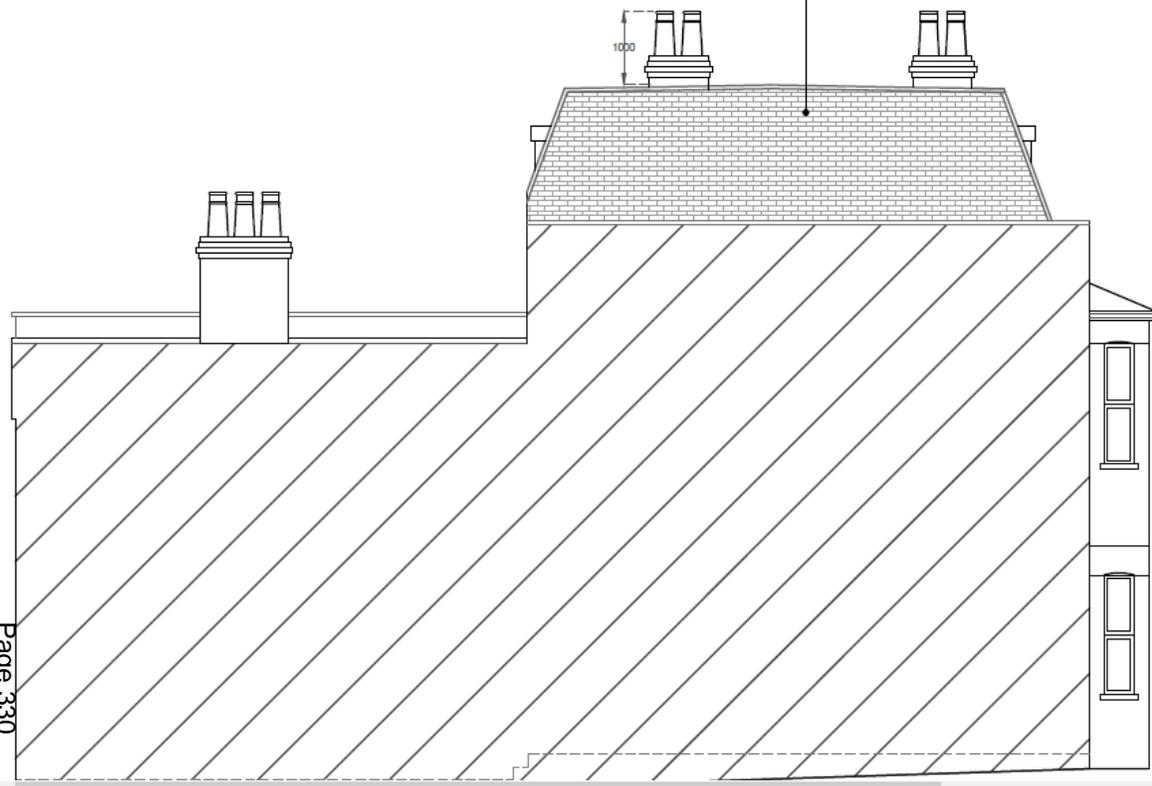




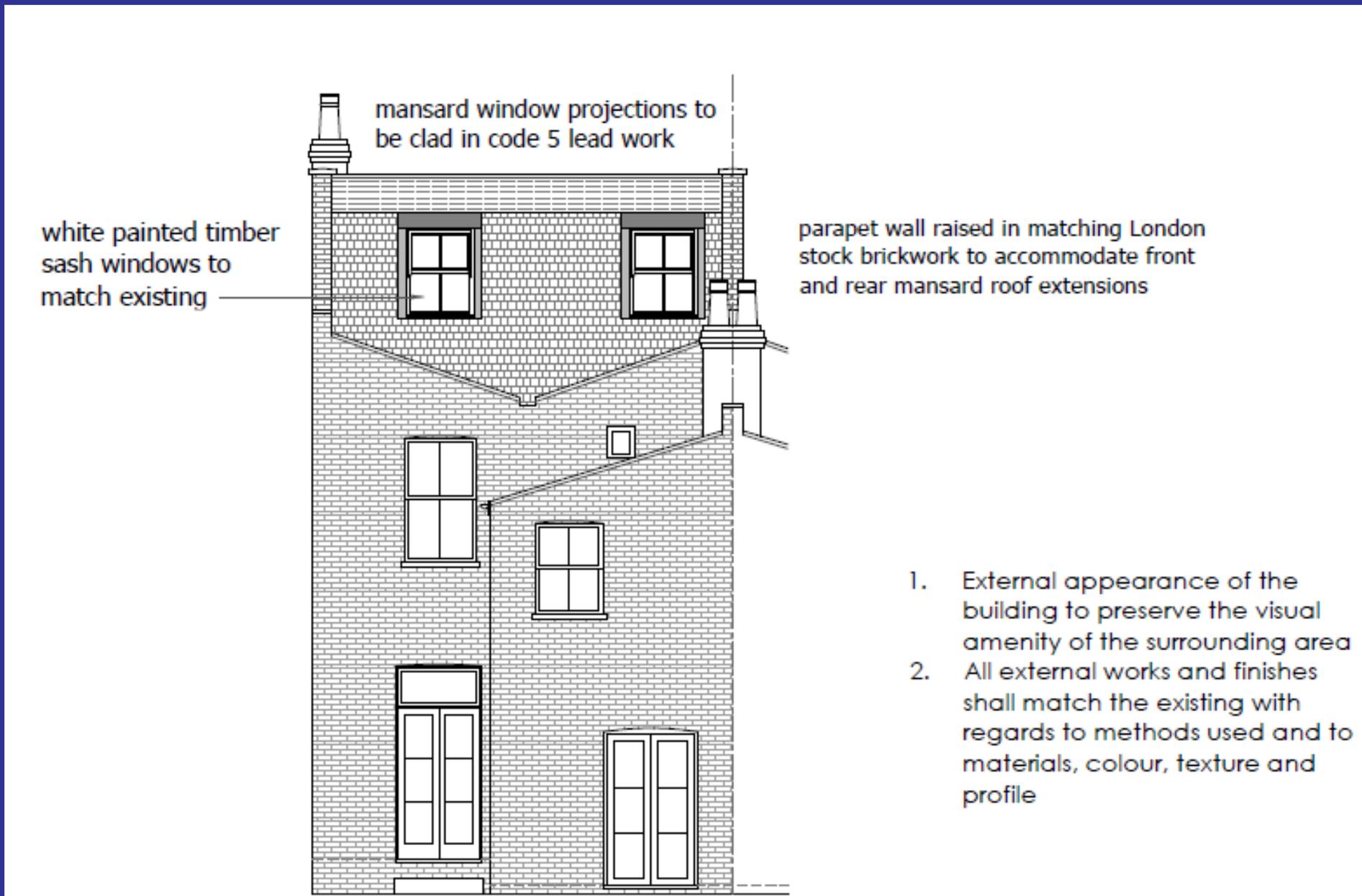
# Proposed Section



# Proposed Front Elevation



# Proposed side elevations

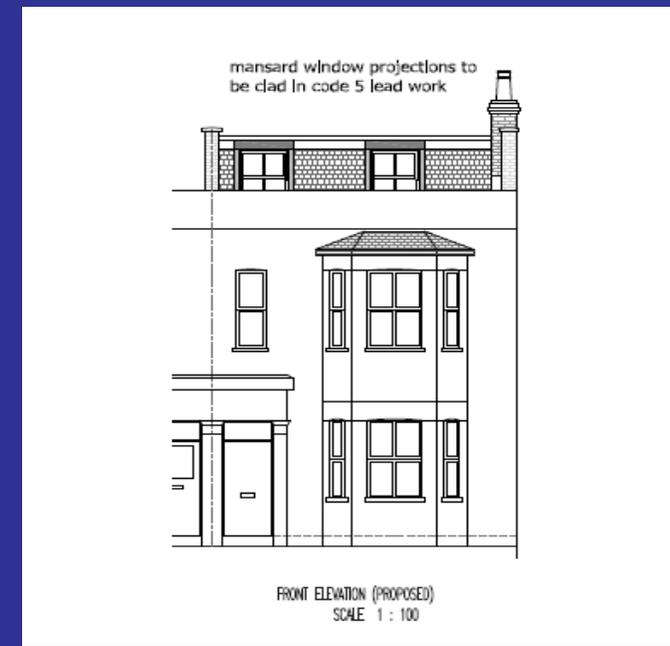
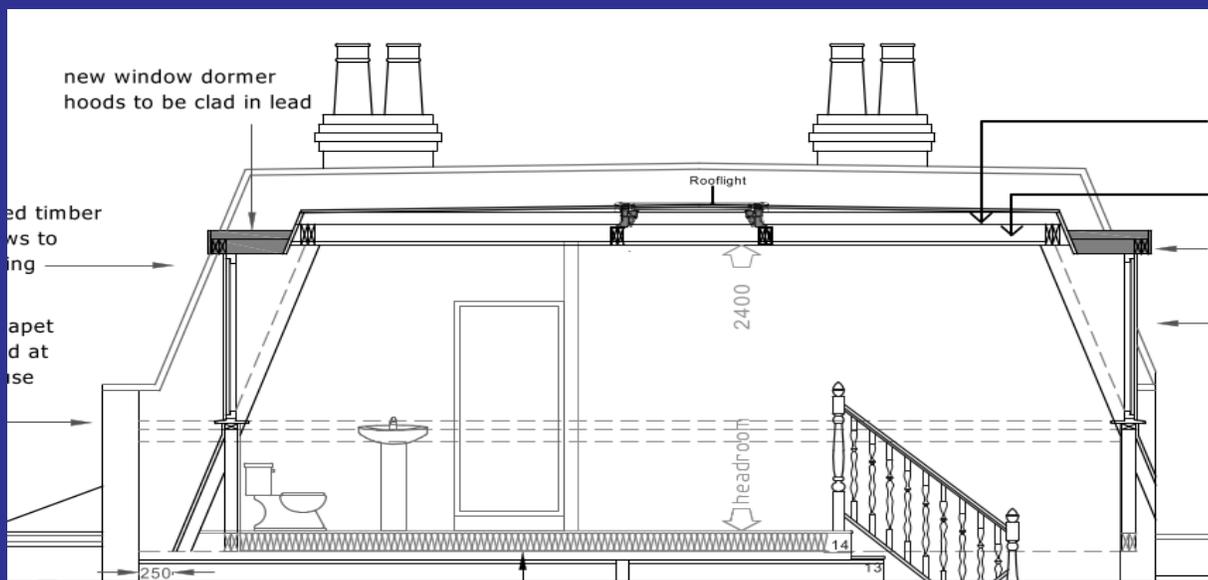
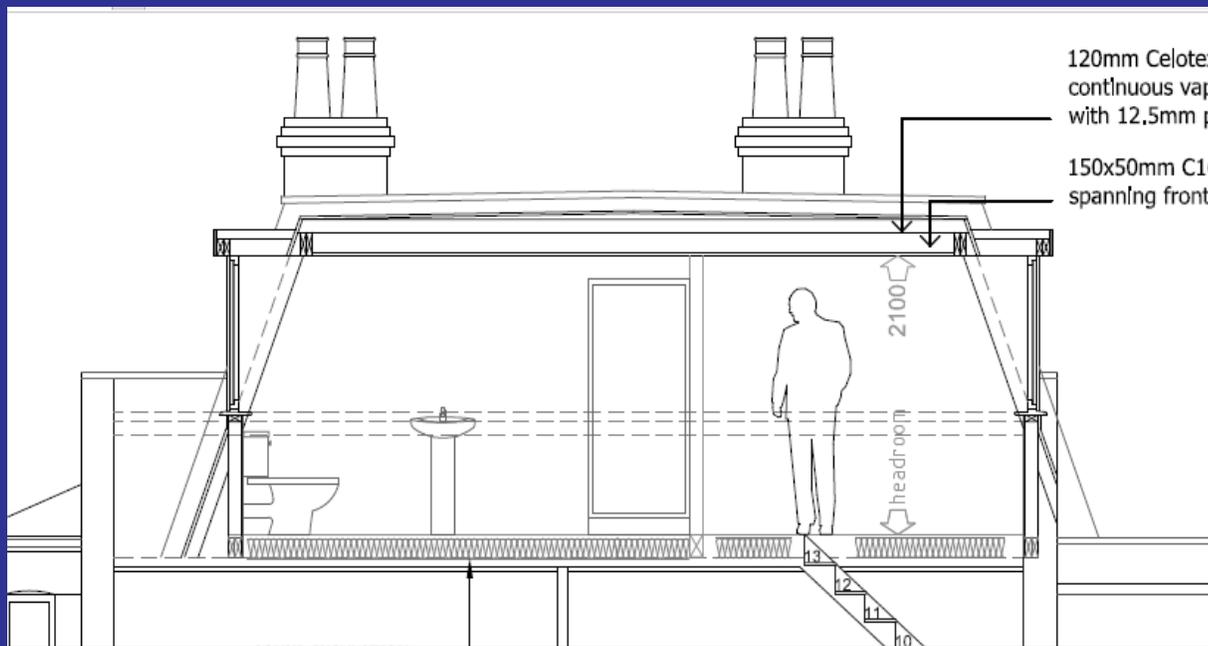


## Proposed Rear Elevation

Scheme refused in September 2016 DC/16/97644

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Application scheme



# MAIN PLANNING CONSIDERATIONS

- Principle of Development
- Urban Design
- Living Conditions of Neighbouring Properties

End of Presentation

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Committee	PLANNING COMMITTEE B	
Report Title	106 Brookbank Road, London SE13 7DA	
Ward	Ladywell	
Contributors	Max Curson	
Class	PART 1	14 September 2021

<u>Reg. Nos.</u>	(A) DC/21/121272
<u>Application dated</u>	12.04.2021 [as revised on 18.06.2021]
<u>Applicant</u>	Wood Architecture & Design Limited
<u>Proposal</u>	The construction of hip to gable and rear dormer extensions to the roof of 106 Brookbank Road, SE13, together with the installation of three rooflights in the front roof slope.
<u>Background Papers</u>	(1) Submission drawings (2) Submission technical reports and documents (3) Statutory consultee responses
<u>Designation</u>	PTAL 3 Air Quality
<u>Screening</u>	N/A

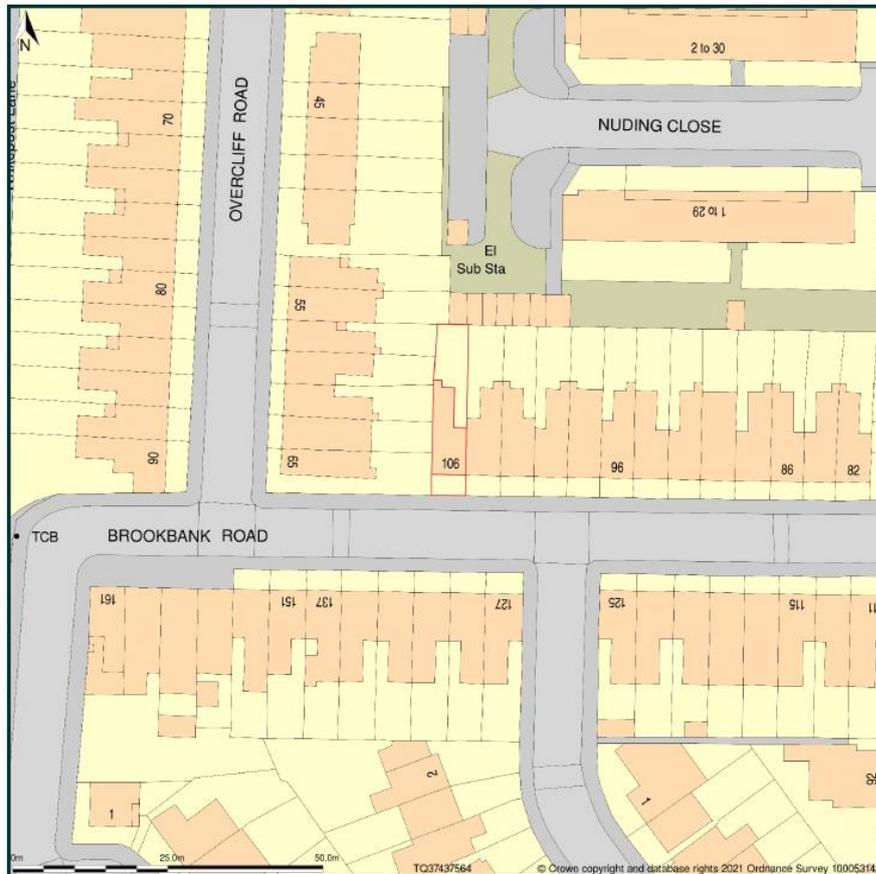
## 1 SUMMARY

- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of three objections from neighbouring properties.
- 2 Due to the Covid-19 pandemic, Officers have been unable to undertake a site visit to the property and as such, an assessment has been made using Google Maps.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 3 The application site is a two storey end of terrace Victorian single family dwellinghouse. It is located on the northern side of Brookbank Road, close to the junction with Fossil Road. The property consists of red and yellow London stock brick with a slate tiled roof. The property has a two storey rear outrigger, typical of those built at the time. The property's western elevation borders the rear gardens of 61, 63 and 65 Overcliff Road.



*Site Location Plan*

***Heritage/archaeology***

- 4 The application site is not located in a Conservation Area. It is not a listed building nor in the vicinity of one.

***Surrounding area***

- 5 The application site is located in a predominantly residential area, and surrounded by similarly built two storey terraced Victorian properties.

***Transport***

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

**3 RELEVANT PLANNING HISTORY**

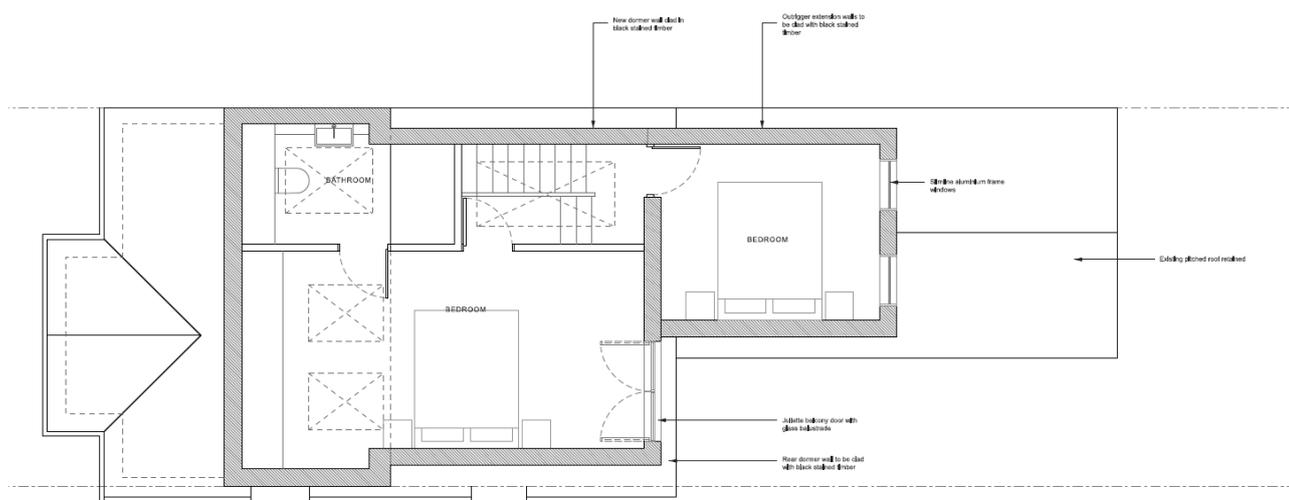
- 7 DC/21/120707: Proposed construction of single storey rear and side extension at 106 Brookbank Road SE13. **Granted 07 May 2021.**

## 4 CURRENT PLANNING APPLICATION

### 4.1 THE PROPOSALS

8 The applicant is seeking permission for the construction of a hip to gable and rear dormer extension to the roof of 106 Brookbank Road, together with the installation of three roof lights to the front slope.

9 The proposed hip to gable extension would be 3.13m in width and match the boundary of the existing roof. The dormer on the main rear roof slope would be 2.4m in height, 3.9m in depth, and set in back 0.3m from the eaves of the roof. The roof extension atop the outrigger would have a depth of 3.182m and be 2.63m in height.



*Proposed second floor plan*

10 The hip to gable roof extension would be constructed of London stock brick to match the existing property build. The dormer would consist of black stained timber cladding with lead flashing between the dormer and gable walls. The dormer roofs would consist of glass reinforced polyester.

11 The dormer would have a Juliet balcony with a glass balustrade. The proposed rooflights would be slimline aluminium framed.

## 5 CONSULTATION

### 5.1 PRE-APPLICATION ENGAGEMENT

12 There was no pre-application engagement.

### 5.2 APPLICATION PUBLICITY

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 30 April 2021.

14 Three objections were received in regard to the proposals.

### 5.2.1 Comments in objection

Comment	Para where addressed
Loss of daylight and sunlight at 63 and 65 Overcliff Road.	42, 43
Loss of outlook and a sense of overbearing enclosure for the adjoining properties on Overcliff Road.	42, 43
The proposed extension is much larger than those existing on neighbouring properties and will lead to mismatched roof forms.	31
The black stained timber cladding would be uncharacteristic of the area.	34

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

15 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

16 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.

17 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.

18 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 aforementioned directions and the test of reasonableness.

### 6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

## **6.4 DEVELOPMENT PLAN**

19 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**

20 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## **7 PLANNING CONSIDERATIONS**

21 The main issues are:

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

### **7.1 PRINCIPLE OF DEVELOPMENT**

#### *General policy*

22 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.

23 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

#### **7.1.1 Principle of development conclusions**

24 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**

#### *General Policy*

25 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

26 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.

- 27 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.
- 28 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.
- 29 Section 5.8 of the Alterations and Extensions SPD sets out the design principles for rear roof extensions:
- *Set in from the party wall on each side by at least 0.3m, a minimum of 0.3m below the ridge line, 0.3m from the edge of any hip and at least 0.3m above the existing eaves line.*
  - *If neighbouring roofs have already extended their rear roof significantly, the proposed roof form should take this into consideration to ensure it does not contribute to a group of mismatched roof forms.*
  - *A modern, high quality design is generally more successful when considering a large rear roof extension. The contemporary design is more likely to contrast with the property and maintain the original integrity of the dwelling.*
  - *Applications of a generic nature with tile cladding and UPVC windows will be resisted.*
  - *The use of high quality materials is expected. Materials must be part of an architectural response and details of each material and sample should be submitted.*
  - *The arrangement of windows within the rear of the extension should relate to the arrangement on lower floors.*
  - *The rear roof extension should not be visible from the street frontage.*
  - *The highest quality of design must be employed and pre-application advice should be sought through the formal planning advice service.*
- 30 Section 5.10 of the Alterations and Extensions SPD sets out the design principles for hip to gable extensions:
- *A hip to gable extension on one side of a pair of semi-detached houses or to one end of a terrace may not be acceptable if the sense of openness is an important characteristic of the area and would be materially harmed by this alteration.*
  - *Applicants are advised to consider joint applications with neighbouring properties to ensure the symmetry of the property is not lost.*
  - *Materials must match the existing roof.*

*Discussion*

- 31 The proposed hip to gable extension would be 3.13m in width and match the boundary of the existing roof. The dormer on the main rear roof slope would be 2.4m in height, 3.9m in depth, and set in back 0.3m from the eaves of the roof. The roof extension on the outrigger would extend 3.182m along the outrigger and be 2.63m in height. Whilst moderately larger than the extensions on the neighbouring properties to the east, the roof extensions are within the guidelines set out in the Alterations and Extensions SPD and thus are considered acceptable. Roof dormers, including L-shaped dormers, are common on the host terrace and wider area. Examples can be seen on nearby properties 96, 98, 102 and 104 Brookbank Road and 63 Overcliff Road.
- 32 The hip to gable roof extension would be constructed using London stock brick and would match the character of the existing property. Officers note the Alterations and Extensions SPD sets out that hip to gable extensions on the end of a terrace may not be acceptable should the sense of openness be considered an important characteristic of the area and would be materially harmed by the alteration. The host terrace, comprising 13 properties, is of significant length. As such the hip to gable extension would not be read against the other end of the terrace and as a result would not produce a visual imbalance. In addition, a hip to gable extension could be constructed under permitted development rights at the application site. The extension would have some impact upon the openness of the streetscene, but would not cause harm to the extent that would warrant refusal of the application.
- 33 The roof of the dormer and rear roof extension would consist of glass reinforced polyester and not be visible from the public realm. It is noted that rooflights are common on the front slopes at Brookbank Road, with examples at neighbouring the application site at No. 102 and 104. As such, the proposed rooflights will be in keeping with the character of the area. The proposed rear dormer extension has been designed in accordance with the recommendations of the SPD.
- 34 Whilst the black stained timber cladding is not characteristic of the area, Officers consider both the material and design of the rear roof extensions to be of sufficient quality not harm the appearance of the host property or wider area. The materials are considered to be conducive to the creation of a sympathetic modern intervention.

### **7.2.1 Urban design conclusion**

- 35 In summary, the extension, due to its scale and design and use of high-quality materials, would preserve the character and appearance of the host dwelling.
- 36 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore is acceptable in terms of design.

## **7.3 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 37 NPPF para 130 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 185 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
- 38 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).

39 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.

40 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

#### *Discussion*

41 The proposed roof extensions are positioned a sufficient distance from the boundary with No.104 to cause have no detrimental impact to the eastern neighbour.

42 Officers note that comments received in objection to the proposals have concerns regarding the potential loss of light and enclosure for the properties located on Overcliff Road, whose gardens adjoin the western elevation of the application site. Officers note that the distance between the application site and the properties on Overcliff Road provides mitigation against loss of light and enclosure, as the proposed extension would adjoin the rear of the gardens. Furthermore, the proposed extension is typical of this residential typology.

43 Both the rear dormer and the extension atop the outrigger would be set back from the eaves, to mitigate against loss of light or enclosure for the properties at Overcliff Road. As such, Officers consider the proposals would not result in a loss of sunlight and daylight, or create an overbearing sense of enclosure.

44 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.

45 The proposals do not include any windows in the western elevation, and as such, would not impact the privacy of the neighbouring properties.

### **7.3.1 Impact on neighbours conclusion**

46 The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMP 31 and the provisions of the 2019 SPD.

## **8 LOCAL FINANCE CONSIDERATIONS**

47 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).

48 The weight to be attached to a local finance consideration remains a matter for the decision maker.

49 The CIL is therefore a material consideration.

50 This application does not attract CIL.

## 9 EQUALITIES CONSIDERATIONS

51 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.

52 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.

53 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.

54 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>

55 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

56 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>

57 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

58 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

59 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.

60 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.

61 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

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

63 In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would preserve and enhance the host building in terms of the design. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

## 12 RECOMMENDATION

64 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) DEVELOP IN ACCORDANCE WITH THE APPROVED PLANS

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

X-100; X-101; X-102; X-200; X-201; P-100; P-101; Site Location Plan. **Received 12 April 2021.**

P-200 Rev A. **Received 18 June 2021.**

P-102 Rev B; P-103 Rev B; P-201 Rev B. **Received 11 August 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.

3) MATERIALS/DESIGN QUALITY

(a) The development shall be constructed in those materials as submitted namely: London stock brick, black stained timber cladding, glass reinforced polyester roof, leading flashing between dormer and gable wall, slimline aluminium framed windows and in accordance with the relevant plans.

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

## 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.

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# 106 Brookbank Road

## SE13 7DA

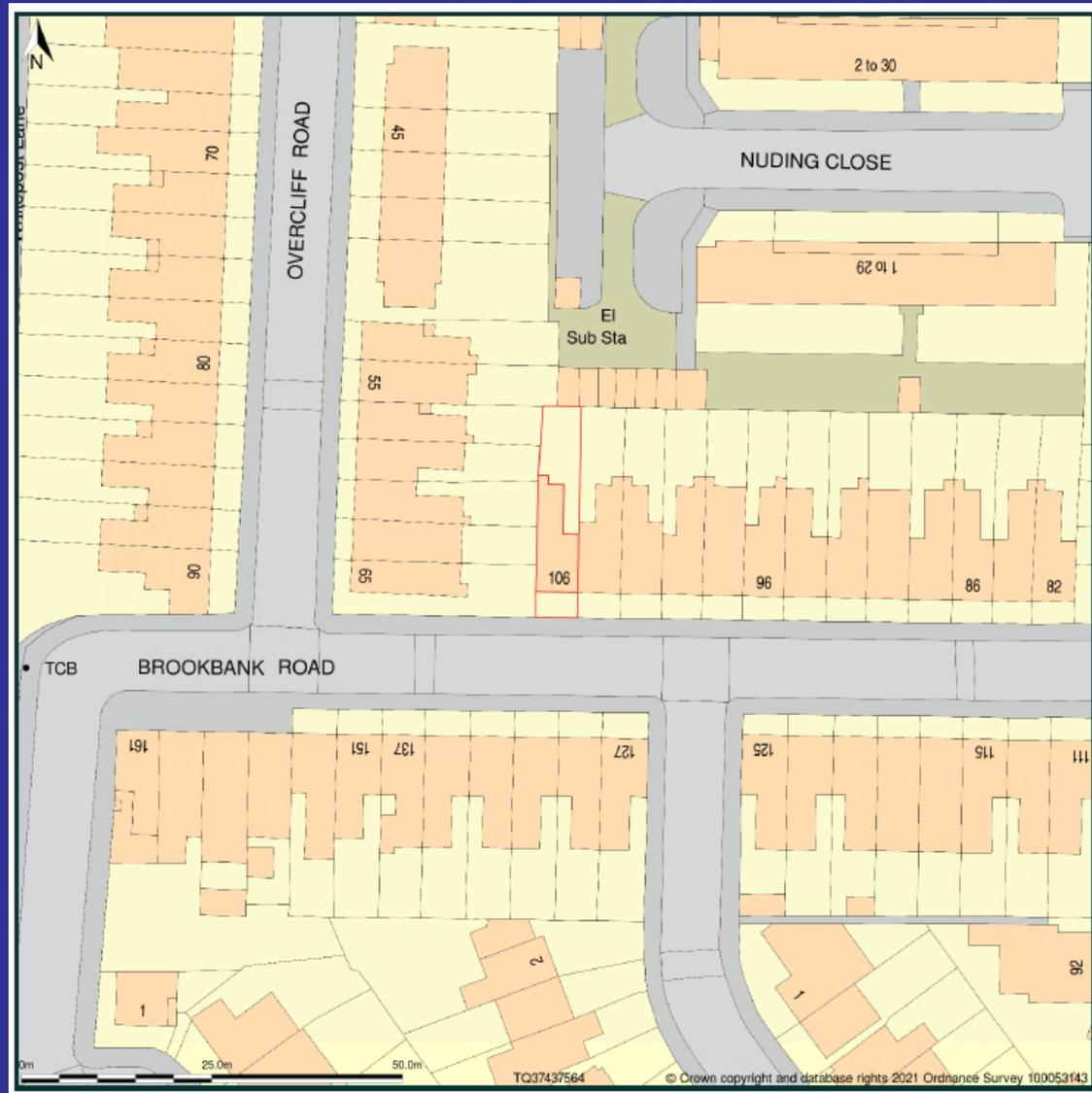
### Application No. DC/21/121272

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The construction of hip to gable and rear dormer extensions to the roof of 106 Brookbank Road, SE13, together with the installation of three rooflights in the front roof slope.

This presentation forms no part of a planning application  
and is for information only.

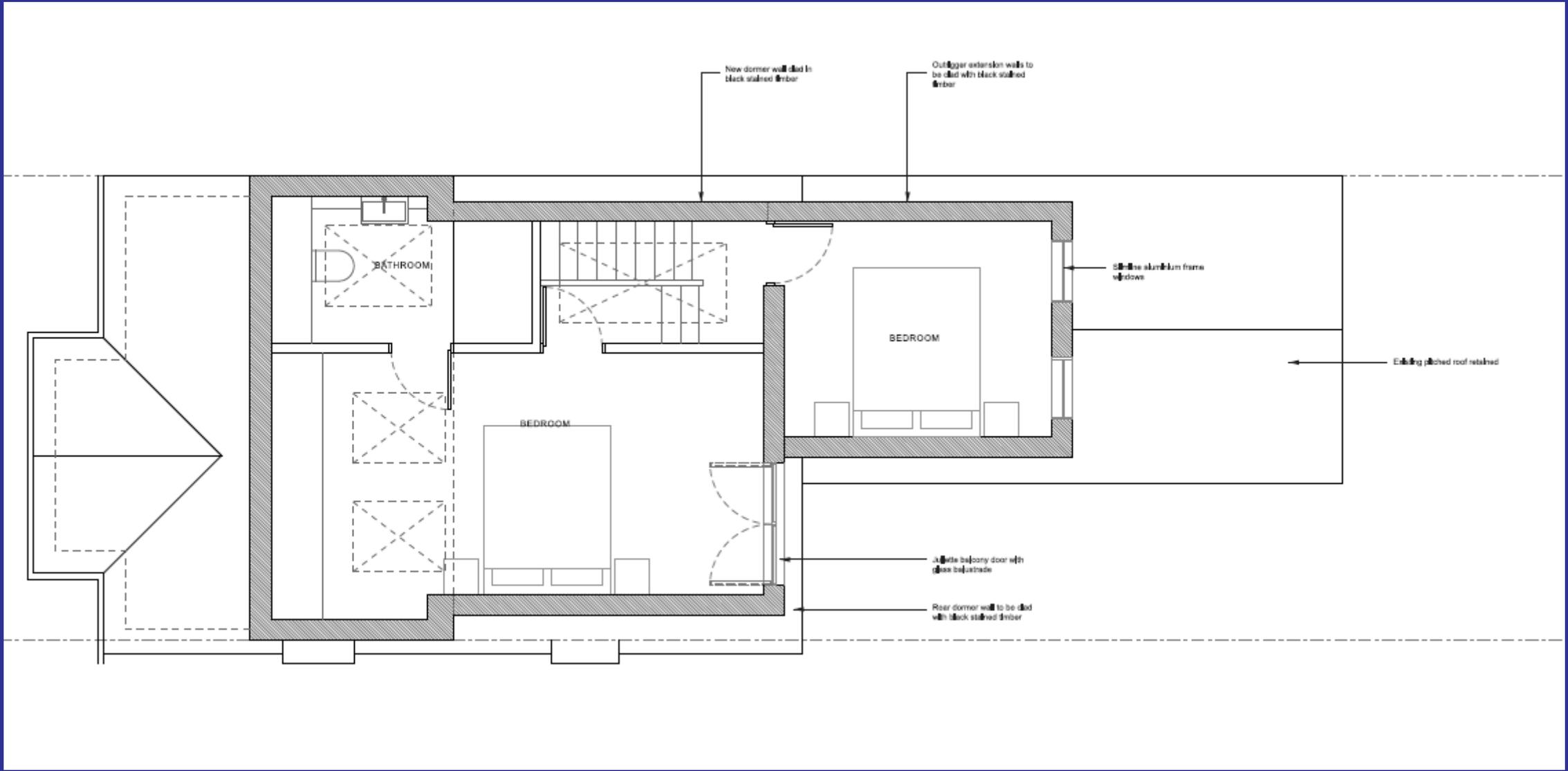




## Site Location Plan



Existing Aerial View



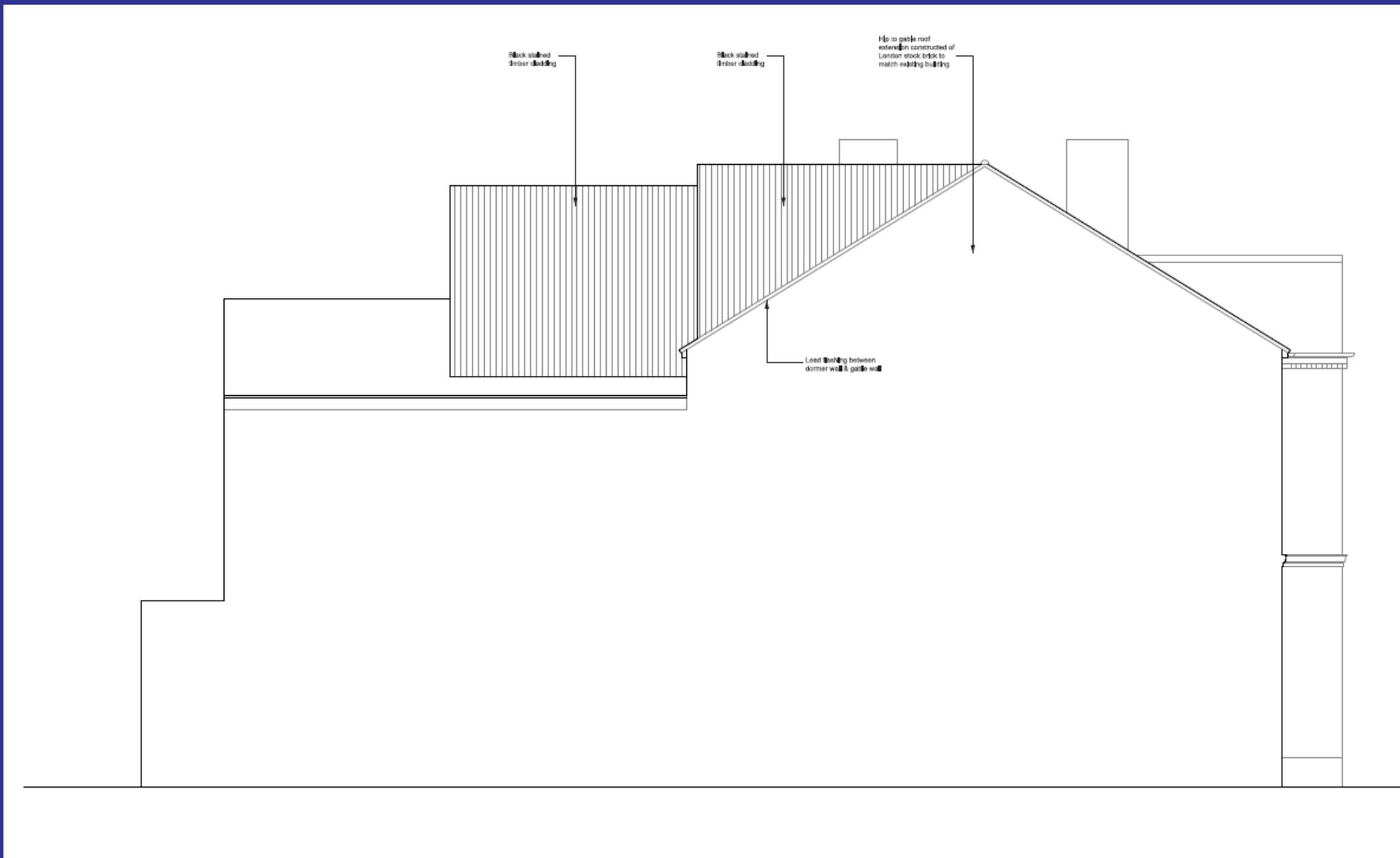
Proposed roof extension floor plan

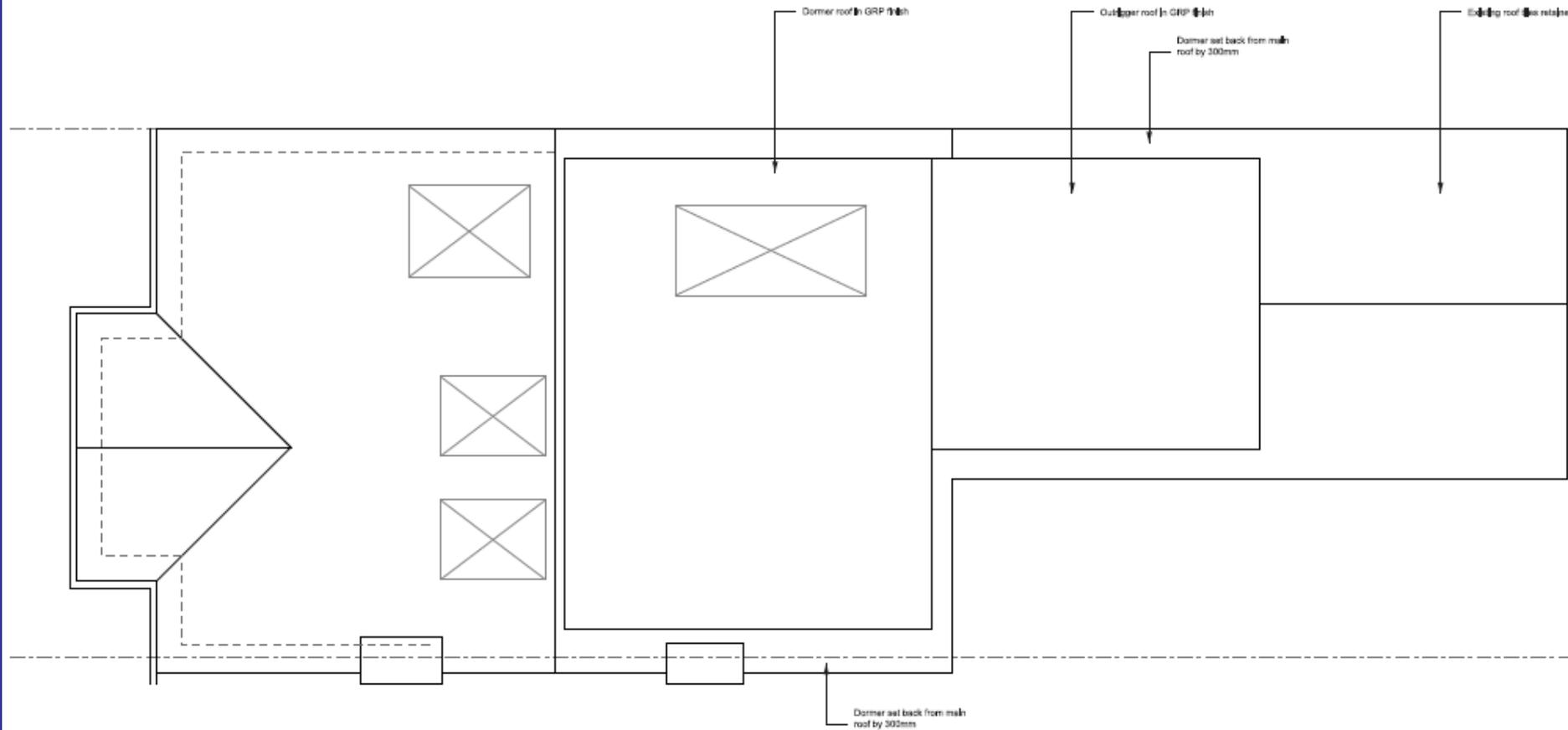


Proposed front and rear elevations

# Key planning considerations

- Principle of Development
- Urban Design
- Impact on living conditions of neighbours





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