

PLANNING COMMITTEE B

Date of Meeting: **TUESDAY, 1 FEBRUARY 2022 TIME 7.30 PM**

PLACE: **COUNCIL CHAMBER CIVIC SUITE LONDON SE6 4RU**
The public are welcome to observe via the Council's website at:
<https://lewisham.public-i.tv/core/portal/home>

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
Laurence House
London SE6 4RU
Date: Thursday, 20 January 2022

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Planning Committee (B)

Declarations of Interest

Date: 1 February 2022

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

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

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

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

3. Disclosable pecuniary interests

3.1 These 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.

4. Other registerable interests

4.1 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.

5. Non registerable interests

- 5.1. 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).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. 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 6.3 below applies.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

7. Sensitive information

- 7.1. 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.

8. Exempt categories

- 8.1. 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).



Planning Committee (B)

Minutes

Date: 1 February 2022

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to consider the Minutes of the meetings of the Planning Committee, (B) held on 14 September and 11 November 2021.

Recommendation

That the Minutes of the meeting of the Planning Committee (B), held on 14 September and 11 November 2021 be confirmed and signed.

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MINUTES OF THE PLANNING COMMITTEE B

Tuesday 14 September 2021 at 7.30pm

Present: Councillor Clarke (Chair) Councillors Jacq Paschoud, Lavery, Muldoon and Openshaw

Present remotely: Councillor Johnston-Franklin and Councillor Mallory

Apologies: Councillor Penfold, Councillor Gallagher, Councillor Anwar

1. Minutes

The minutes of the last meeting were agreed as an accurate record.

2. Declarations of Interest

Councillor Muldoon was lobbied by friends of Honor Oak regarding Item 3.

3. 97 Honor Oak Park, SE23 DC/19/111021

The Planning Officer presented this application. This application was 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) relating to the construction of 2, two-storey, two bedroom houses at the rear of 97 Honor Oak Park, SE23. The application had received 8 objections.

The proposed amendment was to allow 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; and additional paving measures. The houses were unoccupied at this time.

The committee report of 2011 advised that the footprint of both house would be the same- 9.3m in length and 5.2m in width. In comparison, the house A footprint had been measured as 9.4m in length and 5.4m wide. House B measured at 9.57m in length and 5.4m wide, both houses being larger than the approved measurements. The houses were also built slightly closer to the boundary.

The key planning considerations are the 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.

The development was considered to be acceptable in its merits. The changes to the construction are not considered significantly different to those proposed. Therefore it

was recommended by officers to grant permission, subject to the appropriate planning conditions.

Councillor Paschoud asked about the previous appeal of this application. The planning officer clarified that the application went to Committee in 2011 with the recommendation to approve. It was refused for design and scale reasons. The applicants appealed and the appeal was upheld in 201 with conditions attached to the planning consent.

The applicant then spoke on the proposed amendments. He stated the following: His parents bought the house as a family home in 1971 as an already dilapidated building with the intention of restoring the Victorian structure back to its original form and enhancing the accommodation. His parents worked hard to restore the home for future generations. The applicant undertook the task of restoring the house and converting it to 6 apartments and building the two new house at the rear of the garden.

The siting of House B is closer to the western boundary because it was discovered that an ancient sewer had been directed across the development, cutting across the proposed position of House B. the decision was taken to move the site of House B a distance away from the sewer but still far enough away from the western boundary so as not to disturb the sewer.

The dormer windows on the ground floor and the flank window of House A are positioned exactly as they were in the original but refused planning application as discussed by the Committee in 2011. The architect at the time was sick so this may have affected the slight changes in outcomes. In the 2011 report, the planning officer stated that both dwellings would be positioned so as not to compromise the privacy of the neighbouring residents. The proposed dormers would also be positioned to not overlook neighbouring occupiers.

When asked why the houses' footprints were larger than intended, the applicant said he was not sure and was not made aware at the time and assumed that the footprints were created as agreed.

The objector then spoke on the application. The following was discussed in his objection:

He disputed the fact that the reports description of "minor" material amendment was not. The houses originally designed were described as modest in nature but what was built was at least 25% larger than what was initially proposed and permitted, along with many other unpermitted changes. There were 3 grounds for refusal that the objector said members should consider: procedural impropriety, application of planning law and each change in the application. On these grounds, the objector stated that the application has failed and should therefore be refused. He also stated that the condition being considered, regarding the frosted film being placed on the windows for privacy, is easily removed. He suggested that the condition should be that frosted glass is used instead as a more permanent option.

The Chair asked the Presiding Planning Officer for clarification on the access agreements outlined in the reports. The Officer stated that the issue of land ownership is not material to the planning decision so to his knowledge there is no

reason to why Members could not grant planning permission whether or not the Council does have an interest in the land adjoining- it would not be relevant to Members.

The Chair also asked for clarification on the objectors claims that the building was 25% bigger than the permitted plan. The Officer stated that during the course of the application which did go on for years, there were many amendments to the plans. The committee report from 2011 stated the footprint size of both houses and the dimensions mentioned earlier in the officer's presentation are accurate to the officer's knowledge.

Councillor Muldoon, referring to the objector's allegations of improper application of planning law, stated that the Committee is not empowered to interpret law but rather rely on the legal advice given. The Presiding Officer stated that the comments from the objector were put to the legal team who confirmed it is acceptable for the local planning authority to vary the amendments to the plans via section 73 or section 73(a) of the Town and Country Plan Act 1990.

The Presiding Officer also stated that the applicant building outside of compliance has done that at their own risk, and while it is not good or encouraged practice to build an unauthorised development, it is for the consideration for the Council to enforce, if they think that the variations are harmful. He advised that Members make a planning judgement, not considering what the intention was, but what had been built on the site along with the additional changes (both retrospective and proposed) and whether they are suitable on planning terms and whether they conform with the development plan.

Councillor Muldoon moved the motion to approve the application. The Committee added the condition that the glass window discussed be frosted/obscured in place of the film.

A vote was taken and the Committee voted in favour of the application.

4. Inglemere Domus, 27 Inglemere Road, SE23 2BB (A) DC/20/117864

The Planning Officer presented the report for this application.

The planning application was for the demolition of the existing building and the construction of a part-3 and part-4 storey building to accommodate 20 residential units with basement plant room and associated works at Inglemere Domus, 27 Inglemere Road.

There were verbal corrections to the written report as follows: paragraph 11, mention of the 6 parking spaces where 5 are being proposed; paragraph 98 states that Flat 19 is not dual-aspect when in fact it is.

The officer stated that the application site is not in the conservation area, nor is it in close proximity to a listed building, it is within a PTAL 3 area and the surrounding area is residential in character. The building was last used in 2015 as a residential care home. The applicant successfully demonstrated that a care home is no longer needed at the site. The materials and design of the proposed development had been considered high quality. Parking, bin storage and a communal garden to the rear had

been included in the site plans. The proposed development had been set to exceed the floor space according to London Plan minimum standards. The application followed the viability tested route and will deliver 3 units for London affordable rent, which will be secured by section 106. 2 wheelchair accessible unit were also proposed.

The key material planning considerations were as follows: 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. Planning officers consider all of these justified.

Permission was recommended subject to conditions and the section 106 agreement.

Councillor Lavery asked for context as to why only 3 of 20 of the properties were under London affordable rent. The officer stated that initially, no affordable housing was proposed and the applicants liability assessment was reviewed by a third party viability consultant and it was indicated that a nominal quantity of affordable housing was deliverable, so negotiations took place. This resulted in the above affordable housing proposal. It was felt that this was the maximum that can be achieved through the viability route.

Councillor Johnston-Franklin stated that the spaces which are for affordable rent, are not suitable for families and why it wasn't considered that one of the larger units be used for affordable rent. She also raised concern about the potential lack of light in flat 3 which has been made accessible for a wheelchair user. The Presiding Officer stated that a judgement had to be made for affordable housing as choosing one of the larger properties for this would result in fewer units being rented out affordably, potentially just 1. Regarding the sunlight levels, it was said that flat falls marginally below the 2% recommendation- all of the other flats meet or exceed the percentage. This is because Flat 3 is mostly north-facing. It is not considered to be significantly below the recommendation to warrant a reason for refusal.

The agent, on behalf of the applicant, then gave her presentation. She discussed that following:

The building had been vacant since 2015 after the NHS concluded that it was no longer needed to accommodate the required services for modern day elderly care. The proposed development had responded to the advice of officers and represented the effective and efficient use of the sustainable site. The development would provide 20 much needed houses in the borough. At the request of officers, the property provides a genuine mix of different homes in size and affordability. They are all space standard compliant. Neighbouring amenity has been protected by policy compliant separation distances between buildings. The application is accompanied by a comprehensive package of technical information as agreed at the pre-application stage. These have been reviewed and accepted. The committee report outlined that the merits of the development substantially outweigh any harm that may be identified. Furthermore, no objections were received from any internal or external statutory consultees. On the basis of these points, the proposed development is considered to be in line with national planning policy guidance and the development plan policies.

As the objector was unable to attend the meeting, the planning officer read out the objector statement which highlighted the following:

The objector was concerned that proposed development will overlook her garden because of the multiple balconies. She stated that she uses her garden a lot as she is often at home with her child who has a disability- she felt the change would impact her quality of life as there would be a lack of privacy and a direct view into her home and garden.

The Chair asked for clarity on this overlooking and the views from the balconies. The officer said that the rear elevation of the proposed building is approximately 9 metres from the shared boundary. The properties on Acorn Way have rear gardens of around 11-12 metres in length. Officers are happy that there would be a sufficient amount of space between the two properties. The balconies to the rear are on the 4 storey element. The balconies are approximately 1.5m deep and there is a slight reduction in space between the edge of the balcony and the rear of the properties in Acorn Way. It is considered sufficient. There are also large mature trees on the boundary which are not proposed to be uprooted which provide privacy.

Councillor Paschoud moved the motion to approve the recommendation to approve the application as outlined in the report.

The Committee voted in favour of the application.

5. 4 Lind Street DC/20/119652

The Planning Officer outlined the following in his presentation:

The application was considered for 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.

Three other addresses on Lind Street have had the construction of mansard extensions to their roofs. 140-146 and 158 of Albyn Road at the end of Lind Street all have a higher mansard extension to the roof. Officers are satisfied that the extension will not cause any harm to the character and appearance of the conservation area given that mansards already form part of the street and would be fully compliant with the design scheme. Officers are also satisfied that there will be no impact on neighbouring properties. It is therefore the officer recommendation to approve this application subject to the conditions set out in the committee report.

The applicant gave their presentation and raised the following:

The extension will have minimal impact on the neighbourhood as it will be almost completely concealed from the main street. The mansard will be set back at floor level at 250mm which is specified in the recommendations of the SPD. The improvements will provide a better family home while being historically sympathetic in terms of design and in keeping within the established character of the roofscape. Additional benefits to the character of the area include the enhancements resulting from removing the current non-compliant windows and reinstating at the front. The extension will also improve energy efficiency in the house.

A representative from St John's Society also spoke in favour of the application, stating that a mansard roof is an accepted building form and is common across

London. The society deem this extension to conserve the heritage of the building. Such additions will allow for families to stay in the community for schools, work and other social networks. The mansard will be built with high quality materials which substantially improve the environmental quality of the building thus preserving energy and carbon. He added that mansards are already an established extension on Lind Street.

The objector argued the following:

This objection was for both mansards in Lind Street and Bolden Street, which was discussed on the next agenda item. Amenity societies, such as Brookmill, represent the historic memory of conservation areas which is important to consider. The odd number side of Bolden Street still retains the original and distinctive roofscape that is a defining characteristic of the Brookmill Road Conservation Area. A previous application at this same site was refused in 2016 and was dismissed on appeal in 2017. The planning inspector's reasons for upholding are still relevant for both applications.

Officer support in their reports for both applications is primarily argued on existing precedents. 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.

The Presiding Officer stated that Members should only be taking into consideration the material issues of the character of the area, heritage and design.

Councillor Paschoud moved the motion to approve this application.

The Committee voted to approve the application.

6. 13 Bolden Street DC/20/120731

The Planning Officer presented this report.

The application was for 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.

A neighbouring property, number 18, is currently constructing a mansard roof which is almost complete. South-east from Bolden Street is Albyn Road which has a considerable amount of mansard roofs.

The key material considerations were urban design, neighbouring properties and principle of development. Officers felt that these considerations were satisfied, therefore it was the officer recommendation to approve this application.

The applicant for this item gave their presentation. She stated the following: She and her family currently reside at the property. As with growing families, they require the extra space that the extension would provide. In the area, mansard roofs

are a sympathetic solution, while protecting the conservation of the area and providing the family with the room needed. The national planning policy framework, published in July, states that all planning applications should support opportunities to use the air space above existing residential and commercial properties. She furthered that considering all the other mansards built in the area, a precedent has been set.

The objector echoed her points from the last item and stated that there is no policy supporting mansard roofs that requires consideration that the Committee needs for consistency in decision making.

Councillor Lavery proposed that the application be accepted.

The Committee voted in favour of the application.

7. 106 Brookbank Road, London SE13 7DA (A) DC/21/121272

The Planning officer gave their presentation for this application. The application was for the construction of hip to gable and rear dormer extensions to the roof of 106 Brookbank Road, SE13, together with the installation of three roof lights in the front roof slope.

The property is based in a predominantly residential area. It is not a listed building, neither is it located near one.

The key planning considerations are the principle of development, urban design and the impact on living conditions of neighbours, all of which are considered acceptable. The officer recommendation is to approve the application subject to the conditions set out in the report.

There was no applicant for this item.

The objector who wished to speak was experiencing microphone issues so provided some text via the Teams chat summarising her argument. The Presiding Officer summarised her text to the Committee. The following was taken from the transcript of the Teams chat:

- enclosure - extending the brick mass to a gable end will impact the light into my garden and will take early morning sunlight
- there has been no site visit to appreciate from the ground the impact of extending the brick mass up in effect a storey will have

The Planning Officer stated that officers are of the opinion that there is sufficient distance between the application site and the properties on Overcliffe Road which provides mitigation against the loss of light and enclosure. The proposed development is typical of this residential typology.

The Committee voted in favour of the application.

Standing orders were suspended at 10pm.

The meeting concluded at 10.32pm

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**LEWISHAM COUNCIL
PLANNING COMMITTEE B
THURSDAY, 11 NOVEMBER 2021 AT 7.30 PM
MINUTES**

IN ATTENDANCE: Councillor Suzannah Clarke (Chair) Councillors, Aisling Gallagher, Johnston-Franklin, John Muldoon, Lionel Openshaw, Alan Smith.

MEMBER OF THE COMMITTEE JOINING THE MEETING VIRTUALLY Councillor Jim Mallory.

MEMBER IN ATTENDANCE AND SPEAKING UNDER STANDING ORDERS
Councillors Walsh.

MEMBER SPEAKING UNDER STANDING ORDERS JOINING THE MEETING VIRTUALLY Councillor Rathbone.

APOLOGIES FOR ABSENCE Councillors Jacq Paschoud, Tauseef Anwar and Councillor Jack Lavery.

NB: Those Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85 Local Government Act 1972.

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

ALSO PRESENT: Legal Representative.

**Item
No.**

1 Declarations of Interest

Councillor Muldoon declared an interest in item 5, Catford Constitutional Club. He said that this building formed one element of the major regeneration of Rushey Green ward and Catford. He had been involved in many hours of discussions of the various elements with officers, developers and prospective developers. Although he believed that he could approach this application with an open mind, he said that in the interests of clarity and transparency, he would recuse himself from the determination of this application.

2 Minutes

RESOLVED that the minutes of the meeting of Planning Committee B held on 14 September 2021 be considered at the next meeting of the Committee.

3 11 Wells Park Road, SE26 6JQ

3.1 The Planning Officer, gave an illustrative presentation recommending granting planning permission for the demolition of the existing garage, alterations to

window openings at ground and first floor, creation of first floor terrace, construction of a rear roof extension, provision of cycle and bin storage and hard landscaping to the front garden and other alterations at 11 Wells Park Road, SE26 to enable the conversion of the existing dwelling house into 1x1 bed, 1x2 bed and 1x3 bed flats.

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

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Natural Environment
- Sustainable Development

3.3 Councillor Smith referred to paragraph 99 in the report and the site screening on the eastern side of the roof terrace. Members agreed that because there was no definition of the material of this screening, an extra condition should be added requiring full details of the screening to the eastern side of the roof terrace to be submitted to and approved by the local planning authority. The material should be sufficient to maintain privacy and robust in nature, and remain in perpetuity.

3.4 A question was put to officers about the lack of private outdoor amenity space for one of the flats. Members were advised that there were communal areas but with Wells Park close by, it did not outweigh the benefits of the application.

3.5 The agent addressed the Committee on behalf of the applicant. He outlined the proposed alterations, the planning the history of the site, and the benefits of the proposed alterations. He accepted the proposed extra condition requested by members with regard to the privacy screen on the first floor terrace.

3.6 No questions were put to the agent by Committee members and no representatives with objections, were present at the meeting.

3.7 The Committee considered the submissions made at the meeting and

RESOLVED unanimously that planning permission be granted for the demolition of the existing garage, alterations to window openings at ground and first floor, creation of first floor terrace, construction of a rear roof extension, provision of cycle and bin storage and hard landscaping to the front garden and other alterations at 11 Wells Park Road, SE26 to enable the conversion of the existing dwelling house into 1x1 bed, 1x2 bed and 1x3 bed flats. This decision was subject to the conditions and informatives as outlined in the report and the added condition requiring full details of the screening to eastern side of the roof terrace to be submitted to and approved by the local planning

authority. The material shall be sufficient to maintain privacy and robust in nature, and remain in perpetuity.

4 Blitbolt Ltd The Workshop, 101 Ashby Mews, London, SE4 1TB

- 4.1 The Planning Officer advised those present, that the presentation previously submitted in the agenda, had the incorrect application number on it and confirmed that it should be DC/21/121526. He gave an illustrative presentation recommending granting planning permission for the change of use, alterations and extension of The Workshop 101 Ashby Mews SE4 to create a part single/part two storey live work unit (sui generis). Members of the Committee noted the report and that the main issues were:
- Principle of Development
 - Housing
 - Urban Design and Heritage
 - Impact on Adjoining Properties
 - Transport Impact
 - Sustainable Development
- 4.2 In response to members' questions regarding street numbering, and height of neighbouring properties, officers advised that the land registry supported Lewisham with regard to the street numbering. The height of the proposed building at the rear was 5.65 metres, which was the same as the existing building; this height also received approval in 2017. The proposed height of the building was the same as other recently completed properties in the street opposite. The Chair asked officers for clarity about whether a decision on the height of the property had already been approved. Officers confirmed that this was correct. Although permission had lapsed, this application was identical. Officers did not consider this would set a precedent for future construction of two story buildings in the Mews.
- 4.3 The architect for the scheme then addressed the committee. She said that the planning officer had made a comprehensive presentation and would answer any questions.
- 4.4 Clarification of a gap between the first floor extension and the gable wall was requested. It was described in paragraph 19 of the agenda as an unusual feature. The architect explained that on the first floor at the front of the properties overlooking the mews, there was office space and a small terrace where windows could be opened for amenity space. The officers showed the detailed plans of the area, gave an explanation of the gap and clarified that the area was uncommon rather than unusual.
- 4.5 There was discussion about whether the roof space could be enclosed. Officers advised that this would require planning permission and officers were confident that currently there was sufficient control.
- 4.6 No representatives with objections, were present at the meeting.

4.7 The Committee considered the submissions made at the meeting and

RESOLVED unanimously that planning permission be granted for the change of use, alterations and extension of The Workshop 101 Ashby Mews SE4 to create a part single/part two storey live work unit (sui generis) subject to the conditions and informatives outlined in the report.

5 CATFORD CONSTITUTIONAL CLUB, CATFORD BROADWAY, LONDON, SE6 4SP

5.1 Councillor Muldoon left the chamber for the duration of the deliberation of this application.

5.2 The Planning Officer, gave an illustrative presentation recommending granting planning permission for refurbishment and alterations to Catford Constitutional Club, Catford Broadway SE6 including construction of first floor extension, provision of rooftop plant, external alterations and landscaping works.

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

- Principle of Development
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment

5.3 Further clarification of the cycle space was requested. 15 new cycle racks being installed along Thomas Lane would be uncovered for short stay, as well as covered staff cycle parking in the yard space designed for longer stay.

5.4 In response to a question as to why the report did not include reference to the application being part of the Catford plan, officers advised that the application was received as a standalone application and was assessed as such. The intention was that it would eventually form part of the wider framework. Officers had held pre application meetings with the applicant, and the focus had been on how, in future, the building would link in with the Catford Town Centre network. Officers agreed that the Catford Constitutional club was pivotal to the regeneration of Catford. The Chair said that the report detailed the external transport and the links with pedestrian access. The hard and soft landscaping has been designed so that it links through to the rest of Catford.

5.5 The applicant outlined the history of the Catford Constitutional club. Concerns regarding the application, in particular to the scope of works to the former farmhouse, had been noted. The positive comments of the Council's Conservation Officer was welcomed as was the fact that Georgian Society had no objection to the application.

- 5.6 The applicant said that proposals were being reviewed from potential operators and a preferred bidder would be announced soon. If planning permission was granted the project would proceed to formal tender and the appointment of a contractor, with a target completion date around mid-2023.
- 5.7 No questions were put to the applicant by the Committee members.
- 5.8 A resident then addressed the Committee. She said that she was a concerned resident and against social cleansing in Catford. Information in her presentation had been from the on line planning application form. She asked why it was no longer available on line. The planning officer agreed to look into this.
- 5.9 The resident raised her concerns about the need to address the problems of sewerage at the premises. She said that the building is the oldest in Catford and asked whether Historic England had been contacted about their views on the application. A second resident said that there had been council reports and newspaper articles about the site being used for social housing. He asked why this decision was not being implemented.
- 5.10 The planning officer advised that details of the management of sewage, referred to on the planning application form, was mainly for new builds and not relevant in this case. The Architect gave details of the sewerage proposals for the building which would be managed professionally through the existing systems.
- 5.11 The planning officer advised that the building was locally listed, so did not fall within the Historic England remit. However, the Georgian Society had provided comment on the application and were in agreement with the proposals. The Council's conservation officers had been involved from pre application stage and were content that were several conditions in place to ensure that renovation works were undertaken with the utmost respect to the heritage of the building.
- 5.12 The planning officer said that social housing would be part of the Catford Town Centre. However, the application to be considered by members was for refurbishment of an existing use. There was no planning policy that could enforce the use of the building for social housing.
- 5.13 The Chair said that great detail of the heritage of the building was at the forefront of the report and a number of the conditions deal with the heritage of the application.
- 5.14 Councillor Walsh, speaking under standing orders, supported the application. He said that the Catford Constitutional Club was a cornerstone of the community until it was closed due to structural deficiencies. The application was designed to rebuild a space for the community and would include space for affordable community hire and buggy parking.
- 5.15 Councillor Walsh said that built into the tender contracts was a focus on social value, so the building would be a community facility and community resource. The application fitted into a wider master plan because it would be part of the Thomas

Lane Yard behind the building, where there would be 50% affordable housing. He said that granting the application would be of great benefit to the community.

5.16 Councillor Smith outlined the history of the building. He said that although the site had been scheduled for social housing, the Catford Constitutional Club was never part of that proposal. When refurbished, there would be a much needed new community hub for the new development. The Council would continue to retain an interest in the building and would receive an income from it. Refurbishing the building and bringing it back into community use would preserve it for a lot longer.

5.17 The Committee considered the submissions made at the meeting and

RESOLVED unanimously that planning permission be granted for refurbishment and alterations to Catford Constitutional Club, Catford Broadway SE6 including construction of the first floor extension, provision of rooftop plant, external alterations and landscaping works subject to the conditions and informatives outlined in the report.

Councillor Muldoon re-joined the meeting.

6. BURNT ASH WORKS, HOLME LACEY ROAD, LONDON, SE12 0HR

6.1 The Planning Officer, gave an illustrative presentation recommending the granting of planning permission for the demolition of Travis Perkins, Holme Lacey Road SE12 and former car showroom 2 Burnt Ash Hill SE12 and the construction of a building for use as a builders merchants (sui generis) with service yard, car parking, landscaping and associated works.

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

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

6.3 There was discussion about the site turnings onto Holme Lacey Road. The application was for a new build and there would be an increase in the numbers of HGVs. A number of improvement works should be included in the application. Officers advised that improvement works were recommended and would be secured through a section 278 agreement. The works would have to be completed before operation of the use.

6.4 The Chair asked about the impact of the number of vehicles using the site, and whether the usage would be suitable for Holme Lacey Road. Officers advised that the applicant did not believe that there would be intensified use of the site, rather there would be a more efficient use of the site.

- 6.5 There was discussion about trucks exiting the site and whether the tracks guiding them to the left would be enforced. Officers advised that the direction of traffic was secured by condition.
- 6.6 The Chair asked about the change in the elevation to the front of the site which she considered to be intense. She was concerned about the landscaping and the impact of the building. Officers advised that the proposed height of the building was similar to those opposite and was considered suitable as an industrial site. The materials to be used for this type of building were of high quality and officers were confident that it would not harm the street scene of Burnt Ash Hill or Holme Lacey Road. The Chair considered that the colour scheme could have been more sympathetic to the surrounding residential area.
- 6.7 The agent outlined the history of the site and the significant loss in builders' merchant branches throughout the city as landlords redeveloped leasehold sites for higher value land uses. Burnt Ash Works was a functional building and yard which should operate as a builders' merchant. The existing loading bay would remain in the same location but with a reduction in vehicles coming in and out of the Holme Lacey Road entrance due to the new one-way system from Burnt Ash Hill. This would be an improvement on the existing situation. Although the Noise Assessment concluded that the development was acceptable in noise terms, the applicant had offered to install an acoustic barrier to provide a betterment to occupiers on Holme Lacey Road. This would also be an improvement on the existing situation for immediate neighbours.
- 6.8 The agent said that Travis Perkins had worked with the planning, design and highways officers over the past 18 months, amending designs as requested and wherever possible without affecting the ability to operate the business from the site. They had also accepted comments from the Council's urban design and landscape officers.
- 6.9 The agent said that her client had also agreed to make improvements to the junction including a raised table crossing to slow speeds and improve the pedestrian crossing facilities. Cycle route signage would be provided on Holme Lacey Road and traffic calming measures will be provided at the junction with Dallinger Road.
- 6.10 The agent confirmed that the colour of the building would be green/yellow in line with the Travis Perkins corporate colour and would not appear dark brown as shown on the plan.
- 6.11 The Chair agreed that Councillor Rathbone could speak under Standing Orders. He said there had been serious historic problems with Travis Perkins HGVs entering and exiting the site and also using neighbouring roads as a parking area. He asked whether the 278 agreement could be strengthened to ensure that with the expansion of the site, the increasing number of vehicles did not continue to use residential streets as a car park. He said that if this element was sorted he supported the application.

- 6.12 Officers advised that with regard to traffic management procedures and controls, the service and delivery strategy contained the level of information expected but if members wanted to emphasise the matter, an informative could be added that recommended that details would be required regarding the management of deliveries to the site and how off street parking of HGV's would be minimised. Specifically, this would be part of a servicing and delivery strategy as required by condition 19.
- 6.13 No representatives with objections, were present at the meeting.

The Committee considered the submissions made at the meeting, and

RESOLVED unanimously that

- (i) planning permission be granted for the demolition of Travis Perkins, Holme Lacey Road SE12 and former car showroom 2 Burnt Ash Hill SE12 and the construction of a building for use as a builders merchants (sui generis) with service yard, car parking, landscaping and associated works subject to the conditions and informatives outlined in the report; and
- (ii) an extra informative be agreed: The applicant be advised that details would be required regarding the management of deliveries to the site and how off street parking of HGV's would be minimised. Specifically, this would be part of a servicing and delivery strategy as required by condition 19.

At 9.10 it was agreed that there would be a 5 minutes break.

At 9.15 the meeting reconvened.

7. 32 OAKCROFT ROAD, LONDON, SE13 7ED

- 7.1 The Planning Officer, gave an illustrative presentation recommending granting planning permission for the replacement of the existing rear conservatory with a single storey rear extension at 32 Oakcroft Road, SE13.
- 7.2 The Committee noted the report and that the main issues were:
- Principle of Development
 - Urban Design
 - Living Condition of the Neighbours
- 7.3 The Architect made a presentation on behalf of the applicants. She outlined the application proposal. She said that 3 objections had been received. The main areas of concern referred to the scale of the proposal, and its impact on number 30 Oakcroft Road. She said that the scale of the proposal already existed to the rear and the proposal to extend to the boundary was similar to an extension approved at number 34. Although there would be impact for number 30, there would not be any worsening with regard daylight or sunlight or change in the 25 degree rule test. In addition, the windows to the side of number 30 were secondary in nature. There were no changes to privacy for any of the neighbours

in this proposal. The materials to be used would be of high quality in line with Lewisham's planning policy and would improve the appearance of the property.

7.4 Members did not have any questions for the agent.

7.5 No representatives with objections, were present at the meeting.

The Committee considered the submissions made at the meeting, and

RESOLVED unanimously that planning permission be granted for the replacement of the existing rear conservatory with a single storey rear extension at 32 Oakcroft Road, SE13 subject to the conditions and informatives outlined in the report.

8. 14A Elderton Road, SE26 4EZ

8.1 The Planning Officer, gave an illustrative presentation recommending granting planning permission for the construction of a single storey rear extension at 14A Elderton Road, SE26.

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

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

8.3 The applicant attended the meeting.

8.4 Members did not have any questions.

8.5 No representatives with objections, were present at the meeting.

8.6 The Committee considered the submissions made at the meeting, and

RESOLVED unanimously that planning permission be granted for the construction of a single storey rear extension at 14A Elderton Road, SE26 subject to the conditions and informatives outlined in the report:

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9. 59 Bramdean Crescent, London, SE12 0UJ

9.1 The Planning Officer, gave an illustrative presentation recommending the granting planning permission for the construction of a single storey rear extension at 59 Bramdean Crescent, SE12.

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

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

- 9.3 The applicant attended the meeting.
- 9.4 No representatives with objections, were present at the meeting.
- 9.5 Members did not have any questions.
- 9.6 The Committee considered the submissions made at the meeting, and

RESOLVED unanimously that planning permission be granted for the construction of a single storey rear extension at 59 Bramdean Crescent, SE12, subject to the conditions and informatives outlined in the report:

The meeting closed at 21.40 pm.

Chair



Planning Committee B

Dirty South, 162 Lee High Road, London, SE13 5PR

Date: 1 February 2022

Key decision: No.

Class: Part 1

Ward affected: Lee Green

Contributors: Alfie Williams

Outline and recommendations

. 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 four objections from local residents and an objection from the Lee Neighbourhood Forum.

Application details

Application reference number(s): DC/21/123592

Application Date: 21/09/2021

Applicant: The Wellington Pub Company

Proposal: The alteration and conversion of the first and second floors of Dirty South, 162 Lee High Road SE13 into 4 two bedroom self-contained flats, together with the replacement of the existing windows and installation new windows in the south facing elevation and the provision of bin and cycle storage.

Background Papers: (1) Submission Drawings
(2) Submission technical reports and supporting documents
(3) Internal consultee responses
(4) External consultee responses

Designation: Air Quality Management Area
Flood Risk Zone 3
PTAL 4

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a three-storey property located on the south-western side of Lee High Road at the junction with Weardale Road. The site is a brick building with ornate detailing including a bay window rising through the second and third storeys to the front elevation. The building accommodates a public house known as the Dirty South. The pub is arranged over the ground floor with ancillary space at basement level. The upper floors have historically been used as a HMO but have been vacant for approximately 12 years. The public house is currently vacant and has been since early 2020 due to the Covid-19 Pandemic.
- 2 On 2nd December 2021 the Dirty South was included on the list of the Council's Assets of Community Value (ACV), see Appendix 1 for the decision notice. In making this decision the Council concluded the following:
 - *There is a time in the recent past when the actual and main use of the Dirty South Pub, namely as a pub and music venue, offering a range of events and activities, furthered the social wellbeing or social interests of the local community and;*
 - *It is realistic to think that there can continue to be a main use of the building or land which will further the social wellbeing or social interests of the local community.*
- 3 This decision has subsequently been appealed by the freeholders of the property.

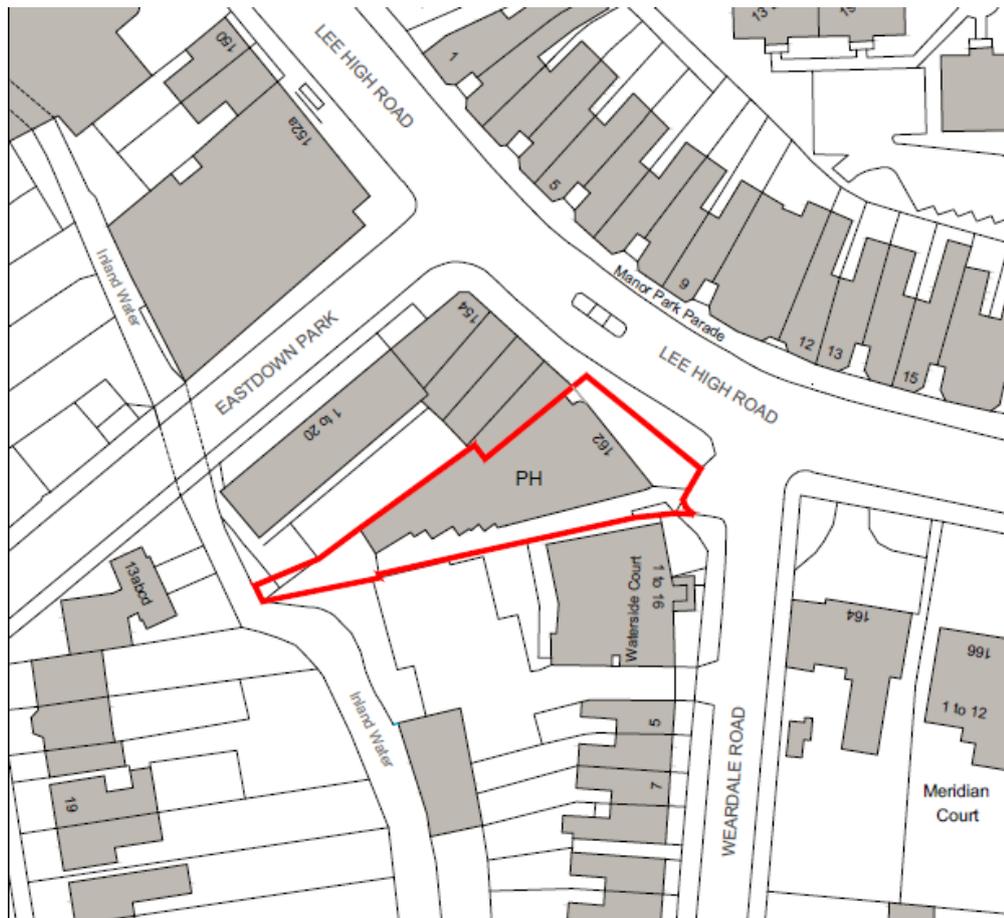
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- 4 The site area is 0.053 ha, therefore this is a Small Site for purposes of LPP H2 and Lewisham's Small Sites SPD.

Figure 1. Site Location Plan



Character of area

- 5 Lee High Road is approximately 1.7km long and connects Lee Green and Lewisham Town Centre. The road has a mixed character comprising areas of shopping parades interspersed with residential accommodation. This section of Lee High Road has a commercial character with parades of shops on both sides of the road and residential accommodation largely confined to the upper floors. The side roads off of Lee High Road, including Weardale Road and Eastdown Road, are predominately residential in character. The buildings on this part of Lee High Road are mainly three storey in height and are of similar architecture to the public house. Waterside Court, directly to the south of the application site, is a more modern flatted block and is slightly higher at four storeys.
- 6 Lewisham Town Centre is located approximately 500m to the north-west, where Lee High Road meets Lewisham High Street. The site lies within an Air Quality Management Area and is within the recently expanded Ultra-Low Emissions Zone (ULEZ).

Heritage

- 7 The application site is not located within a conservation area and neither is the building statutorily listed. However, the building is identified as a Non-Designated Heritage Asset on the Council's local list with the following listing entry:

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“Of architectural and social historic interest. 162 Lee High Road is a public house c1900, previously called the Rose of Lee. It is three storeys with a corner turret, feature chimney stack and broken pedimented gable with central clock, constructed of red brick with render banding and detailing and a slate tiled roof. Some arched headed casement windows and some plain. There is a continuous original decorative glazed frontage with ornate fanlights at ground floor level with two entrances. To the left of the building there is an arched entrance providing access to the rear of the building. Distinctive features of the building are the Dutch gable featuring a clock and a turret to the southwestern corner of the building. British singer Kate Bush made her first public performance here, fronting the KT Bush Band in March 1977. It is also a local landmark in this section of Lee High Road and is prominent in views in both directions.”

Local environment

- 8 The River Quaggy runs along the rear of the site so consequently the application site is located within Flood Risk Zone 3.

Transport

- 9 The site has a PTAL of 4, which is a good level of public transport accessibility. The closest train station is Hither Green Station located approximately 750m to the south. Lewisham Station is also within walking distance, approximately 1km to the north-west, and provides National Rail and DLR services. Lee High Road (A2) forms part of the TfL Road Network and is served by several bus routes.

2 RELEVANT PLANNING HISTORY

- 10 None relevant to this application.

3 CURRENT PLANNING APPLICATION

- 11 The proposed development would see the alteration and conversion of the upper floors of the building to provide four two-bedroom self-contained flats. In order to facilitate the conversion two new timber sash windows would be installed in the southern side elevation at first floor level. The proposal also includes the replacement of the existing windows in designs and materials to match the existing. The residential units would be accessed via the existing residential entrance in the side (southern) elevation.
- 12 At ground floor level a timber structure would be provided in the side access to accommodate separate cycling and refuse facilities for the residential accommodation. A second timber structure would be constructed to enclose the refuse facilities for the public house. The works within the side access also include the provision of a new timber gate and a timber planter. The external metal staircase on the side (south) elevation would be removed as part of the works.

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4 CONSULTATION

4.1 APPLICATION PUBLICITY

13 Site notices were displayed and letters were sent to residents and business in the surrounding area and to the relevant ward Councillors on 1 October 2021.

14 Five responses were received, comprising four objections from local residents and an objection from the Lee Neighbourhood Forum.

4.1.1 Comments in objection

Comment	Para where addressed
Impact to the public house (location of WC and Kitchen)	50
Lack of detail regarding the design of the windows and stores	85
Loss of Privacy	111
Increase noise and disturbance	118-119
Security	121

15 An objection also raised matters relating to fire safety, which is not a material consideration for this scale of development but is addressed within Building Regulations.

4.2 INTERNAL CONSULTATION

16 The following internal consultees were notified on 30 September 2021.

17 Conservation: no objection subject to a condition securing detailed drawings of the windows.

18 Environmental Protection: raised no objection to the proposal subject to conditions securing further details of the gas boilers and securing the recommendations of the Air Quality Assessment and Noise Impact Assessment.

19 Highways: did not submit comments.

4.3 EXTERNAL CONSULTATION

20 The following External Consultees were notified on 30 September 2021:

21 Environment Agency: raised no objections subject to a condition securing the recommendations of the Flood Risk Assessment.

22 Quaggy Waterways Action Group: did not submit comments.

23 TfL: raised no objections subject to conditions securing further details of the cycle parking, a Construction Logistics Plan and Delivery and Servicing Plan. TfL also requested that access to parking permits for the CPZ be prevented in order to secure a car-free development.

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5 POLICY CONTEXT

5.1 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).

5.2 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.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

29 Lewisham SPD:

- Alterations and Extensions (April 2019)
- Small Sites (October 2021)

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30 London Plan SPG:

- Housing (March 2016)

6 PLANNING CONSIDERATIONS

31 The main issues are:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- [Other site specific considerations]
- Planning Obligations

6.1 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.

33 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.

Policy

34 LPP H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average. LPP H2 also recognised and supports the contribution of new homes on small sites below 0.25 hectares.

35 LPP D13 Agent of Change seeks to ensure new noise-sensitive development takes responsibility for mitigating the impact from existing noise and other nuisance generating activities to ensure they remain viable.

36 DLPP HC6 Supporting the night-time economy recognises the night-time economy as being increasingly important to London's economy and emphasises the importance of promoting London as a 24-hour city.

37 LPP HC7 seeks to protect public houses where, amongst other things, they have heritage, economic, social or cultural value to local communities. Development proposals that would compromise the operation or viability of the public house should be resisted. To overcome this, developers must put in place measures that would mitigate the impacts of noise and other nuisance for new residents.

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- 38 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 30 dB(A) in bedrooms during the night-time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T
- 39 DMP 20 aims to prevent the loss of public houses and imposes criteria for assessing development proposals that would see the change of use of a public house.
- 40 DMP 26 attempts to reduce excessive noise or vibration that can be detrimental to human health and well-being

Discussion

- 41 The building is located within an accessible location in close proximity to a Town Centre and therefore the site is considered a sustainable location for intensification and increasing housing density. The contribution of four residential units towards the small sites and overall housing targets set by the London Plan is a planning merit of the scheme, which carries weight within the overall planning balance.
- 42 The public house has been identified as an Asset of Community Value (ACV). The London Plan identifies two main areas in which ACV designation is relevant to Public Houses. At para 7.7.5 the London Plan details that ACV designation gives local community groups the right to bid for public houses put up for sale. At paras 7.7.5 and 7.7.6 the London Plan highlights that ACV status is a material consideration for applications proposing a change of use resulting in the loss of a public house and can be used to establish the cultural and social value of pubs.
- 43 As the public house would be retained as part of the proposed development the ACV designation is not considered to have a significant impact on the assessment of this application.
- 44 The conversion of the upper floors of an existing building would also comply with the principles of the London Plan, making use of vacant floor space. However, the introduction of private residents separate to the pub use creates the potential for conflict between the right of residents to the quiet enjoyment of their homes and the operation of the pub. Therefore, the 'Agent for Change' principle is considered relevant. The 'Agent of Change' principle is defined within the NPPF and London Plan and is the maxim that the party responsible for any change in the noise environment is responsible for managing the impact of the change.
- 45 There is an increasing recognition that pubs are an important community resource, which can enhance the vitality of an area, particularly in terms of the night-time economy. Pubs can also be hubs for generating social interactions and can provide important space for community groups to meet. LPPs HC5, HC6 and HC7 support this interpretation.
- 46 BS:8233:2014 states that internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night-time (2300-0700).
- 47 A Noise Impact Assessment (KP Acoustics, August 2021) has been submitted in support of the application and confirms that the noise impacts from the public house could be mitigated, to comply with BS:8233:2014. The assessment has been modelled

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using the criteria for acceptable night-time sound levels. The report provides a recommendation for the installation of sound insulation between the ground floor and first floor levels in order to control the internal transfer of noise and vibration between the floors. The report has been reviewed by the Council's Environmental Protection Officer who has accepted the conclusions of the report.

- 48 The noise impact of the public house has been modelled on a standard lock-up pub operation without significant noise generating activities such as live/amplified music. Officers recognise that the public house was a live music orientated operation in the past, as identified within the assessment of the ACV application and the local listing. This ceased approximately 10 years ago and the most recent pub operation was food-orientated and has been characterised as a gastropub by the applicant. A review of social media supports this characterisation, although it does appear that some form of live music offer remained. Notwithstanding this, the public house is currently vacant so there is no existing live-music orientated operation to protect.
- 49 Officers are satisfied that the assumptions made within the NIA are reasonable and are largely consistent with the most recent pub operation, taking into account the location which is not within a designated town centre. The report also recommends a specification for the glazing to mitigate external noise from the public house operation and wider noise environment, which have also been supported by the Environmental Protection Officer. Therefore, it has been demonstrated that the public house could operate beyond 11pm without harming the amenity of future residents.
- 50 The proposed development does not include any internal alterations to the public house at ground floor or basement level so there would be no loss of floor space or loss of facilities such as the kitchen or WCs. Therefore, Officers are satisfied that the development would not compromise the viability of the public house.

6.1.1 Principle of development conclusions

- 51 In summary, the NIA demonstrates that the residential accommodation could coexist with a fully operational public house, similar to the previous pub operation. Furthermore, no onerous conditions on opening hours or the operations of the pub would be required. As such the public house could continue to operate viably and make a full contribution to the vitality of the surrounding area and its night-time economy as required by the London Plan. This is subject to conditions securing full details of the noise attenuation prior to the occupation of the residential accommodation as well as post installation testing. In addition a condition is recommended preventing live music and other amplified sound.
- 52 The provision of four residential units is a planning merit of the scheme and is afforded weight within the overall planning balance. This weight is limited by the modest scale of development.

6.2 RESIDENTIAL QUALITY

General Policy

- 53 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 (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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54 The main components of residential quality relevant to this application are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; and (v) air quality.

Internal and external space standards

Policy

55 LP Policy D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32. Table 3 below sets out proposed dwelling sizes in regards to the minimum internal space standard that needs to be provided.

56 LPP D6 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

Discussion

57 The table below sets out proposed dwelling sizes.

Table 1: Internal space standards – proposed v target

Flat No.	Unit size	Required GIA M ²	GIA m ²	External amenity space
1	2b4p	70	78	0
2	2b4p	70	70	0
3	2b4p	70	76	0
4	2b4p	70	72	0

58 All of the proposed flats would either meet or exceed the requirements of LP Policy D6 in terms of total floorspace, bedroom size and built-in storage. The floor to ceiling height for all of the dwellings would be a minimum of 2.7m throughout exceeding the 2.5m target for at least 75 per cent of the dwelling required by LPP D6.

59 None of the proposed dwellings would benefit from private external amenity space. This is because it would not be desirable or practical to attach balconies to the building due to the visual harm to the non-designated heritage asset and the potential loss of privacy to neighbouring buildings. The London Plan Housing SPG advises that failure to provide external amenity space is only justified in exceptional circumstances. The constraints imposed by converting the existing building qualify as a justified reason. In such circumstances the Housing SPG advises that future residents are compensated internally through oversized internal floor space. This has been achieved for Units 1 and 3, however, Units 2 and 4 are not adequately oversized.

60 In this case the failure to adequately compensate for the absence of external amenity space for the two units is balanced by the general high quality of the proposed accommodation, which includes dual aspect units, generous floor to ceiling heights and

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efficient layouts with minimal circulation space. Therefore, as a matter of planning judgement, the failure to provide policy compliant external amenity space throughout the development is not considered to warrant the refusal of the application.

Outlook, Privacy and Ventilation

Policy

- 61 DMLP Policy 32 expects all new development to provide a satisfactory level of privacy, outlook and ventilation for both its future residents.

Discussion

- 62 All of the proposed flats would be dual aspect as a minimum with the allocation of windows providing good levels of outlook for all of the habitable rooms. The provision of windows would also provide passive cross ventilation providing mitigation against overheating.
- 63 In privacy terms, the 4m distance between the southern side elevation and the north elevation of Waterside Court is below the 16m recommended for directly facing windows in the Small Sites SPD. The development has been designed to address this as far as is practical by proposing to obscure glaze and fix shut the secondary windows. This would leave one bedroom window per floor clear glazed and openable (Bedroom 2 – Flats 2 and 4). This is not ideal in privacy terms but it would not be desirable to have these window fixed shut or obscure glazed as it would limit light and outlook to the bedrooms.
- 64 The proposed solution is considered a reasonable compromise that balances levels of outlook, light and privacy for the bedrooms and is therefore supported by Officers. In coming to this conclusion Officers have given weight to the difficulties in converting existing buildings and the dense urban environment where levels of outlook, light and privacy are often more constrained.

Daylight and Sunlight

Policy

- 65 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.
- 66 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.
- 67 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

Discussion

- 68 A Daylight and Sunlight Report (Herrington, September 2021) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the proposed residential accommodation against the relevant BRE standard. The report confirms that all of the habitable rooms would be compliant with BRE guidelines for daylight and all of the principle living spaces would be BRE

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compliant for sunlight. Therefore, the development is considered acceptable in regard to daylight and sunlight.

Noise & Disturbance

Policy

- 69 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 30 dB(A) in bedrooms during the night-time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T
- 70 DMP 26 attempts to reduce excessive noise or vibration that can be detrimental to human health and well-being

Discussion

- 71 An assessment of noise and disturbance from internal and external noise is provided at paras 43 to 47 above. The assessment concludes that the impact would be acceptable subject to conditions securing the recommendations of the Noise Impact Assessment in terms of the specification of the window glazing and sound insulation between floors. The EPO supports this position.

Air Quality

Policy

- 72 NPPF para 170 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.

Discussion

- 73 The proposed development would introduce new residential accommodation and with it additional sensitive receptors to an Air Quality Management Area. An Air Quality Assessment (AQA) has been submitted in support of the application. The AQA found that mechanical ventilation would be required to ensure that air quality for the proposed residential accommodation would be within acceptable levels. The AQA has been reviewed by an Environmental Protection Officer who accepted the recommendations of the report. Therefore, a condition is recommended securing details of a mechanical ventilation system prior to the occupation of the development.

Summary of Residential Quality

- 74 The quality of the residential accommodation is considered to be acceptable and compliant with the relevant policies of the Development Plan.

6.3 URBAN DESIGN & HERITAGE IMPACT

General Policy

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75 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

76 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.

77 Within Chapter 16, the NPPF makes clear that heritage assets may be designated or non-designated. DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets. LPP HC1 and CSP 16 are also relevant.

78 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

79 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.

80 CSP 18 relates to tall buildings and states that these need to be of the highest design quality and appropriately located

81 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

82 DMP 31 states that development proposals for alterations and extensions, including roof extensions, will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. Specific guidance is contained with the Alterations and Extensions SPD.

83 DM Policy 37 states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets.

Discussion

84 The site is locally listed so is considered to be non-designated heritage asset. The building therefore does not benefit from the protections afforded to statutorily listed buildings. However, the Development Plan is clear that that non-designated heritage assets should be sustained and protected. The proposed development would require some modest alterations to the exterior of the building. The most significant of which would be the installation of two timber sash windows in the side (south) elevation at first floor level. The windows would reflect the alignment, material and design of the existing second floor windows above and as such are not considered to introduce any visual harm to the building. Furthermore, the external staircase serving the door would be removed as part of the works, which would enhance the appearance of the building.

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85 The development would also see the replacement of the existing windows with timber windows to match the existing designs. The replacement of the windows is not considered objectionable as it is necessary to facilitate the upgrade of the glazing advised within the Noise Impact Assessment. A condition is recommended securing detailed drawings of the windows to ensure that the windows would be a close match to the design of the originals.

86 The proposed cycle and refuse stores would be installed within the side access thereby limiting their prominence from public viewpoints and with it the visual impact to the building. The use of timber is considered appropriate for secondary structures and is therefore supported. Full details of the design will be secured by condition to ensure a high standard of design quality.

6.3.1 Urban design conclusion

87 The proposed development is considered acceptable in urban design terms and would ensure that the character and appearance of the non-designated heritage asset would be sustained.

6.4 TRANSPORT IMPACT

General policy

88 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. 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.

89 Para 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”.

6.4.1 Local Transport Network

Policy

90 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

91 The application site has a PTAL of 4, which is a good level of public transport accessibility. Officers are therefore satisfied that the relatively modest scale of development could be accommodated by the existing transport infrastructure and network without any significant mitigation

6.4.2 Servicing and refuse

Policy

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- 92 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 93 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 94 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

- 95 The site would be provided with an internal refuse store at ground floor level to be accessed from Mornington Road. The store would provide five 360L to be split between refuse and recycling provision. This would exceed the requirement for the development and is therefore acceptable. The refuse storage for the public house would be provided in separate area as required by the London Plan. A condition is recommended securing final details of the refuse facilities, including the appearance of the store, prior to the occupation of the development.
- 96 No details have be provided for deliveries and servicing connected to the public house. However, as the pub could be brought back into use without requiring further planning permission these details are not required. Officers are satisfied that deliveries relating to the residential accommodation could be undertaken from Weardale Road preventing potential obstruction to Lee High Road.

6.4.3 Transport modes

Cycling

Policy

- 97 Development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

Discussion

- 98 Eight long-stay spaces are required to comply with Table 10.2 of the London Plan. Cycle storage meeting this requirement would be provided within the side access. TfL have reviewed the cycle parking facilities and have assessed that the store is not large enough to accommodate cycle parking that would comply with the London Cycle Design Standards in terms of the spacing between the stands. However, TfL acknowledge that there is sufficient space within the side access to provide a policy compliant store and therefore final details of the cycle facilities, including the appearance, will be secured by condition.

Car Parking

Policy

- 99 LP Policy T6, supported by CSP 14 and DMP 29, requires developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.

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100 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 4 and above should be car free.

Discussion

101 No off-street parking would be provided by the development, which is supported given the good PTAL. TfL consider that the PTAL justifies securing a car-free development in order to accord with the principles of LPPs T6 and T6.1. Therefore, future residents of the development would be prevented from obtaining permits for the local CPZ by legal agreement.

6.4.4 Construction impact

Policy

102 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be development in accordance with TfL guidance.

Discussion

103 No details have been provided for transport logistics. Therefore, a Construction Logistics Plan will be secured by condition to be submitted and approved prior to the commencement of the development. The CMP should include details of how disruption to London's strategic road network and to pedestrians and cyclists will be avoided and/or mitigated.

6.4.5 Transport impact conclusion

104 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above and the relevant planning obligations.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

105 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 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

106 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

107 The main impacts on amenity that generally arise from this type of development include: (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.

6.5.1 Enclosure and Outlook

Policy

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108 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of outlook for its neighbours.

Discussion

109 No extensions are proposed as part of the works and the only additional built form would be cycle and refuse stores that would be relatively modest in scale. Therefore, the proposed development would not introduce any material impacts to outlook at the neighbouring properties.

6.5.2 Privacy

Policy

110 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The new Small Sites SPD revises this figure to 16m and is therefore considered more relevant.

Discussion

111 The new windows in the first floor of the southern side elevation would be located approximately 4m from the side elevation of Waterside Court, which is significantly below the 16m recommended in the Small Sites SPD. One of the new windows would be obscure glazed and fixed shut thus preventing intrusive views. The second window replaces an existing door that adjoins a raised platform and external staircase. The removal of the door and staircase would be beneficial to privacy levels at the neighbouring properties and therefore the views from the replacement window are not considered materially harmful. Above that, at second floor level, two of the three windows would be obscure glazed and fixed shut in keeping with the glazing of the existing windows. As such, no additional overlooking would be introduced.

6.5.3 Daylight and Sunlight

Policy

112 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.

113 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.

Discussion

114 No extensions or significant additional built form are proposed as part of the works. Therefore, the development would have a negligible impact on existing light levels and detailed analysis is not required.

6.5.4 Noise and disturbance

Policy

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- 115 The NPPF at para 174 states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 116 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.
- 117 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician

Discussion

- 118 No long-term impacts are likely to arise from the provision of a residential development within a residential area. However, there is potential for short-term impacts during the construction phase of development. Therefore, a condition is recommended limiting the time of works and deliveries relating to the construction phase of development.
- 119 The proposed development does not include any significant alterations to the public house or its operations. As such, noise generated by the public house is not considered relevant to the assessment of the impacts to the amenity of the neighbouring properties.

6.5.5 Security

Policy

- 120 Paragraph 92 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine quality of life.

Discussion

- 121 The proposed development would introduce activity to the vacant floor space on the upper floors of the building thereby increasing passive surveillance at the property and towards the neighbouring properties. Therefore, the proposed development is considered to be beneficial to the security of the neighbouring properties.

6.5.6 Impact on neighbours conclusion

- 122 No adverse impacts have been identified to the surrounding residential properties and therefore the proposed development is considered acceptable and compliant with the relevant policies of the development plan.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

- 123 Para. 152 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes,

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and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

- 124 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

6.6.1 Energy and carbon emissions reduction

Policy

- 125 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 126 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

Discussion

- 127 The proposed development falls below the threshold for a major development so the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, the conversion of an existing building is consistent with paragraph 152 of the NPPF, which encourages the reuse of existing resources as part of the transition towards a low carbon future.

6.6.2 Flood risk

Policy

- 128 NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 129 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 130 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

Discussion

- 131 A Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA has been reviewed by the EA who have accepted the conclusions of the FRA and have recommended that a condition be imposed ensuring that the development would be carried out in full accordance with the FRA and that the residential accommodation shall be set at the first floor level and above, and not lower than 11.95 metres above Ordnance Datum (mAOD). Therefore, the proposed development is considered acceptable terms of flood risk vulnerability.

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6.6.3 Sustainable Infrastructure conclusion

132 The proposal is acceptable in terms of Sustainable development, subject to the conditions detailed above.

6.7 NATURAL ENVIRONMENT

133 *General Policy*

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

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

136 The NPPF at para 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.

6.7.1 Air pollution

Policy

137 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. People such as children or older people are particularly vulnerable.

138 LPP SI1, CSPs 7 and 9 and DMP 23 reflect the national guidance and are relevant. Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

139 An Air Quality Assessment (AQA) has been submitted in support of the application and demonstrates that the development would be air quality neutral for the construction and operational phase of development. As such, the propose development is considered acceptable in air quality terms. The Council's Environmental Protection Officer has recommended that a condition be imposed to ensure that in the event that gas boilers are installed, the units would be Ultra-Low NOx Gas fired boilers.

6.7.2 Natural Environment conclusion

140 Officers are satisfied that there would not be any significant adverse impacts to the natural environment.

7 LOCAL FINANCE CONSIDERATIONS

141 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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- 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).

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

143 The CIL is therefore a material consideration.

144 £0 Lewisham CIL and £0 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

145 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.

146 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.

147 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.

148 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>

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

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- 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

150 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>

151 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

152 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

153 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.

154 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.

155 This application has the legitimate aim of providing new residential accommodation. 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.

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10 LEGAL AGREEMENTS

156 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

157 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.

158 In addition to planning obligations that are entered into pursuant to the provisions of S106 of the Town and Country Planning Act 1990 the Council can pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 enter into an agreement with the owner of land in connection with that land. In relation to the proposed obligations in the present application the Council will rely upon both powers to secure the necessary requirements.

159 The following are the draft Heads of Terms to which the applicant has agreed in writing:

Car Free Development

- Prevent future occupiers from access to residents parking permits for the local CPZ (save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).

160 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

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

162 The principle of the proposed development is supported given that onerous conditions would not be required to restrict the operations of the public house. Therefore, the public house would remain viable and could continue to contribute to the vitality of the surrounding area and its night-time economy. The provision of four residential units would contribute to local housing targets and as such carries weight within the overall

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planning balance. The standard of the accommodation provided by the residential units is considered to be of good quality and is generally compliant with the London Plan.

- 163 The application proposal would not result in any unacceptable impacts to the character and appearance of the locally listed building, the living conditions of neighbours, sustainable development or the natural environment. The proposed conditions and planning obligations are considered to ensure that any potentially adverse impacts to the local transport network would be mitigated.
- 164 Therefore, subject to the imposition of conditions and planning obligations, the development is judged acceptable and would accord with the Development Plan.

12 RECOMMENDATION

- 165 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and 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:

0128 - KLA - 00 - GF - DR - 18 001 Rev P01; 0128 - KLA - 00 - GF - DR - 18 002 Rev P01; 0128 - KLA - 00 - B1 - DR - 19 001 Rev P01; 0128 - KLA - 00 - GF - DR - 19 002 Rev P01; 0128 - KLA - 00 - 01 - DR - 19 003 Rev P01; 0128 - KLA - 00 - 02 - DR - 19 004 Rev P01; 0128 - KLA - 00 - RF - DR - 19 005 Rev P01; 0128 - KLA - 00 - XX - DR - 29 001 Rev P01; 0128 - KLA - 00 - XX - DR - 29 002 Rev P01; 0128 - KLA - 00 - XX - DR - 29 003 Rev P01; 0128 - KLA - 00 - XX - DR - 29 004 Rev P01; 0128 - KLA - 00 - XX - DR - 33 001 Rev P01; 0128 - KLA - 00 - XX - DR - 33 002 Rev P01; 0128 - KLA - 00 - B1 - DR - 10 001 Rev P01; 0128 - KLA - 00 - GF - DR - 10 002 Rev P01; 0128 - KLA - 00 - 01 - DR - 10 003 Rev P01; 0128 - KLA - 00 - RF - DR - 10 005 Rev P01; 0128 - KLA - 00 - XX - DR - 21 001 Rev P01; 0128 - KLA - 00 - XX - DR - 21 004 P01; 0128 - KLA - 00 - XX - DR - 30 001 Rev P01 received 27 September 2021;

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0128 - KLA - 00 - 02 - DR - 10 004 Rev P02; 0128 - KLA - 00 - XX - DR - 21 002 Rev P02; 0128 - KLA - 00 - XX - DR - 21 003 Rev P02; 0128 - KLA - 00 - XX - DR - 30 002 Rev P02 received 13 January 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. **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).

4. **External Sound Insulation**

- (a) The residential accommodation shall not be occupied until a scheme of sound insulation against external noise and vibration has been submitted to and approved in writing by local planning authority. The sound insulation shall achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided..

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(b) The residential accommodation 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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

5. Internal Soundproofing

(a) The residential accommodation shall not be occupied until details have been submitted to and approved in writing by the local planning authority demonstrating that soundproofing of a specification for sound insulation against airborne noise and structural vibration to meet 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms and 35dB LAeq (day) for other habitable rooms, would be installed where walls and/or ceilings for the residential accommodation parties non domestic use.

(b) The residential accommodation shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety, including details of the noise limiter to comply with Section 6.2 of the Noise Impact Assessment (KP Acoustics, August 2021), and a report detailing the results of post-completion sound testing to demonstrate compliance with the part (a) scheme have been submitted to and approved in writing by the local planning authority. The report and installation of the noise limiter shall be undertaken by qualified independent acoustician. 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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

6. Windows

(a) The residential accommodation shall not be occupied until detailed drawings, including sections at scale 1:5, of the windows have been submitted to and approved in writing by the local planning authority.

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

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

7. Refuse and Recycling Facilities

(a) Prior to the occupation of the residential accommodation, details of the 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 residential accommodation 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 appearance of 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).

8. Cycle Parking Facilities

(a) Prior to first occupation of the residential accommodation, full details of the cycle parking facilities providing a minimum of 8 long stay spaces for the development shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the residential accommodation 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).

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9. Mechanical Ventilation Heat Recovery System (MVHR)

(a) Prior to the occupation of the residential accommodation, a Mechanical Ventilation Heat Recovery (MVHR) system report, to comply with the recommendations of the Air Quality Assessment (Hoare Lea, July 2021) and Noise Impact Assessment (KP Acoustics, August 2021), shall be submitted to and approved in writing by the Council. The report shall include the following information:

- Details and locations of the air intake locations of the mechanical ventilation system, or
- Details of filtration system to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, and Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890.

Ventilation intakes shall be positioned a suitable distance away from chimney/boiler flues, ventilation extracts, and roads. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the residential accommodation and shall thereafter be permanently retained and maintained.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with Policy SI1 Improving Air Quality of the London Plan (March 2021) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

10. Obscured Glazed Windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the proposed obscure glazed windows in the southern elevation as identified on drawing 0128 - KLA - 00 - XX - DR - 21 002 Rev P02 shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and fixed shut and retained in perpetuity.

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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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

11. No works or deliveries in connection with construction works shall be undertaken other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 174 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

12. Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

Reason: In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021)

13. In the event gas boilers are proposed, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and approved in writing by the local planning authority prior to installation. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with Policy SI1 Improving Air Quality of the London Plan (March 2021).

14. **Flood Risk**

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The development shall be carried out in accordance with the submitted Flood Risk Assessment (Motion, June 2021) and the following mitigation measure:

- residential accommodation shall be set at the first floor level and above, and no lower than 11.95 metres above Ordnance Datum (mAOD).

This mitigation measure shall be fully implemented prior to the occupation of the residential accommodation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the development and future occupants and to comply with Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

15. Live Music

No live amplified music, live acoustic music (defined as acoustic instruments and singing), public address system or any other amplified sound shall take place at the site, and average noise levels (LAeq) from the proposed development should be at least 5dB below background levels (LA90) at the location of nearby sensitive receptors.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 174 of the National Planning Policy Framework, Policy D13 Agent of change of the London Plan (March 2021) and DM Policies 26 Noise and Vibration and 32 Housing design, layout and space standards 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) 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>

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- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

13 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents
- (3) Internal consultee responses
- (4) External consultee responses

14 REPORT AUTHOR AND CONTACT

Report Author: Alfie Williams (Senior Planning Officer)

Email: alfie.williams@lewisham.gov.uk

Telephone: 020 8314 9336

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The Dirty South pub, 162 Lee High Road, SE13 5PR

Application from the Lee Forum dated 13th November 2021

This decision relates to The Dirty South pub, 162 Lee High Road, SE13 5PR as shown on the title plan held at the land registry.

I have reviewed all paperwork received as part of the application.

The legislation provides that an asset satisfies the definition of an asset of community value if:

- the local authority decides that the actual main, current use of the building or land is to further the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be a main use of the building or land which will further the social wellbeing or social interests of the local community; or
- in the opinion of the local authority there is a time in the recent past when the actual and main use of the building or land furthered the social wellbeing or social interests of the local community and, it is realistic to think that there is a time in the next five years when there could be a main use of the building or land that would further the social wellbeing or social interests of the local community.

The Dirty South pub, formerly known as the Rose of Lee, has been closed since March 2020 due to the pandemic. Previously, it was in use as a pub providing food, drink, entertainment and a range of cultural events. The first limb of the above test therefore applies to the Dirty South Pub as there was a time in the recent past when the actual and main use of the building furthered the social wellbeing or social interests of the community.

Evidence was submitted in support of the application. This included information about use of the asset to further the social wellbeing and/or social interests of the local community in particular:

- Special menus for Valentines Day, Mother's Day, St Patrick's Day, Cinco de Mayo, Jamaican Independence, Notting Hill Carnival, Sunday roast, Halloween, Christmas, and New Year's Eve
- Live music nights and DJ sets
- Regular quizzes
- Participation in the Hither Green Festival and other local activities

The venue has a Facebook page with approx. 2000 followers which shows evidence of the various events and activities held prior to the pandemic. Further evidence of its history as a music venue at various periods from the 1970's was provided in the form of articles and press listings.

The Dirty South pub is a locally listed building. Although not directly relevant to this decision, it's locally listed status along with its long history suggests

that the venue has an importance to the local community beyond that of a public house.

On the basis of the evidence and information supplied as part of the application, I am satisfied that:

1. There is a time in the recent past when the actual and main use of the Dirty South Pub, namely as a pub and music venue, offering a range of events and activities, furthered the social wellbeing or social interests of the local community and
2. It is realistic to think that there can continue to be a main use of the building or land which will further the social wellbeing or social interests of the local community

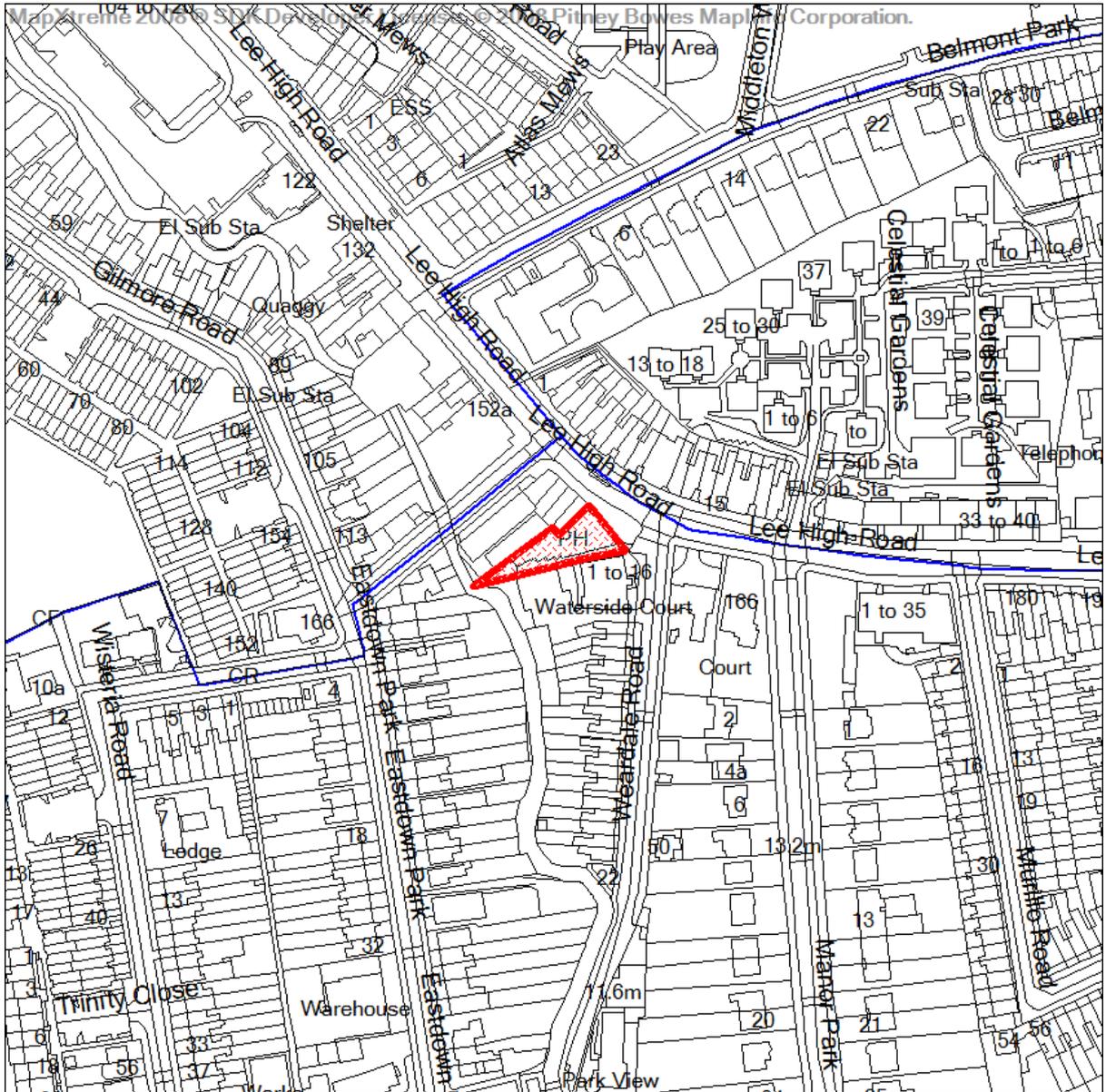
Accordingly, my decision is that The Dirty South Pub should be included in the Council's list of assets of community value.

Electronic Signature

A handwritten signature in cursive script, appearing to read 'J Lee', written in black ink.

James Lee, Director of Communities, Partnerships and Leisure

Dated 2nd December 2021



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Dirty South

162 Lee High Road

London

SE13 5PR

Application No. DC/21/123592

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

The alteration and conversion of the first and second floors of Dirty South, 162 Lee High Road SE12 into 4 self-contained flats, together with the replacement of the existing windows and installation new windows in the south facing elevation and the provision of bin and cycle storage.



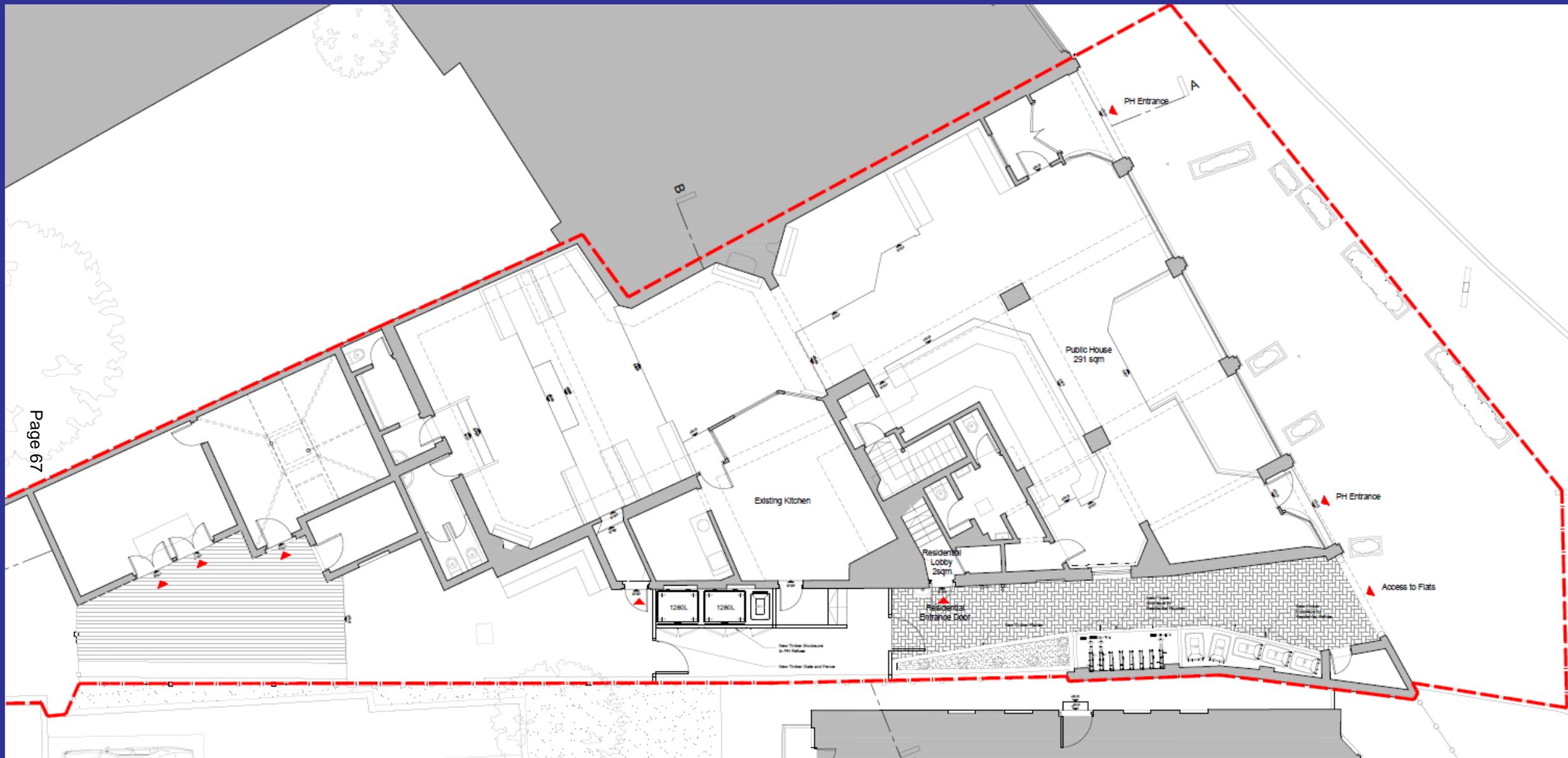
Site Location Plan







Proposed Front Elevation



Proposed Ground Floor



Proposed First Floor Plan



Proposed Second Floor Plan



MAIN PLANNING CONSIDERATIONS

- Principle of Development
- Residential Quality
- Urban Design
- Transport Impact
- Living Conditions of Neighbouring Properties
- Sustainable Development
- Natural Environment

End of Presentation

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Planning Committee A

Report title: 17 Minard Road

Date: 01 Feb 2022

Key decision: No

Class: Part 1

Ward(s) affected: Lewisham Central

Contributors: Samuel James

Outline and recommendations

The application is reported to committee as there have been over three planning objections.
The application is recommended for approval.

Application details

Application reference number(s): DC/21/120262

Application Date: 19 July 2021

Applicant: The Edition Group Ltd.

Proposal: The construction of a part two storey, part single storey building, plus habitable roofspace at 17 Minard Road, SE6, to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 1 off-street car parking space, bicycle and refuse storage facilities and associated landscaping.

Background Papers: (1) Submission Drawings
(2) Submission technical reports and documents
(3) Internal consultee responses
(4) Statutory consultee responses
(5) *Appendix A: Local Meeting Minutes*

Designation: PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The site is a roughly triangular shaped plot of land located at 17 Minard Road. It is on the south-eastern side of Minard Road at the end of an existing terraced row, approximately 70m from the junction with Brownhill Road, and the last plot on this side of the street before the junction. A two-storey, end of terrace house previously stood on the land, but this was demolished in 2017 following an application for prior approval.

Character of area

- 2 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road exhibits a strong architectural vernacular. The vast majority of surrounding dwellings are finished in red brick, bar a few exceptions, where the brick has been rendered and/or painted.
- 3 They style of the properties is consistent with that of the wider Corbett Estate, in which the proposal site is situated.

Heritage/archaeology

- 4 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.

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5 The site is not within a known area of archaeological interest.

Surrounding area

6 The surrounding area is residential in nature, however there are various commercial uses and local shopping parades along Brownhill Road (A205) to the south. The site is within walking distance of Hither Green Rail Station.

Local environment

7 The site is in flood zone risk area 1 meaning the risk of river flooding is low.

8 The site is within an area of designated Local Open Space Deficiency.

Transport

9 The site has a PTAL rating of 2 on a scale of 1-6, where 1 indicates poor access to public transport, and therefore accessibility to public transport is below average for London areas. Hither Green Rail station is an approximate 12-minute walk from to site.

10 Minard Road is a public highway with a speed limit of 20mph. Minard Road forms a junction with Brownhill Road, a classified A-Road, approximately 70m to the south-west of the site.

11 The existing property benefits from a vehicular crossover to the highway.

2 RELEVANT PLANNING HISTORY

12 There is significant planning history pertaining to this property but the most relevant is outlined below:

13 **DC/20/116332:** The construction of a part one, part two storey building, plus habitable roofspace at 17 Minard Road SE6 to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 2 off-street car parking spaces, 5 bicycle spaces and refuse storage facilities. Application **Withdrawn 24 May 2021** following identification of errors with the site ownership certificate that had been submitted.

14 **DC/17/104165** - The construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 2 x No. three bedroom houses and 1 x No. two bedroom house, together with the provision of 3 car parking spaces, 6 bicycle spaces and a refuse storage area – **Refused 8th January 2018**, for the following reasons:

1. *The proposed development, given its footprint, massing and proximity to the shared boundary with the properties along Brownhill Road, would not be in keeping with the prevailing plot coverage of the surrounding area and would represent a development which is disproportionate to the size of the application site, whilst also resulting in an unacceptable impact on the amenity of the occupiers of 315 Brownhill Road as a result of appearing overbearing, and on the amenity of the occupiers of 317 Brownhill Road due to increased overlooking and loss of privacy to their rear amenity space, contrary to Policy 7.4 Local Character and Policy 7.6 Architecture of the London Plan (2016), DM*

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Policy 30 Urban design and local character of the Development Management Local Plan (2014), and Lewisham Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- 2. The proposed development, due to the depth, irregular shape and cramped nature of the outdoor amenity space for the end-terrace unit (Unit 3), would fail to provide an acceptable standard of accommodation, and is therefore contrary to Policy 3.5 Quality and Design of Housing Development of the London Plan (2016), DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (2014), Lewisham Residential Standards SPD (Updated 2012) and The London Plan Housing SPG (2016).*
- 3. The proposed cycle parking spaces would result in cycle parking which is not convenient to use or fully secure, contrary to Policy 6.9 of the London Plan (2016), and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).*

15 **DC/17/102697** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 three bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **Withdrawn 11th October 2017.**

16 **DC/16/099545** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 two bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **withdrawn 21st April 2017.**

17 **DC/16/095066** - Prior notification for the demolition of the existing two storey dwelling at 17 Minard Road SE6 – **Prior Approval not required 17th February 2016.**

18 **DC/14/090238** - The demolition of the existing buildings and the construction of a 2 storey building with basement and roof space at 17 Minard Road, SE6 to provide 2 one bedroom, 3 two bedroom and 1 three bedroom self-contained flats, together with the provision of 4 car parking spaces and 6 bicycle spaces – **Refused 16th April 2015**, for the following reasons:

- 1. The proposed development would result in the loss of a single dwelling house to the detriment of housing choice in the Borough, contrary to DM Policy 2 (Prevention of loss of existing housing) and DM Policy 3 (Conversion of a single dwelling to two or more dwellings) in the Development Management Local Plan.*
- 2. The proposed development, by reason of the location and design would result in an overbearing, dominant and visually intrusive form of development which would result in a loss of outlook, daylight/sunlight and increase the sense of enclosure on the occupiers at adjoining sites on Minard and Brownhill Roads contrary to Core Strategy Policy 15 High Quality Design for Lewisham of the adopted Core Strategy (2011) and DM Policy 32 Housing design, layout and space standards, DM Policy 33 Development on infill sites, of the adopted Development Management Local Plan (2014).*
- 3. The proposed development would result in a substandard living environment for future occupiers who would not benefit from adequate outlook, amenity/play space and natural light contrary to Policy 3.5 Quality and Design of Housing Developments and Policy 7.6 Architecture of the London Plan 2011; Core Strategy Policy 15 High quality design for Lewisham; Lewisham Council*

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Residential Standards Supplementary Planning Document 2006, the Mayor of London's Housing Supplementary Guidance, November 2012 and 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).

4. *The proposed development by reason of the location and design would result in an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider street scene and be contrary to Objective 10:Protect and enhance Lewisham's character; Policy 15: High Quality Design for Lewisham; in the adopted Core Strategy (2011); DM Policy 30 Urban design and local character; 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, backland, back garden and amenity area development of the adopted Development Management Local Plan (2014).*

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 19 The proposal is for construction of a part two storey, part single storey building plus habitable roof space consisting of two single family dwellinghouses (1, three bedroom, and 1, four bedroom).
- 20 The proposal includes off-street parking for one cars.
- 21 The proposal also includes landscaping works around the proposed building, and provision of 5 bicycle spaces and refuse storage.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 22 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 26th July 2021, and a site notice sent to the applicant for display.
- 23 15 responses were received, comprising 15 objections.

4.1.1 Comments in objection

Comment	Para where addressed
Objections to loss of previously existing original Corbett house, and construction of two dwellings in its place. Contrary to DM2 and DM3.	48
Pre-Existing / existing plan accuracy, and proposed plan accuracy.	The applicant has asserted the accuracy of the plans and

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	provided details of the survey. The plans are considered sufficiently accurate to make an assessment. Pre-exist plans are for reference only.
Proposed building is out of character with the surrounding area. Corbett Estate is of special interest.	98
Proposed building does not respect local context or original Corbett houses	100
Windows do not align and are not same size as neighbours, bays do not match, materials do not match	100
Overdevelopment of plot	66
2 storey rear element is not in accordance with policy and guidance in SPD	102
Floor to ceiling heights are insufficient	72
Amenity space not large enough	84
Loss of sunlight and overshadowing to neighbours	168
Overlooking to neighbours / loss of privacy	165
Increased sense of enclosure and loss of outlook to neighbours	158
Cycle parking spaces not secure	140
Insufficient parking provided for proposal	148
Loss of existing trees	202

4.1.2 Local Meeting

- 24 As more than ten valid planning objections were received, objectors, ward councillors and the developer were invited to attend a 'Local Meeting'. This meeting was held on 30th November 2021. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Aisling Gallagher, and followed a webinar format. The Local Meeting was held in accordance with Lewisham's Statement of Community Involvement.
- 25 The developer was invited to give a short presentation on the scheme, followed by pre submitted questions which had been emailed to officers prior to the meeting. Follow up questions during the meeting were submitted via text on the Zoom web application.
- 26 The meeting was attended by eight local residents, Councillor Gallagher, the developer's planning agent representing Resi, and Planning Officer Samuel James (case officer).
- 27 The key concerns raised by objectors largely mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area and the impact on neighbouring amenity. The minutes of the Local Meeting are included at Appendix A.

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4.2 INTERNAL CONSULTATION

28 The following internal consultees were notified on 26th July 2021.

29 Highways: No comments were received for the current proposal. However highways officers commented on the previous application DC/20/116332, which was withdrawn prior to being heard at Committee in May 2021. They raised concern that 2 parking spaces for 2 dwellings would represent an over-provision, and suggested only 1 off-street space be provided. No other objections were raised.

30 Environmental Health: No comments received.

31 Tree Officer: Confirmed that none of the existing trees on site were of sufficient amenity value to be protected by a TPO, and recommended planting of new trees be secured by condition.

5 POLICY CONTEXT

5.1 LEGISLATION

32 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).

5.2 MATERIAL CONSIDERATIONS

33 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.

34 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.

35 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.

5.3 NATIONAL POLICY & GUIDANCE

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

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5.4 DEVELOPMENT PLAN

36 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

37 Lewisham SPG/SPD:

- Small Sites Supplementary Planning Document (October 2021)
- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

38 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London's Foundations (2012)
- All London Green Grid (March 2012)
- Play and Informal Recreation (September 2012)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

39 The main issues are:

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

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6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 40 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.
- 41 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.

Policy

- 42 The London Plan at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham, and London Plan Policy H1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.
- 43 LPPH2 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten year target for Lewisham of 3,790 new homes on these kinds of sites.
- 44 The National Planning Policy Framework (NPPF 2021) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.
- 45 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting under-utilised land and buildings, particularly where they would contribute to housing need and where sites could be used more effectively.
- 46 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.
- 47 DMP 2 *Prevention of loss of existing housing* sets out that planning permission for loss of housing by demolition will only be granted in a limited set of circumstances. DMP 3 *Conversion of a single family house to two or more dwellings* sets out that planning permission will normally be refused for the conversion of a single family house into flats. The general aims of these policies is to protect the loss of the existing housing stock, and the loss of family housing respectively, to ensure an adequate supply and genuine choice of homes for residents of Lewisham.
- 48 The house that previously existed at No.17 was a three bedroom, single family dwellinghouse. That property was demolished following an application for prior approval to demolish in 2017. Planning permission was not required for this, and this proposal for demolition was not required to be assessed against DMP2 or DMP3 at the time because the demolition was Permitted Development – only the methodology of demolition could be assessed by the Council.
- 49 The current proposal is for the construction of two new dwellinghouses of three and four bedrooms, meaning that as a result of the proposal there would be an additional family

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sized dwellinghouse, compared to the previously existing situation. The principle of development is therefore acceptable as there would be an increase in provision of family housing in line with the Development Plan, and the proposal would not be contrary with DMP2 nor DMP3.

50 The overall acceptability of the scheme is subject to a proposed building of an appropriate scale and design, which would have an acceptable impact on the surrounding area, including on the amenities of neighbours and the local highways network. These matters are discussed in the following sections of this report.

6.1.1 Principle of development conclusions

51 The site will make a valuable contribution towards meeting housing needs as identified in LPPH1 and H2 to increase housing supply and optimise housing potential of the site. The proposal will make more efficient use of the land and officers therefore support the principle of development. This is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and a good standard of accommodation is provided.

6.2 HOUSING

52 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation. Contribution to housing supply

Policy

53 National and regional policy promotes the most efficient use of land.

54 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

55 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 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.

56 The London Plan supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is 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 (including PTAL); and (iii) the capacity of surrounding infrastructure.

57 The Plan sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029

58 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.

59 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.

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60 CSP 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).

Discussion

61 The proposal is for two new family sized dwellings, and the site measures approximately 0.04 hectares in a residential area.

62 The surrounding area comprises of predominantly blocks of perimeter form urban terraced housing of 2-stories in height. The A205 (Brownhill Road), which has a mix of commercial uses, and is a busy main road runs close to the site, and therefore the area is characterised as being urban,

63 Table 1 below sets out the measures of density criteria required by LPPD3 for all sites with new residential units.

Table [1]: Measures of Density

Criteria	Value	Value/area
Site Area (ha)	A 0.04	BLANK
Units	W 2	W/A: 50 U/Ha
Habitable rooms	X 10	X/A: 250 Hr/Ha
Bedrooms	Y 7	Y/A: 175 Br/Ha
Bedspaces	Z 12	Z/A: 300 Bs/Ha

Summary

64 Policy D6 of the LP states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites.

65 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report.

66 Subject to the following matters, the proposed density is acceptable, and would not result in an over-intensification of the site. The proposed development would result in a more efficient use of the land and increase housing supply in line with the London Plan (2021).

6.2.1 Residential Quality

General Policy

67 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 (LPP D6), the Core

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Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

- 68 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

- 69 The ‘Technical housing standards – nationally described space standards’ sets out the minimum floorspace requirements for dwellings.

- 70 DMP 32 ‘Housing design, layout and space standards’ and LPD6 of the London Plan require housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Discussion

- 71 The table below sets out proposed dwelling sizes.

Table [2]: Internal space standards – proposed v target

House No.	Unit type (min req. GIA)	Unit size (GIA) (sqm)	Room sizes (metres squared)(min req.)	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
1	3b 5p 3-storey dwelling (99)	103	Bed 1 (1f double) – 13.7 (11.5) Bed 2 (1f single) – 9.5 (7.5) Bed 3 (2f double) -15 (11.5)	2.6 / 2.39	46 (8)	Yes
2	4b 7p 3-storey dwelling (121)	132	Bed 1 (gf double) – 17.3 (11.5) Bed 2 (1f double) – 16.5 (11.5) Bed 3 (1f single) – 8 (7.5) Bed 4 (double) – 16.2 (11.5)	2.7 / 2.39	55 (9)	Yes

- 72 The floor to ceiling heights would be above 2.6m for the majority of rooms within the dwellings, which exceeds the requirements of Policy DM32 and LPPD6, which require a minimum of 2.5m.

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- 73 It is noted that LPP D6 recommends a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling, which would be exceeded by the proposed development.
- 74 The bedrooms in the loft would have an approximate 2.4m floor to ceiling height, with one side of their ceiling sloping due to the pitch of the roof. Approximately 1.5m² of each of these bedrooms would have a floor to ceiling height of less than 1.5m at the sloping side. Based upon LPPD6, this should not be counted in the overall GIA. This is not a significant area and as these rooms are significantly larger than the minimum required floor area for double bedrooms, this would not reduce the usable area of the rooms below the minimum requirements, and the rooms are compliant with the standards and considered to provide a high level of amenity.
- 75 The proposed houses would both exceed the minimum requirements in terms of overall floor areas, and in terms of the sizes of individual bedrooms. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32.

Outlook & Privacy

Policy

- 76 London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).
- 77 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

Discussion

- 78 Given both dwellings would have dual aspects, and with the amount of glazing proposed, they would be provided with good levels of outlook overall. It is noted that the rear bedroom at first floor level (bedroom 2) of House 1 would have an obscure glazed window up to 1.7m, however as this would be a single bedroom, and there would be outlook from the high level clear glazing, as well as the rooflight, this is considered acceptable.
- 79 The proposed houses would not be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.
- 80 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

Daylight and Sunlight

Policy

- 81 The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces. LPP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

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Discussion

- 82 The proposed houses would all be provided with good levels of glazing, and they would all have windows on the south easterly and north westerly elevations. Due to the levels of glazing proposed, residents would be provided with acceptable levels of natural daylight and sunlight. It is noted that living areas and amenity spaces are located facing south, to provide optimum levels of lighting to the most needed areas.

External space standards

Policy

- 83 LPPD6H requires all new one bedroom dwellings to be provided with at least 5m² private external amenity space, and another 1m² for each additional occupant.

Discussion

- 84 Each unit would be provided with a private amenity space in the form of rear garden. Table 2 above shows that they would both be provided with significantly larger than the minimum required private amenity space. The gardens are on the southerly faces of the proposal for optimum daylight and sunlight. The shape of the gardens is also considered suitable for children's play.
- 85 The gardens would be located at the rear of the house and would therefore be afforded sufficient privacy for a garden in an urban area. They would be overlooked to a similar degree to the previously existing garden for No.17 Minard Road, and other surrounding properties and are therefore considered to be suitably private.

Summary of Residential Quality

- 86 In summary, the quality of the proposed residential dwellings would be high. Each dwelling would exceed the relevant internal and external space standards, would be provided with good levels of internal natural daylight and sunlight, appropriate levels of outlook and privacy, and good sized private external amenity space, in line with the previously mentioned policies.

6.2.2 Housing conclusion

- 87 The proposal would deliver two new family sized dwellings, which would be provided with a high standard of residential amenity. It would contribute one additional unit to the Borough's housing targets in a predominantly residential and sustainable urban location, making the more efficient use of land and increasing housing density. This is a planning merit to which very significant weight is given.

6.3 URBAN DESIGN

General Policy

- 88 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.
- 89 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

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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.

- 90 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.
- 91 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 92 The Small Sites SPD provides guidance for the redevelopment of small infill sites (maximum 0.25ha). Sections 28 is of particular relevance.

6.3.1 Appearance and character, Form and Scale

Policy

- 93 Policies D1 and D2 of the London Plan (2021), require development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.
- 94 London Plan Policy D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 95 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 96 DM Policy 32 expects new residential development to be attractive and neighbourly

Discussion

- 97 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road and surrounding streets exhibit a strong architectural vernacular. The dwellings are largely red brick, bar a few exceptions, which have been painted.
- 98 The proposed building would be of the same height as the adjoining terrace and the roof pitch and eaves would match, as shown on the proposed elevations.
- 99 The proposed building would be 9.3m in width, 0.6m wider than the adjoining No.15 Minard Road, and other houses along the terrace. This increased width compared to other houses would not be noticeable to a passerby, and would not result in harm to the overall appearance of the streetscene. The footprint of the proposed building is slightly larger than that which previously existed, but the overall scale of the proposal is

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comparable to the previously existing house. Therefore, the proposal respects the scale and massing of surrounding development.

- 100 The proposal incorporates two double height forward projections to the front elevation, in roughly similar positions to the bays of the house which previously stood on site. This is an interpretative design cue from the prevalent two storey bays on surrounding properties. The proposal includes a similar solid to void ratio and glazing proportions to the front elevation when compared with surrounding properties, though the design is a modern interpretation of the existing street style and typology rather than a pastiche.
- 101 To the rear of the building, it would feature a 3.6m deep single storey projection, with a 2m deep first floor projection above, which would be set in from the main side elevations by 1m. This would have an acceptable appearance, similar to a domestic rear extension. Objections relating to the rear projection have been received, with the suggestion it is contrary to policy, and the guidance set out in the Alterations and Extensions SPD. The proposal is for a new building and not an alteration or extension, and therefore the alterations and extensions SPD is not directly relevant.
- 102 There are no planning policies prohibiting 2-storey rear extensions, and although not directly relevant, the alterations and extensions SPD states that 2 storey rear extensions may be achieved where they are well designed, and do not dominate the host building.
- 103 The 2-storey element of the rear projection would be moderate in scale, projecting just 2m from the main rear elevation, and set away from the shared boundaries. It would read as a subordinate addition to the main building, and would not result in harm to the appearance of the surrounding area. It is noted that the part-single, party two-storey projection was reduced in scale following advice from officers.
- 104 At roof level at the rear the proposal includes a dormer. The proposed dormer would be moderate in scale, being clearly set in from each of the party wall and the side elevation, as well as down from the ridgeline and back from the eaves of the roof. This element is proposed to be finished in zinc, which is a high quality and durable material.
- 105 The Council's Alterations and Extensions SPD (2019) gives guidance on rear roofslope extensions, and whilst not relevant to this application as it is for a new building, the guidance does help to demonstrate that this element would not appear harmful, as it is a common feature to the rear of existing dwellinghouses. It states that they must be 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. The proposed dormer would be in line with this guidance, and officers consider it would have a high quality appearance.
- 106 It is therefore considered that the design of the proposed building would respect the height, massing and scale of surrounding buildings, and would be a high quality addition to the street, which would have a positive impact on the character and appearance of the area.

Layout

Policy

- 107 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.

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108 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

Discussion

109 The building would be in the same position, and would have a similar footprint to the house which previously stood on site, however to the rear it would have a part single, part two storey projection at the rear, and to the side where the garage once stood would also be a single storey side projection.

110 Each house would have its own front door, and would be accessed via a segregated pedestrian pathway.

111 The submitted landscaping scheme is indicative at this stage, but indicates grassed areas and a tree to the front garden area.

112 The private gardens would be to the rear, and the side of the proposed building, and a significant area to the front would remain soft landscaped, with hardstanding used only for the pedestrian path, and off-street parking spaces.

113 Overall the proposed layout makes good use of the site, subject to assessment of the final scheme of landscaping, which is proposed to be secured by condition.

Detailing and Materials

Policy

114 Policy D3 of the London Plan requires development proposals to be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

Discussion

115 The proposed elevation treatment and materials would appear modern and well considered. The building would be built in similar red brick to surrounding properties with a concrete tiled roof of a similar colour.

116 A more modern approach than surrounding properties would be taken with the introduction of vertical zinc cladding which would be used on the first floor front elevation protrusions and on the roof of the single storey side element. The windows would be aluminium framed and the doors would be aluminium/timber. Zinc and brickwork are considered high quality materials.

117 Final details and specifications of materials are recommended to be secured by condition, to ensure the choice of brick matches as closely as possible with adjoining properties, and other materials are high quality and durable as required by DMP30.

6.3.2 Urban design conclusion

118 In summary, the proposed building is considered to be a high quality, site specific response that would create interest at this currently under optimised site. It is of an

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appropriate height and scale, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

6.4 TRANSPORT IMPACT

General policy

- 119 NPPF Paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 120 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.
- 121 CSP 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.
- 122 The site has a PTAL rating of 2, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is has average accessibility to public transport.

6.4.1 Access

Policy

- 123 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing application for development it should be ensured that appropriate opportunities to promote suitable 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. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 124 LP Policy T6, CS Policy 14 and DMLP Policy 29 identifies that car limited development is be supported.

Discussion

- 125 Pedestrian accessibility to the site is considered to be good, as Minard Road is paved on both sides of the street.
- 126 The property benefits from an existing vehicular crossover, but this would be removed as part of the proposal. One new vehicular crossovers would be constructed to access the proposed off-street parking spaces.
- 127 Being an existing residential plot, accessibility to the proposed dwellings is considered to be good.

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6.4.2 Local Transport Network

Policy

- 128 Policy T4 of the London Plan states consideration of the cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Discussion

- 129 Due to the scale of development, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.
- 130 The site is not in a controlled parking zone. The proposed provision of one off-street car parking space is consistent with Policy T6 of the London Plan, which sets maximum parking standards, depending on the level of accessibility. For a site with a PTAL of 2 the maximum standards are 0.5 spaces per dwelling.
- 131 No parking survey has been submitted, but officers are satisfied the addition of one dwelling, would not result in harmful levels of parking stress in the surrounding area.
- 132 A preliminary construction management plan has been submitted, and a full Construction Management would be secured by condition, to ensure the impacts of construction vehicles on the local highway network would be acceptable.

6.4.3 Servicing and refuse

Policy

- 133 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.
- 134 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.
- 135 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

- 136 The proposal includes provision for the storage of refuse for each dwelling, in separate stores towards the front of the site. The positioning and size of the bin stores appears to be acceptable, however final details of these are recommended to be secured by condition.

6.4.4 Transport modes

Walking and cycling

Policy

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137 Policy T5 of the Publication London Plan states development proposals should create a healthy environment in which people choose to cycle, and should provide cycle parking in accordance with the minimum standards set out in table 10.2.

138 Development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.

139 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

140 A bicycle store for five bikes would be provided within the proposed development, in the western corner of the site. This is in line with current London Plan Table 6.3, and LPP table 10.2.

Public transport

Policy

141 LPPT4 states development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Discussion

142 There are a two of local bus services running close to the site, along Brownhill Road. Hither Green Rail station is an approximate 15 minute walk to the site.

143 It is considered that the scale of development would have an acceptable impact on the local public transport network, and that the site is suitably accessible for residential development of this scale.

144 Regarding the cumulative impacts of development on the local transport network, CIL would be chargeable on this scheme, which in the future could be used to contribute to development of the local transport network.

Private cars

Policy

145 Policy T6 of the London Plan 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 with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

Discussion

146 Table 10.3 of Policy T6 of the London Plan (2021) sets maximum parking standards. For sites in inner London Boroughs with a PTAL rating of 2, the maximum level of parking

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provided should be 0.5 spaces per dwelling. The proposal includes 1 off-street parking space, which is equal to 0.5 spaces per dwelling, so it is in compliance with these policies.

147 It is noted that the previously existing dwelling also benefitted from an off-street parking space.

148 No parking survey has been submitted, but officers are satisfied the addition of one dwelling, would not result in harmful levels of parking stress in the surrounding area.

6.4.5 Transport impact conclusion

149 The proposed residential development would have an acceptable impact on the surrounding transport network. The pedestrian and vehicular accesses would result in no material safety implications, and the development would have no significant impact on the wider transport network, in line with the relevant local and national policies.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

150 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 Publication London Plan PLPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).

151 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.

6.5.1 Enclosure and Outlook

Policy

152 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

Discussion

153 *No.15 Minard Road (adjoining to the easterly side):* The single storey element of the proposed part-single, part-two storey protrusion would extend past the rear elevation of No.15 by 3.8m, and would have a height at the eaves along the boundary of 2.6m. The single storey element would have some impact on the outlook of the closest rear facing window at ground floor level, however at the moderate height of 2.6m, this would not be so significant to cause a harmful sense of enclosure or overbearing.

154 The first floor element would be set away from the shared boundary with No.15 by 1m, and would have a depth of 2m. It would be 2.7m away from the glazed doors at ground floor level and 1.3m from the first floor windows. A structure of this scale would not significantly impact on the outlook from these windows, and would therefore cause no harmful increased sense of enclosure or overbearingness. 45 degree tests taken from the rear facing glazed door further suggest this.

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- 155 No.15 has a small single storey extension along the boundary with No.13 Minard Road, which is approximately 6.5m from the shared boundary with the host property. This structure has windows facing towards the host site, which could have its outlook impacted by the proposed 2-storey projection of the building. This room is in use as an office, which is considered a habitable room. The 2-storey element would be approximately 7.5m from these windows, and due to this distance and its limited depth of 2m, the impacts would not be harmful.
- 156 Concern has been raised that the proposed bays to the front could harm the outlook or cause an increased sense of enclosure to the adjacent front bay window at No.15. The proposed first floor bay window would have a depth of approximately 1m from the front elevation and would therefore be visible from certain angles when looking out of the side facing bay windows at No.15. Although it would be visible, due to its limited depth of 1m and the 0.65m separation distance from the outer bay window at No.15, this would not cause a significant loss of outlook, or sense of enclosure.
- 157 The impact on outlook to No.15 is therefore considered to be acceptable, as it would not result in a significantly harmful increased sense of enclosure nor overbearing to occupants of No.15 Minard Road.
- 158 *Properties on Brownhill Road, which adjoin to the rear.* The two storey element of the building would be a minimum of 16m from the rear elevation of No.317 and 319 Brownhill Road and the building would not directly face these properties, but would be at an approximate 45 degree angle. At this distance there would be no significant impact in terms of loss of outlook to the rear of these properties. Furthermore the two storey element of the proposal would be at least 3m from the rear boundary of these properties, and due to the off-set angle, this would not cause any significant sense of enclosure to the occupants.

6.5.2 Privacy

Policy

- 159 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 160 The Small Sites SPD (2021) states that in general terms, the privacy of the first 10m of rear gardens (defined as the area of rear garden extending 10m beyond the furthest rear part of the dwelling, for the width of the main part of that property) should be protected from direct overlooking from habitable room windows of new dwellings. To protect these areas, conventional windows (ie. vertically aligned with clear glass) should be located more than 6m from the rear edge of this 10m privacy area.
- 161 It also states there should be no less than 16m between new and existing principal facing windows at upper levels, unless steps are taken to achieve privacy in some other way.

Discussion

- 162 Brownhill Road Properties: It is noted that the rear facing upper floor windows of the proposed building would not directly face the rear elevations of Brownhill Road properties, and would be a minimum of 17m from any neighbouring windows, so there would not be harmful overlooking of neighbouring windows. Furthermore, the first floor rear facing windows would all be obscure glazed to avoid overlooking of Brownhill Road

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properties' amenity spaces. Notwithstanding this, all proposed upper floor windows would be more than 6m from the 10m 'privacy areas' of neighbouring amenity spaces as set out in the Small Sites SPD.

- 163 The second floor rear elevation windows serving the proposed dormer would be the same distance to Brownhill Road properties as the previously existing first floor windows of No.17, and therefore they would not cause any harmful loss of privacy to neighbours as the impacts would be similar to the previously existing situation.
- 164 No.15 Minard Road: No windows would overlook this property directly, and the impact of the new second floor windows would be similar to the previously existing first floor windows of No.17.
- 165 In light of the above, the impact to neighbouring privacy would be acceptable, in line with Policy DM32 and the Small Sites SPD.

6.5.3 Daylight and Sunlight

Policy

- 166 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree guides.
- 167 The Alterations and Extensions SPD gives guidance for application of the 45 and 25 degree guides when applied to proposals for extensions to existing buildings.

Discussion

- 168 No daylight and sunlight impact assessment has been submitted, which is usual, and acceptable for a development of this scale.
- 169 Officers consider the only property which could potentially be impacted by the proposal in terms of daylight and sunlight would be No.15 Minard Road, and this would be due to the proposed part single, part two storey rear projection. Other than this additional element to the rear, the massing and scale of the proposed building is commensurate to that which previously stood on site, and therefore the impact on daylight would not be significantly altered.
- 170 Although not a directly relevant document, as the proposal is for a new building, the Alterations and Extensions SPD gives guidance on how the 45 degree guide test should be used where the proposed development is at right angles to the affected window of the neighbouring property:
- Draw a line at 45 degrees upwards from the centre of the affected window.
 - Draw a line at 45 degrees sideways from the centre of the affected window.
- 171 If the proposed development is **both** higher and wider than these 45 degree lines, there may be an unacceptable loss of daylight to the affected window.
- 172 Impact to the ground floor glazed door closest to the boundary at No.15:

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- The 'upwards' 45 degree tests taken from the approximate centre of the full height glazed door would clear the single storey element, however the line would touch the proposed 2-storey element, approximately 1.25m below its roofline. Although the 45 degree test does not clear the second storey element, this does not necessarily suggest a significant level of harm with respect to loss of light.
- The 'sideways' 45 degree test taken from the ground floor plan would not clear the single storey element, however it would clear the 2-storey element. It is usual for a single storey extension to not pass the sideways 45 degree test, and due to the relatively low eaves height of 2.5m of this element, as well as the full height nature of the glazed door, the impacts to daylight are further reduced.

- 173 The above suggests that whilst there may be some impact to the ground floor glazed door, that it would not be significantly harmful. Furthermore, due to the limited 2m depth of the first floor element and its set away from the boundary, together with the south-easterly orientation and large amount of glazing to the door, officers consider that the impact on levels of light would be acceptable.
- 174 First Floor window closest to boundary at No.15:
- The 'upwards' and 'sideward' 45 degree guide tests show there would be no significant impacts to this window.
- 175 The 25 degree guide test is used where the proposed development faces the affected window of the neighbouring property. The impacts to the ground floor side facing window (within rear extension at No.15) can be assessed using this test. The 25 degree line taken from this window shows that there could be some impact to the levels of daylight reaching this window, but that this would be minimal. Furthermore, considering the limited 2m depth of the 2-storey element, and the south-westerly orientation, the impacts on levels of daylight to this room would not be significantly harmful. Furthermore, this room does not appear to be a main habitable room, based upon its relatively small size.
- 176 Concern has been raised that the proposed front bay window could have an impact on levels of light reaching the front bay window of No.15. The 1m depth of the proposed front bays would ensure there would not be a significant impact on levels of daylight reaching No.15. Furthermore the front elevations are north-westerly facing, and therefore levels of sunlight reaching these windows is already heavily restricted by the main building, and would have been affected similarly by the house which previously stood at No.17.
- 177 *Properties on opposite side of Minard Road:* An objection has been raised that due the additional width of the proposed building, compared to that which previously existed on site, that there will be a harmful impact to the daylight and sunlight received by the property opposite the application site on Minard Road. The height of the proposed building would match that which previously existed on site, and the additional (up to) 0.6m in width would not result in a building of significantly greater scale or massing. The separation distance between front elevations would be approximately 23m, and there would therefore be no noticeable impacts to natural light reaching the windows of the properties opposite on Minard Road. No formal assessment is required to determine this.

Summary

- 178 Although no sunlight and daylight impact assessment has been submitted, officers have assessed the impact of the proposal on levels of sunlight and daylight to neighbouring

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properties using the appropriate 45 and 25 degree guide tests, and their professional planning judgement, and are satisfied that the impacts would not be significantly harmful.

179 This conclusion also takes account of the planning history of the site. Officers note that although the proposed building has a larger footprint than that which previously existed on site the current scheme is of a commensurate massing and scale to the demolished dwelling, and would have commensurate daylight/sunlight impacts to adjoining properties.

180 The proposal would be in line with Policy DM32 and DM33, and the provisions of the Small Sites SPD in these respects.

6.5.4 Noise and disturbance

Policy

181 DM policy 32 requires new residential development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

Discussion

182 Two residential dwellings are unlikely to generate a significantly higher level of comings and goings and general residential activity than the previously existing single family dwellinghouse, and as this is a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.

183 Notwithstanding this, a new dwellinghouse would be covered by Part E of the Building Regulations and the adjoining owner has rights under the Party Wall Act. Both of those pieces of legislation would provide appropriate mitigation to this issue and are separate to Planning and would bite in this situation.

184 Nevertheless, officers have considered the potential for harmful noise impacts to the living conditions of neighbours, both in terms of noise break-in from airborne noise and structural-borne noise, and conclude that harmful impacts would not arise. Officers reach this conclusion on the basis that this proposal is for 2 family-sized dwelling houses in an area of predominantly family housing, therefore airborne noise generated by the scheme would not be materially different to the existing situation (and that which existed before the house was demolished). In terms of structural-borne noise, officers consider the proposed use, in light of the previous use prior to the demolition of the house and the mitigation measures afforded by separate legislation (Building Regulations and Party Wall act), would not give rise to harmful impacts on amenity.

6.5.5 Impact on neighbours conclusion

185 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

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- 186 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 the Local Plan.
- 187 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.

6.6.1 Energy and carbon emissions reduction

Policy

- 188 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 189 CSP8 seeks to minimise the carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.
- 190 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

Discussion

- 191 The proposed development falls below the threshold for a major development so the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, building control runs alongside planning, and has separate regulations to ensure developments achieve satisfactory emissions and energy ratings.

6.7 NATURAL ENVIRONMENT

General Policy

- 192 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 193 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 194 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 195 The NPPF at para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 196 NPPF para 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.

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6.7.1 Urban Greening, trees and ecology

Policy

- 197 Paragraph 131 of the NPPF (2021) states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
- 198 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.
- 199 CSP 12 seeks to preserve or enhance local biodiversity.
- 200 DMP 24 requires all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on the natural environment.

Discussion

- 201 The proposal falls below the definition of major development, and is therefore not required to submit an urban greening assessment.
- 202 Officers note that four self-seeded trees are to be removed as part of the proposal. These are not protected and the Council's tree officer confirms they are not of sufficient quality or amenity value to warrant TPO protection. A number of trees are proposed to be replanted.
- 203 The footprint of the proposed building is largely commensurate with that of the house which previously stood on site. Some hardstanding is proposed in the form of patios, entrance paths, and for the parking space, but the remainder of the site would be laid as lawn. Several new trees are indicated on the proposed block plan.
- 204 To ensure the final scheme of soft landscaping is acceptable, and contains appropriate numbers and species of plants, final details are recommended to be secured by condition.
- 205 Subject to suitable details being submitted with regards to proposed landscaping and tree planting, the impacts to the ecology and trees are considered to be acceptable.

6.7.2 Natural Environment conclusion

- 206 The impact on ecology and biodiversity on the site would not be harmful, subject to suitable details with respect to landscaping and tree planting, which are recommended to be secured by condition.

7 LOCAL FINANCE CONSIDERATIONS

- 207 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

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

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

209 The CIL is therefore a material consideration. In certain circumstances the internal area of an existing building can be taken into account in calculating the chargeable amount. Where part of an existing building has been in lawful use for a continuous period of 6 months within the past 3 years, parts of that building that are to be demolished or retained can be taken into account. Where an existing building does not meet the 6-month lawful use requirement, its demolition (or partial demolition) is not taken into account.

210 The previously existing building was demolished in excess of 3 years ago, and therefore it is not taken into account in the CIL calculation. The total new GIA of the proposal is 235m².

211 **£17,959.50** Lewisham CIL (£70pm²) and **£11,866.0** London Mayoral CIL (£35pm²) 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

212 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.

213 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.

214 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.

215 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

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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>

- 216 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
- 217 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>
- 218 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

- 219 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
- 220 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.
- 221 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.

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222 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 CONCLUSION

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

224 The proposed residential development would achieve a number of the urban design and spatial planning objectives set out in the Core Strategy, including the following planning merits to which significant weight is attached:

- Increasing the housing potential of an underused residential site, including one additional family sized dwelling.
- Comprising an appropriate scaled and high quality building that takes account of the existing context, including neighbouring residential amenity.

225 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development.

226 The proposal would maximise the potential of the site and the development would provide a high standard of accommodation for future residents of the proposed family sized homes.

227 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

228 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy

229 In light of the above, the application is recommended for approval.

11 RECOMMENDATION

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

11.1 CONDITIONS

1. 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.

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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:

1239-PL-01-Rev C; 1239-PL-02-Rev C; 1239-PL-03-Rev C; 1239-PL-04-Rev C; 1239-PL-05 Rev.I 1239-PL-06-Rev H; 1239-PL-07-Rev H; 1239-PL-08-Rev H; 1239-PL-09 - Rev H; 1239-PL-10-Rev C; 1239-PL-11-Rev H; 1239-PL-12-Rev H; Survey Summary Rev B (Hood, 22 June 2021); Construction Method Statement (Resi, 13 May 2020); Design Access & Planning Statement (Resi); Site Location Plan

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

3. **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).

4. **Residential Soundproofing**

- (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 L_{Amax} (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) Above-ground works must not commence until a sound insulation scheme pursuant to paragraph (a) has been submitted to, and approved in writing by the local planning authority and implemented in its entirety.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety.

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Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, 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).

5. **Materials details**

No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

6. **Refuse Storage and collection**

- (a) The development shall not be occupied until full details of proposals for the storage, and collection of refuse and recycling facilities, including enclosed bin storage, for each residential unit hereby approved, have been 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).

- 7. (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (b) 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).

8. **Hard Landscaping**

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- (a) Prior to above-ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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.

9. **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 construction of the above ground works.
- (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).

10. **Boundary Treatment**

- (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings 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).

11. **External Lighting**

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- (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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).

12. **Vehicular Access**

The development hereby approved shall not be occupied until the vehicular access as shown on plan 1239-PL-05 Rev.I has been constructed in full accordance with the said plan.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

13. **Section 278 Agreement for Highway works**

Prior to the commencement of the development, an agreement pursuant to S278 of the Highways Act 1980 shall be entered into for works to remove the existing vehicular crossover and the reinstatement of the footway. The works the subject of the agreement shall be completed prior to the occupation of the development hereby approved.

Reason: To increase on-street parking provision, and to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

14. **Removal of Permitted Development Rights**

No extensions or alterations to the building(s) 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).

15. **Obscure Glazing**

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Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the rear elevation at first floor level of the building hereby approved shall be fitted with obscure glazing, as shown on Plan No.1239-PL-09 Rev.H 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, 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).

16. **Restriction on use of Flat Roofs**

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 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).

17. **Permitted hours of construction and deliveries**

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

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

11.2 INFORMATIVES

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

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- B. 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. 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. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- E. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- F. The developer is reminded of their responsibility to ensure appropriate party wall agreements are in place, prior to commencement of works.

12 BACKGROUND PAPERS

- (1) *Submission Drawings*
- (2) *Submission reports and documents*
- (3) *Internal consultee responses*
- (5) *Appendix A: Local Meeting Minutes*

13 REPORT AUTHOR AND CONTACT

231 Samuel James, Samuel.james@lewisham.gov.uk, 020 8314 3722

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Minard Road Local Meeting

Monday 30th November 2021 – 19:00 – 20:00 @ Virtually held on Zoom

Meeting Opened at 19:00

Councillor Aisling Gallagher introduced themselves and Sam James - Planning Officer and Mark Hood – Planning Agent for the applicant of Resi.

The reason for the virtual meeting was outlined: to discuss planning application DC/21/122399. The purpose of this meeting is to allow residents to ask questions of, and put their views to, the developer and Council officers. The meeting format was explained, including how the questioning process would work, following the Planning Agent's presentation.

Mark Hood, planning agent gave a short opening statement, and outlined that since the previous application were withdrawn, the site had been re-surveyed, and to the best of his professional knowledge the dimensions on the most recent set of plans are accurate. It was stated that they were happy to refer to any drawings and answer all questions during the meeting.

Following the presentation, the meeting proceeded in 'themes' which broadly covered each of the main material planning considerations. Main concerns that had been raised during consultation were read out the Planning Officer, Sam, who gave a brief explanation of officers' assessment with regard to each of these. This was generally followed by follow up comments or questions in the text chat function from residents. Cllr Gallagher kept track of comments and questions in the chat function throughout.

The planning officer noted that many of the queries and concerns raised were similar to those raised, and spoken about in the previous Local Meeting in November 2020, but these would be discussed again. The first theme would be around the Principle of Development.

It was explained that officers considered the principle of development to be acceptable - the previously existing house was demolished under prior approval, with limited scope for the Council to object. As the current proposal is for two family sized dwellings on a vacant plot of land, it would result in a net gain of family housing and would be acceptable. The officer explained the DM2 and DM3 remains relevant for existing family dwellinghouses, which are still protected from being sub-divided into smaller residential units (i.e. flats).

Comments were submitted regarding the demolition of the previously existing building. It was stated by a resident that the demolition method statement that was approved was not properly followed, and that the site has been left unsecure and open a number of times since then. The Planning officer stated that whilst this is regrettable, it cannot be a material consideration for the current application. It was noted the Council's enforcement team will investigate any future breaches of planning at the site if they are made aware. Councillor Gallagher noted from their experience on planning committees, that even where previous applicant actions have been in breach of planning, this cannot be considered when determining following applications. The planning agent confirmed he would speak with the applicant to ensure the site is secure.

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The next theme was the standard of accommodation proposed, concern was raised regarding internal sizes, external amenity space and floor to ceiling heights within the dwellings. It was confirmed by Sam that the proposed dimensions are in excess of minimum requirements, and officers consider a high standard of amenity would be provided. Concern was raised from the chat that the building would need to be sunk into the ground to achieve the proposed dimensions. The planning agent confirmed that the building will not be sunk, there would be a flush threshold, which is non-standard, but possible with slightly more complex construction methods. Further question from the chat regarding whether further planning consent would be required, if it turned out the ridge height needed to be raised during construction, and Sam confirmed that yes it would be. Further concern was raised by a neighbour regarding party wall issues associated with the proposed build, and stated it was not possible to build the proposal as shown, noting that this would result in the floor to ceiling heights being reduced when actually built. Councillor Gallagher confirmed this was noted, but also noted that the applicant has confirmed they believe it can be built. Again the neighbour reiterated that this will not be able to be built in reality, and that the applicant had been shown to submit inaccurate information in the past. The planning agent stated that although previous surveys may have contained errors as they were done by hand, the most recent survey was millimetre accurate, as a new survey had been carried out.

The following theme was with regard to the design of the proposal, and its impact on the appearance of the area. Firstly it was confirmed by Sam that although the proposed building is not a direct replication or 'pastiche' of existing surrounding development of the Corbette Estate, that the design is considered high quality and modern approach and would not result in harm to surrounding properties. Concern was raised regarding the 2-storey rear extension. Sam noted that 2-storey rear extensions are not contrary to the Local Plan nor the SPD, and that in this case the 2-storey protrusion was of a moderate scale, in line with SPD guidance and would not harm the appearance of the surrounding area, and would be set away from the shared boundary to protect neighbouring amenity.

The next theme regarded impact on neighbouring amenity. Concern regarding impacts to the neighbouring property from the 2-storey 'extension' element at the rear, with reference to 25 and 45 degree guide tests. Sam explained that the 25 and 45 degree guide tests were described in the Alterations and Extensions SPD and are one tool that can be used to assess impact on neighbouring windows. The 45 degree tests suggest, together with the moderate scale of the proposed rear protrusion, and the orientation of the rear elevations, the impact to neighbouring light would be acceptable, in officers' professional planning judgement. It was noted that a full technical daylight impact assessment had not been carried out, but that this was not necessary due to the proposed scale of development. Neighbours noted that they still considered there would be significant harm, and that the full technical daylight test should be carried out. It was also noted in the chat, that this could impact on 'right to light' and could result in a claim against the developer for this.

Councillor Gallagher asked about sound insulation between the proposed and existing dwelling, and Sam confirmed that details of sound insulation will be secured by condition if the proposal is approved, prior to occupation. Cllr Gallagher asked whether it would be prior to commencement of development instead, and Sam confirmed that indeed it should be.

Councillor Gallagher asked if there were further questions. Clarification around the 25 degree test was sought. Sam noted that this would be relevant for the side elevation window of the small single storey projection at No.15. Although the 25 degree line would not clear the top part of the proposed 2-storey 'extension', due to its 2m depth, and distance from the affected window, it would not represent significant harm to this window.

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A neighbour asked whether Policies are subjective, and how they are applied. The planning officer explained that policies are not subjective, but that application of them is a balancing exercise with every application, and based on individual facts of the case, and that the assessment would be contained in the report to committee. Councillor Gallagher confirmed that was their understanding of how policies are applied.

Next theme was impact on highways. Concern was raised over the impacts during construction works, the impact on local parking, and the quality of cycle storage. It was confirmed by Sam that a preliminary construction management plan had been assessed by highways officers, and a condition requiring submission of a final Construction Logistics Statement, and that that this would be secured should the application be approved. Construction hours would also be limited by condition to ensure no unacceptable disruption at unsociable hours. He also confirmed that provision of a single parking space is compliant with the London Plan, and any additional off-street parking would represent an overprovision when assessed against this. The possible addition of 1 vehicle parking on the street would not represent significant harm to levels of local parking stress. Regarding cycle parking, Sam confirmed the cycle store as proposed appeared secure and dry as required, and to ensure this it would be secured by condition. The planning agent confirmed that both properties would have shared ownership of the proposed cycle store.

The final theme related to other issues. This included reiteration of party wall and accuracy of plans issues, management of disruption during construction, and the loss of existing trees. Sam noted that we had covered the party wall issues, and reiterated that construction management and hours would be secured by condition. Regarding the loss of trees, Sam confirmed that 4 self-seeded trees would be removed, and that the Council Tree officer had assessed these did not have sufficient value to warrant protection by TPO, and therefore their removal would be acceptable as part of the proposal. New trees are proposed to be planted as part of the proposed landscaping scheme, which would be secured by condition which would be enforceable. He confirmed that he agreed the loss of all trees is regrettable, however planning policy would not allow the protection of the existing trees on the site.

Concern was raised in the chat again regarding the developers previous actions during demolition, which were disrupted, and how would it be ensured this does not happen again. Cllr Gallagher noted that they had been involved in previous cases where construction management plans had not been followed, and that enforcement would deal with these cases. The planning agent confirmed that they expect to use a reputable and vetted builder.

Councillor Gallagher drew the meeting to a close, explained that further questions and comments can be submitted in writing, and residents can write to councillors, the planning team and the applicant. They confirmed residents who have commented on the application will be notified of the date any future planning committee meeting relating to the proposal, thanked everyone for attending and for participating in the meeting. Sam confirmed that committee would likely be in February if recommended for approval, and the decision would be made at that meeting.

Meeting Closed 20:00.

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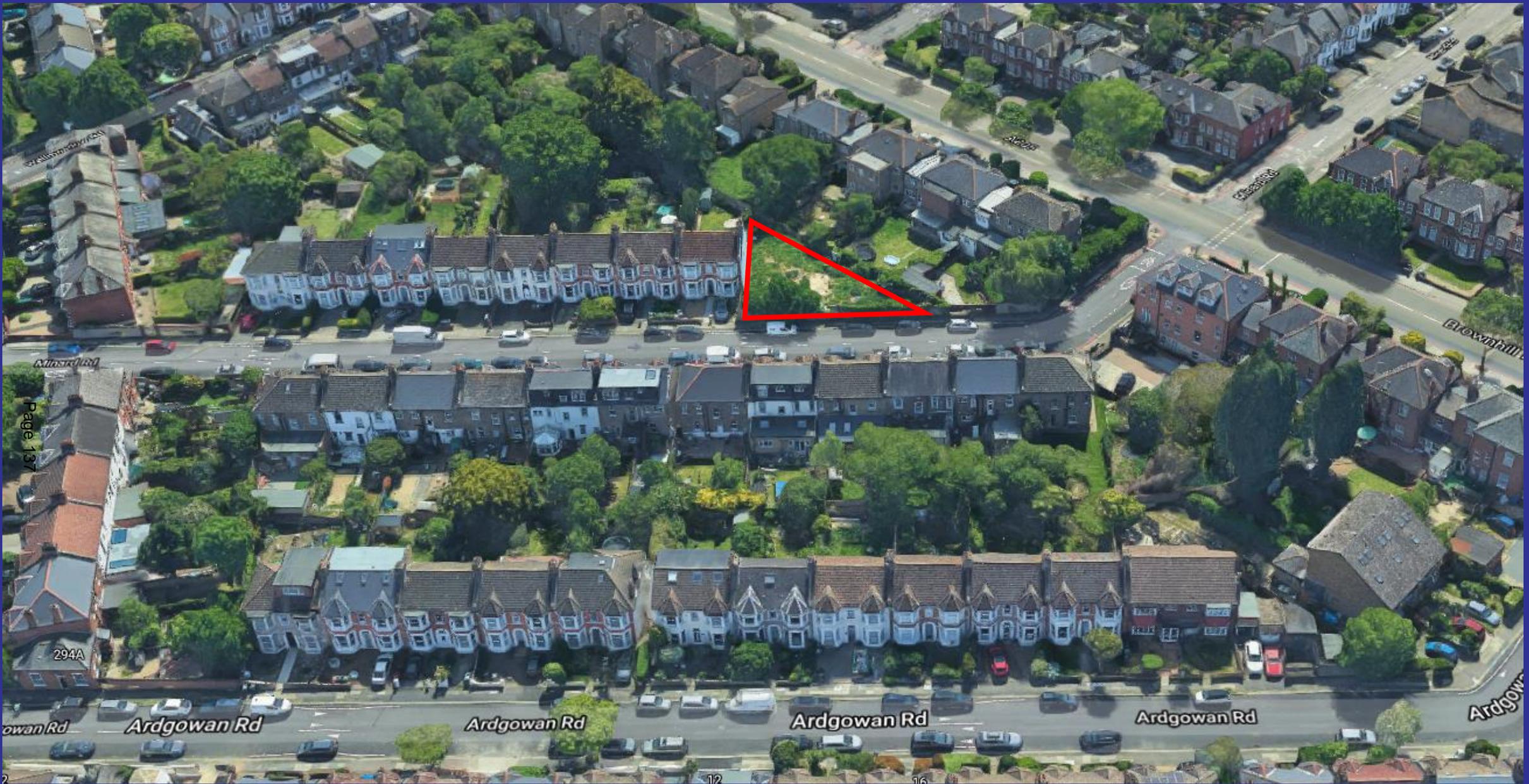
17 Minard Road, SE6

Application No. DC/21/1222399

The construction of a part two storey, part single storey building, plus habitable roofspace at 17 Minard Road, SE6, to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 1 off-street car parking space, bicycle and refuse storage facilities and associated landscaping.

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





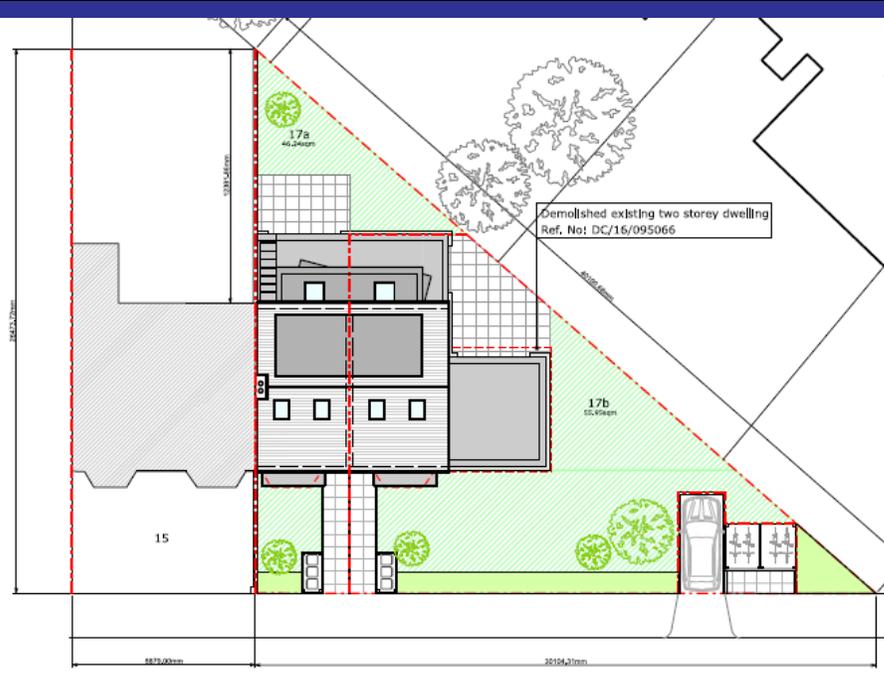
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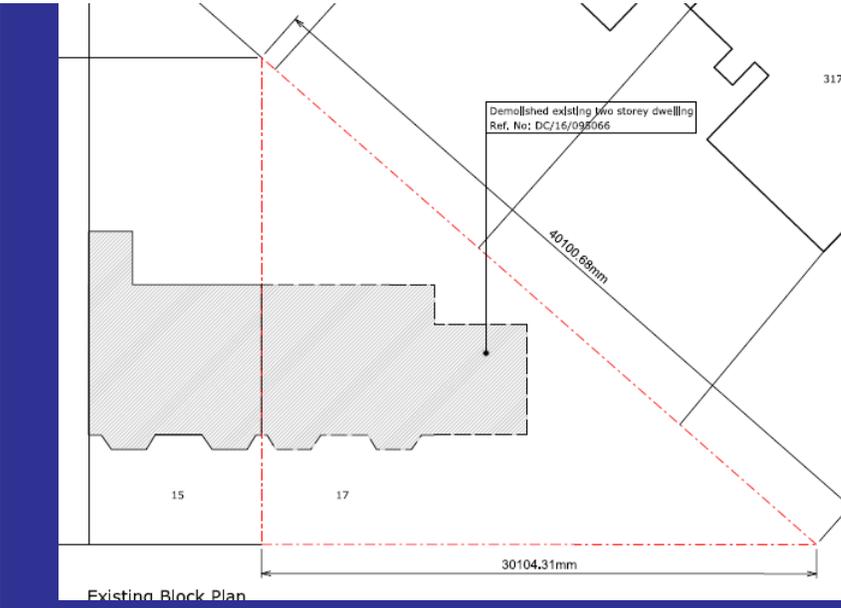




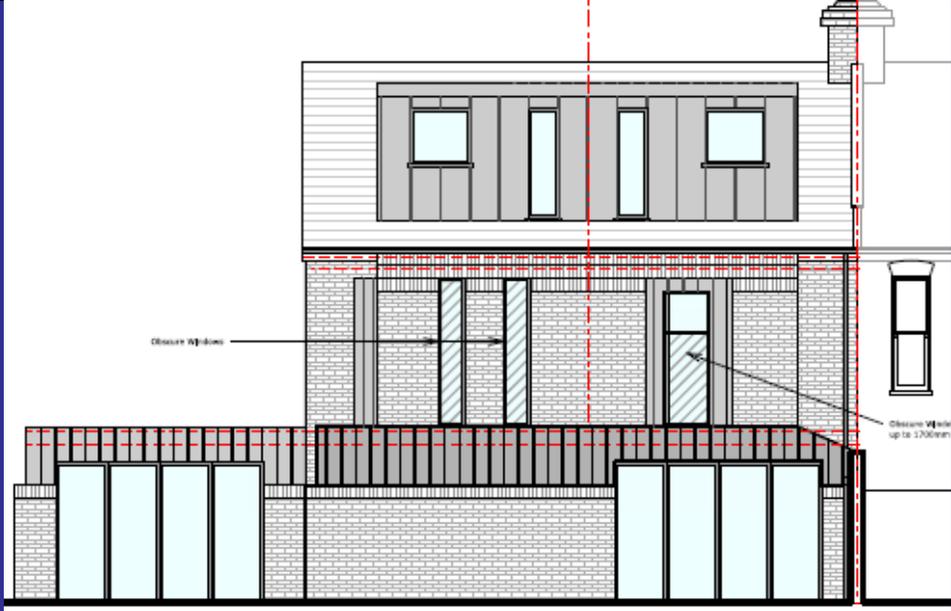
Existing Context (Google Image 2019)



Proposed

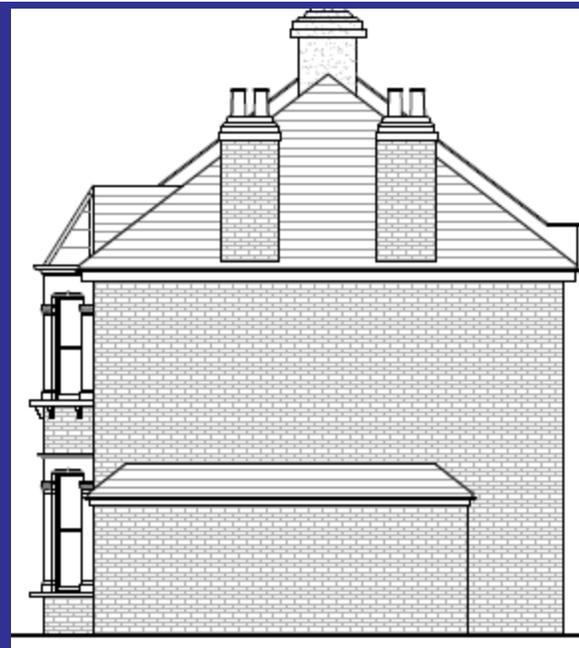


Previously Existing



Proposed

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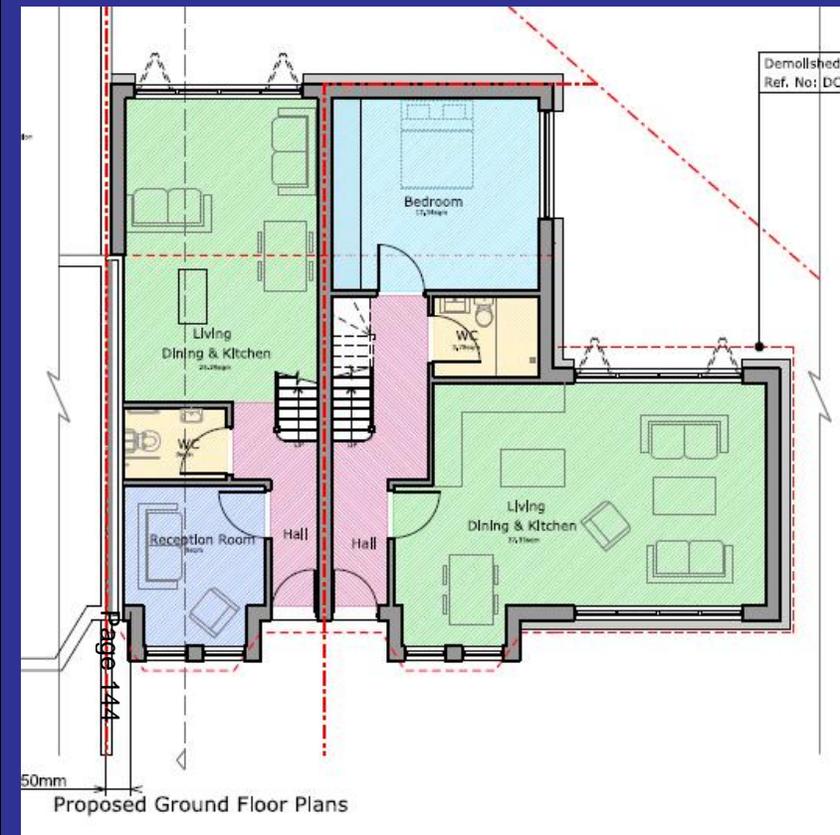
Previously Existing

Proposed Rear Elevation:

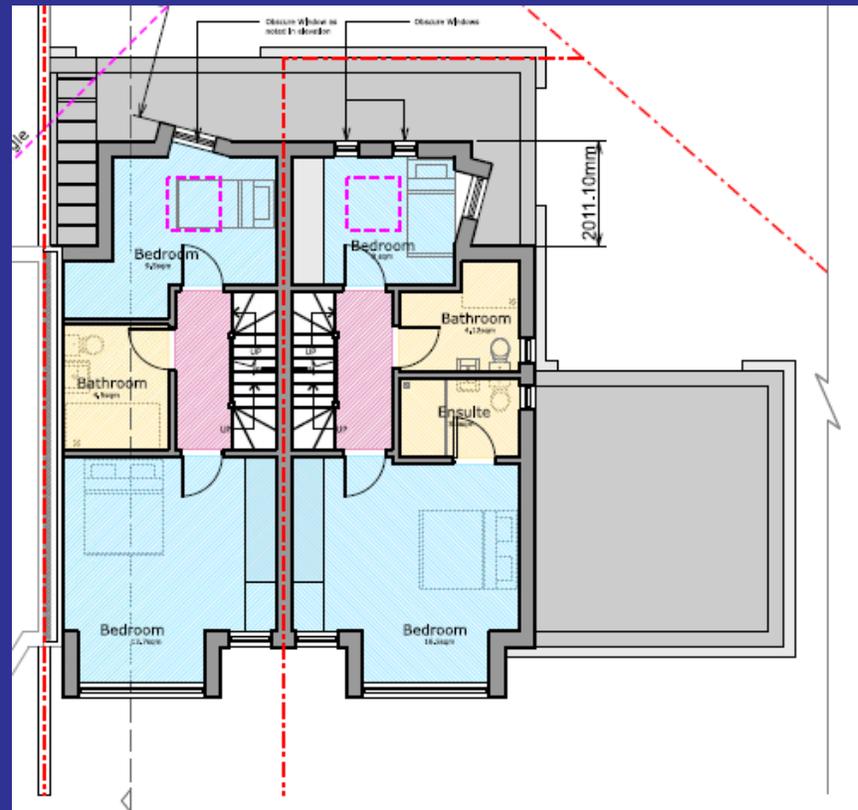
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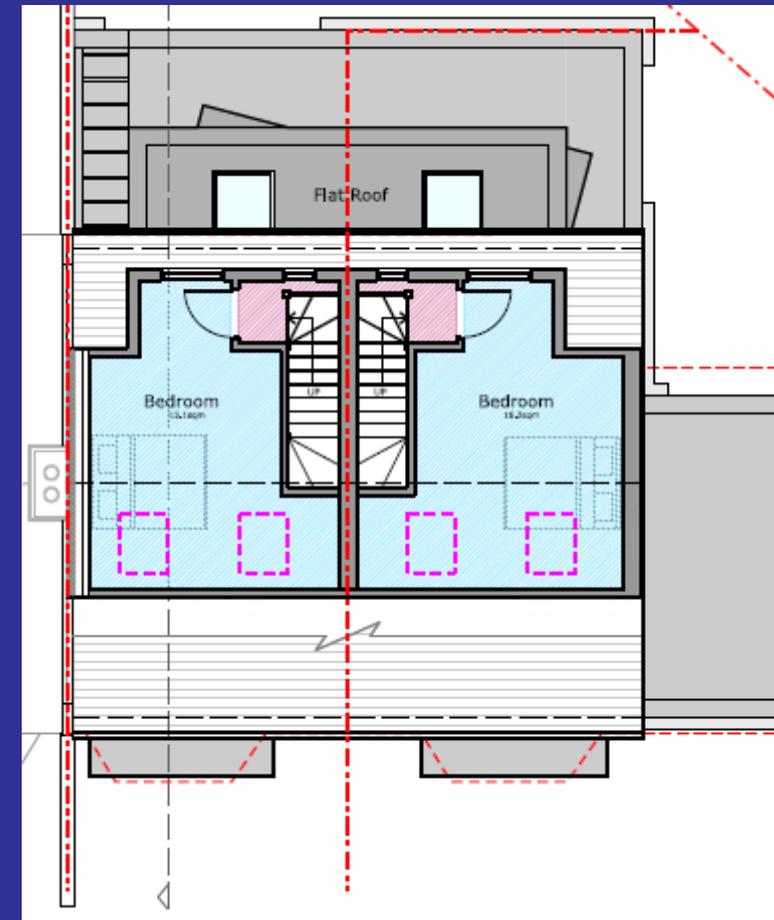
Rear Elevation



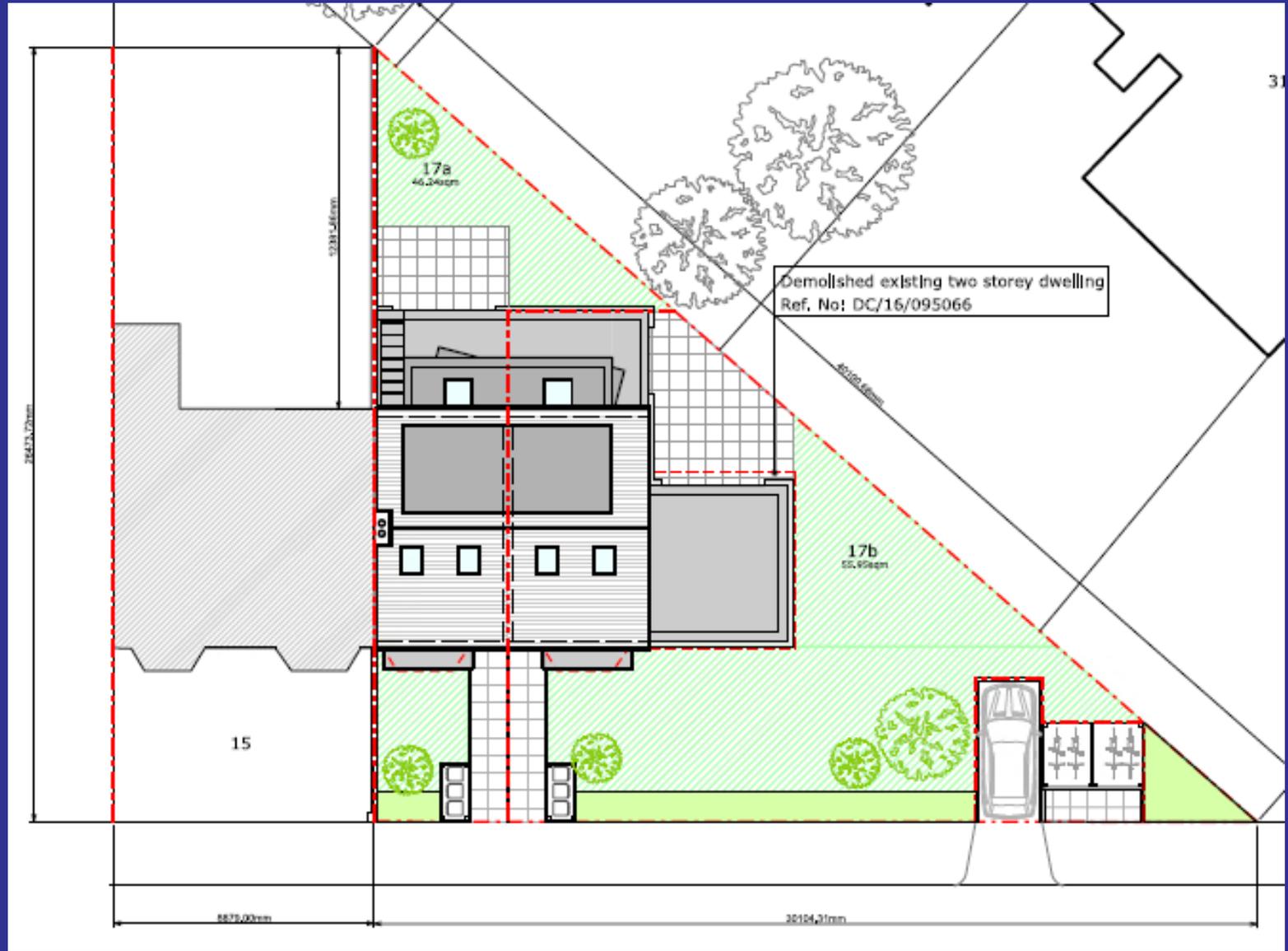
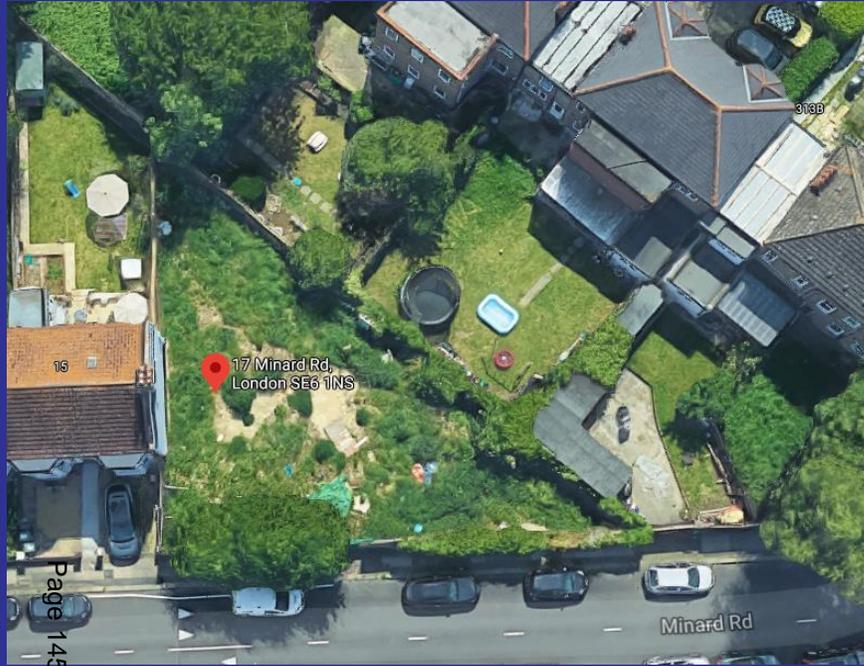
Proposed ground floor



Proposed first floor



Proposed second floor



Key planning considerations

- Principle of Development
- Housing Provision
- Standard of Residential Accommodation
- Design and impact to appearance of surrounding area
- Impact on Living Conditions of Neighbours
- Impact on Highways

END



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Planning Committee B

Report title: 17 Minard Road

Date: 01 Feb 2022

Key decision: No

Class: Part 1

Ward(s) affected: Lewisham Central

Contributors: Samuel James

1 ADDENDUM

- 1 This is an addendum to the planning committee agenda published 26^h January 2022 in respect of Planning Committee B on 1st February 2022.
- 2 This addendum provides a response to representations from neighbours received following the agenda publication for Item 4 (17 Minard Road). These representations were received 26th – 28th January 2022.
- 3 The representations set out several concerns, which are addressed below.
 1. ***Accuracy of pre-existing drawings: in particular the location of the front bay window.***
- 4 Officers acknowledge there is an inaccuracy on the submitted 'pre-existing plans' of the house that was demolished from the site in 2017. On the 'pre-existing' elevations and plans, including the 'pre-existing front elevation' shown in the officer's presentation to committee, the now demolished bay window is shown to be built against the shared boundary with the neighbouring property, No, 15. However imagery from Google Street view shows that prior to demolition, the bay was stepped away from the boundary by approximately 2.5 brick courses.
- 5 Whilst it is imperative that accurate existing plans of a site are submitted in order to ensure officers can robustly assess the impacts of any proposal, in this case, the 'pre-existing' plans of the demolished house are submitted for reference only. As no building exists on the site, existing plans showing an empty site would have been sufficient for assessment.
- 6 Notwithstanding, the pre-existing position of the bay window has no material bearing on officer's assessment of the proposal, as set out in the main officer

report. The previous relationship is not required to be replicated in the current scheme.

2. The proposed rear elevation on Slide 9 of the officer's presentation to committee is inaccurate due to incorrect positioning of neighbouring windows at No.15 being shown.

7 Due to officer error when preparing the presentation slides to committee, an image from a previous application was used. Members are advised this out-of-date elevation plan was not used in assessment of the application by officers, the image was used in the presentation to committee by error. The presentation has now been updated and includes the rear elevation that was submitted and considered with the current application (Plan No.1239-PL-12 Rev.H).

3. In making an assessment regarding daylight/sunlight issues, the 45 degree test line taken from the neighbouring glazed door should be taken from further down, due to the fanlight above the door

8 The 45 degree test is one tool officers use when assessing the impacts on daylight and sunlight to neighbouring properties, and is applied from paragraph 170 of the committee report. The submitted rear elevation on Plan No.1239-PL-12 Rev.H shows the 45 degree line taken from the centre point of the glazed door at No.15, with the fanlight above included to calculate the centre point. Officers consider this approach to be appropriate, as the fanlight by its nature allows light through, and therefore forms part of the glazed door, and can be included when assessing the impact to daylight and sunlight.

9 Notwithstanding, if the fanlight were omitted, and the centre point of the opening section of the door were used for the 45 degree line, then the impacts would not be significantly different. Paragraph 173 of the officer's report still applies in each case: *The above suggests that whilst there may be some impact to the ground floor glazed door, that it would not be significantly harmful. Furthermore, due to the limited 2m depth of the first floor element and its set away from the boundary, together with the south-easterly orientation and large amount of glazing to the door, officers consider that the impact on levels of light would be acceptable.*

4. Inaccuracies in officers report to committee:

Impacts to amenity assessment

10 It was noted by an objector that Paragraph 174 of the officers report states *"The 'upwards' 45 degree tests taken from the approximate centre of the full height glazed door would clear the single storey element, however the line would touch the proposed 2-storey element, approximately 1.25m below its roofline"*

11 The objector states that this is inaccurate as the 45 degree test from the actual position of the door is 1.45m below the roofline.

12 Officers have re-measured the distance between the top of the proposed 2-storey rear projection, and the position where the 45 degree line would touch the side on Plan No.1239-PL-12 Rev.H, to check this assertion. Upon reviewing the

measurement it scales to 1.3m. This 0.05m variance does not equate to a material difference in the impacts of the proposal and the impacts are considered to be acceptable.

Standard of accommodation assessment

- 13 The objector stated that several of the values in Table 2 of the officers report (Para.71) are incorrect.
- 14 Upon officer review, and re-measurement of the plans, officers acknowledge there were several minor errors in the measurements stated in the committee report. Table 2 is corrected below, showing the minor errors that have been identified. The corrected values are given in red and bold, and the incorrect values have a strike through:

House No.	Unit type (<i>min req. GIA</i>)	Unit size (GIA) (sqm)	Room sizes (metres squared)(<i>min req.</i>)	Floor to ceiling heights (metres)	Amenity space (m. squared)	Compliance
1	3b 5p 3-storey dwelling (99)	403 101	Bed 1 (1f double) – 13.7 (<i>11.5</i>) Bed 2 (1f single) – 9.5 (<i>7.5</i>) Bed 3 (2f double) - 15 13.7 (<i>11.5</i>)	2.6 / 2.39	46 (8)	Yes
2	4b 7p 3-storey dwelling (121)	132 130	Bed 1 (gf double) – 17.3 (<i>11.5</i>) Bed 2 (1f double) – 16.5 (<i>11.5</i>) Bed 3 (1f single) – 8 (<i>7.5</i>) Bed 4 (double) – 16.2 16.5 (<i>11.5</i>)	2.7 2.6 / 2.39	55 (9)	Yes

- 15 The objector suggests that House 1 may not meet the minimum space standards based upon the corrected values, and notes this is due to part of the second floor bedroom (Bed 3) having a sloping roof, which means a small area of this room, measuring less than 2m² would have a floor to ceiling height of less than 1.5m. Paragraph 74 of the officer’s report explains the policy position with regards to this, and still applies even in light of the minor corrections to the officer’s report above.
- 16 Furthermore, the other inaccuracies that have been identified are minor, and do not materially alter officers assessment of the proposed standard of amenity, as set out in the main report. Officers confirm that both dwellings meet the London Plan space standards in terms of headline unit size and individual room sizes, and represent a good quality standard of accommodation.

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Planning Committee B

Report title:

209 BARING ROAD, LONDON, SE12 0PX

Date: 01 February 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to, the conditions and informatives

The report has been brought before the committee for a decision due to the submission of three objections from neighbouring properties

Application details

Application reference number: DC/21/123860

Application Date: 16 Dec 2021

Applicant: ARCCIDESIGNS

Proposal: Construction of a loft extension comprising dormer window extensions to each flank roofslope and one dormer window to the rear roofslope, at 209 BARING ROAD, SE12, together with installation of two rooflights to the front roofslope and two to the rear roofslope.

Background Papers: (1) Submitted drawings
(2) Submitted photos
(3) Statutory consultee responses

Designation: PTAL 3
Grove Park Neighbourhood Forum
Small Houses in Multiple Occupancy Article 4 Direction

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a detached property on the North side of Baring Road, at No 209. The property benefits from a large back garden, and an L-shaped rear extension and an original bay window on the rear elevation at the ground floor.

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Character of area

- 2 The area is predominantly residential in nature and comprises of a mix of terraced properties, detached and semi-detached dwellings.



Heritage/archaeology

- 3 The property is not located within a conservation area, nor is it close to a listed building or non-designated heritage asset.

Transport

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4 The site falls within PTAL of 3, which represents good access to public transport. Baring Road is within CPZ restriction for parking. There is an existing off-street parking for the site. Train Station is located 0.7km / 9 minute walk from the site.

2 RELEVANT PLANNING HISTORY

5 **DC/21/121005** - Lawful development certificate (proposed) in respect of the construction of a part one/ part two storey rear extension at 209 Baring Road, SE12. Refused 22 Apr 2021 for the following reason:

- The proposed development does not comply with the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 1, Class A, A.1, (h)(i) as the proposed extension would extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

6 **DC/21/120941** - Construction of front porch and a single storey rear extension at 209 BARING ROAD, SE12. Granted 17 May 2021.

7 **DC/21/122551** -Construction of a single storey garden outbuilding at 209 BARING ROAD, SE12. Granted 31/08/2021.

8 **DC/21/122582** - Construction of a loft extension comprising two dormers to the front, one of each to both side, one dormer to the rear at 209 BARING ROAD, SE12, together with installation of rooflight to the front and two to the rear sloped roof. refused 01/09/2021 for the following reasons:

- The proposed dormers to both sides and to the front by reason of their scale, bulk and design would fail to respect and complement the original form and character and appearance of the host building and wider streetscene, contrary to paragraph 126 and 130 of the NPPF (July 2021); Core Strategy Policy 15 'High quality design for Lewisham' of the Core Strategy (June 2011); and DM Policies 30 'Urban design and local character' and 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014); and the provisions of the Alterations and Extensions SPD (2019).

3 CURRENT PLANNING APPLICATION

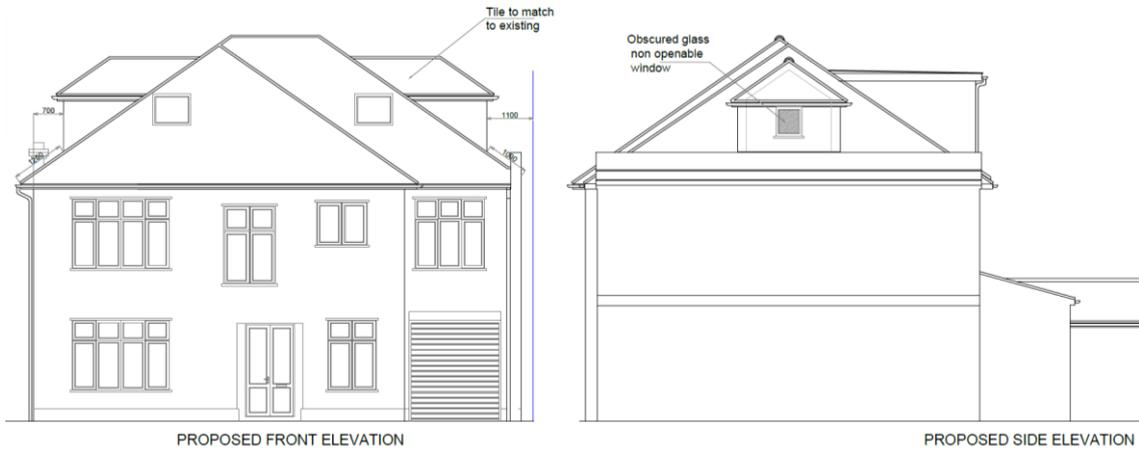
3.1 THE PROPOSALS

9 The Proposal is for construction of one dormer to the rear, two dormers to the side, plus roof lights. The dormer to the rear would have a flat roof with a window. The dormers to the side would have gable roofs with an obscure window each. The additional space at the loft would provide two bedrooms and a bathroom and therefore increase the number of bedrooms from 5 to 7.

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Drawing 1 Proposed Front and Side Elevations

- 10 The proposed dormer to the rear would have 3.3m width, 2.3m height and 3.6m depth. The side dormers would measure as 2.3m width, 1m height where the highest point of the pitched roof would be 2.1m, and depth of 1.9m.



Drawing 2 Proposed Rear and Side Elevations

- 11 Four rooflights would be installed to the rear and two to the front.
- 12 External dormer walls would be finished with vertical wall tiles, the flat roof and the pitched roof would be roof tiles and windows would be uPVC in white. All materials would match the existing.

3.2 COMPARISON WITH PREVIOUS SCHEME

- 13 The refused proposal under planning application ref DC/21/122582 had two front dormers and larger dormers to the side and rear. The front dormers are removed in the current proposal. The size of the dormer to the rear and to the sides are reduced. The number of roof lights have been increased from 3 to 4 in the current proposal.

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3.3 Revisions

- 14 The rear dormer has been reduced in size in order to set in from the eaves by 0.3m. Also, annotations have been added on the drawings to show the side window would be fixed and obscured.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 15 Site notices were published on 21 Oct 2021.
- 16 Letters were sent to residents and business in the surrounding area, the relevant ward Councillors and Grove Park Neighbourhood Forum on 21 Oct 2021
- 17 Three responses were received, comprising three objections

4.1.1 Comments in objection

Comment	Para where addressed
Design	
Beyond a reasonable sized development and will more than double the original footprint of the property	42
Not in keeping with the character of the property, it will look extremely large, bulky and completely out of context to the original house.	42
Will change the original character of the houses to the detriment of Baring Road.	43
Impact on Adjoining Properties	
Two dormers (one on each side) with windows will create overlooking our property and reducing privacy and right to peaceful enjoyment of adjacent garden.	53
Due to extremely limited distance between properties, the ability to make repairs to the roofs and access to the sides of both properties difficult.	54

4.1.2 Comments in support

- 18 None

4.2 INTERNAL CONSULTATION

- 19 No internal consultees were notified due to the nature of this application

4.3 EXTERNAL CONSULTATION

- 20 No external consultees were notified due to the nature of this application

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5 POLICY CONTEXT

5.1 LEGISLATION

21 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).

5.2 MATERIAL CONSIDERATIONS

22 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.

23 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.

24 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.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

25 The Development Plan comprises:

- London Plan (March 2021) (LP)
- 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)
- Grove Park Neighbourhood Development Plan (June 2021)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

26 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

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27 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6 PLANNING CONSIDERATIONS

28 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

29 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.

30 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

31 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

32 Objections highlighted the issue of using the property not as a single family dwellinghouse due to the increased number of bedrooms. The change of dwelling to another use class is not part of this application, and it is confirmed by the applicant in an email on 23/10/2021, that the status of the property would remain as existing and the additional rooms would be used by family members.

6.2 URBAN DESIGN

General Policy

33 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.

34 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.

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- 35 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LP GG2 (Parts A to C) that should be followed.
- 36 CSP 15 and 16, DMLP 30, 31, the provisions of the Alterations and Extensions SPD and Grove Park Neighbourhood Development Plan (2018-2033) reflect this and are relevant.
- 37 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.

6.2.1 Appearance and character

Policy

- 38 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.

Discussion

- 39 The proposed development, has been assessed regarding the general guidance of subparagraphs 5.5 'Loft conversions and roof lights', 5.8 'Rear roof extensions' and 5.9 'Side roof extensions' of the Alterations and Extensions SPD which sets out the following guidance:

- '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'.
- 'Sited well clear of roof edges.
- Set back from the eaves.
- Set down from the ridge line. This is to ensure that long views are not disrupted'.

- 40 *Rear dormer:* The rear dormer would not be visible from the street frontage. Its location would respect the existing and sets in from ridge and sides, in line with SPD guidance and it is acceptable.

- 41 The proposed window would be similar size and style to the ground floor windows and would retain the existing arrangement.

- 42 *Side dormers:* Two dormers are proposed (one on each side) which would be visible from the main road. They would significantly set in from all directions, are subordinate to the roof and match the existing roof profile. They would keep the sense of symmetry of the original roof and the character and appearance of the host building. It is noted that objections were raised regarding the proposed dormers on the grounds that they would change the original architectural character of the building. Officers acknowledge that the proposed alterations would change the original form of the roof profile, but it should be noted that the property is not in a conservation area, and is not locally recognised as a heritage asset. It should be noted that side roof extensions could be undertaken under permitted development.

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- 43 The proposed side dormers would be visible from Baring Road. Objections were received raising concerns regarding the impact of the proposal on the streetscene. The property benefits from a large front garden and as a result the main building at No 209 is set back from Baring Road by approximately 16m. Also, there are large mature trees to the front of the properties on the public realm. Given the above and in addition, given the style of the proposed side dormers, the proposed materials, and the fact that there is no uniformity of design of properties on Baring Road, and also, as it would keep the symmetry of the detached building, on balance, the impact is acceptable.
- 44 The dormers to the sides, each would have a window serving new bedrooms (bedroom 1 and 2) facing Nos 207 and 2011. The proposed windows would not have an overlooking impact as they would be obscured glazing and fixed, although they would provide day light and sun light.



Photo: 1 Street Scene

- 45 *Rooflights:* the rooflights to the front and rear would have same size and style. The rooflights are assessed by the guidance under sub-section 5.5 of the SPD. The rooflights would set flush of the original roof, and would be set within the middle third of the roof slope. It is noted that on this part of the road, there are properties with rooflights to the front and are visible from the main road. Considering that the site is not in a conservation area, and as a rooflight is a permitted development right the Council would not object to this proposed element.

Materials: the proposed materials would match the existing as stated in the application form and on the drawings. However, to ensure the materials would have the exact style and colour a condition would be imposed.

- 46 Objections were raised regarding the potential of over development of the building. The amount of development including the existing rear extension and the out building, due to the size of the property and its open amenity is not considered to be excessive in terms of impact on local amenity and character of the area. Therefore, the proposed loft extension would comply with the relevant guidance in terms of scale, siting, and the use of high quality materials, and is supported.

6.2.2 Urban design conclusion

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

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

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

49 NPPF para 126 and 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.

50 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).

51 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

52 The proposed dormer to the rear would not have any adverse impact on the amenity of No 207 and No 211, as it would be sufficiently away from the neighbouring properties.

53 The dormers to the sides would be facing Nos 207 and No 211 which would serve bedrooms 1 and 2 at the loft level. However, as the windows would be obscure glazed and a condition would be secured for windows to be fixed and obscure, the side dormers are not considered to have any adverse impact in terms of privacy and overlooking on Nos 207 and 211.

54 Objections were received regarding the impact of the dormer on any future maintenance due to the small distance between the properties. The side dormers would be within the curtilage of the main property and would set back from the side eaves (minimum of 1.1m), the dwelling of Nos 207 to 211 are detached and there are gaps between buildings, therefore, it is not expected that accessing the roof from either side would raise any amenity concerns.

55 The proposal site backs onto Coopers Lane Primary school at the bottom of a very long back garden and therefore the proposed development is not expected to have any impact on the amenities of neighbours living towards the bottom of the back garden.

6.3.1 Impact on neighbours conclusion

56 The proposed development, would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light/ sun light and impact on privacy and is therefore acceptable.

7 LOCAL FINANCE CONSIDERATIONS

57 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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- 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).

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

59 The CIL is therefore a material consideration.

60 CIL is chargeable on the net additional floor space of all new development. Since the proposal is not providing additional floor space CIL is not payable on this development.

8 EQUALITIES CONSIDERATIONS

61 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.

62 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.

63 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.

64 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>

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

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- 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

66 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>

9 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

67 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

68 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.

69 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.

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

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11 CONCLUSION

- 71 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 72 The proposed alterations to the roof are acceptable in terms of scale, form, and design.
- 73 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance.
- 74 In light of the above, it is recommended that planning permission is approved

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

AD/21/BAR 209/PL01 (page 1 of 4); AD/21/BAR 209/PL00 (page 2 of 4);
AD/21/BAR 209/PL00 (page 3 of 4); AD/21/BAR 209/PL00 (page 4 of 4); Photo1;
Photo 2 (received 23 Dec 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) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing in terms of materials and colours.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.
- 4) The new windows to be installed on both side dormers hereby approved shall be fitted as obscure glazed to a minimum of Level 5 on the 'Pilkington Scale' and fixed shut and retained in perpetuity.

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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, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on back gardens and amenity areas 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.

13 BACKGROUND PAPERS

76 Submission Drawings and Photos

77 Submission Technical Reports and Documents

14 REPORT AUTHOR AND CONTACT

78 Zahra Rad (Planning Officer)

Email: Zahra.Rad@lewisham.gov.uk

Telephone: 020 831 49153

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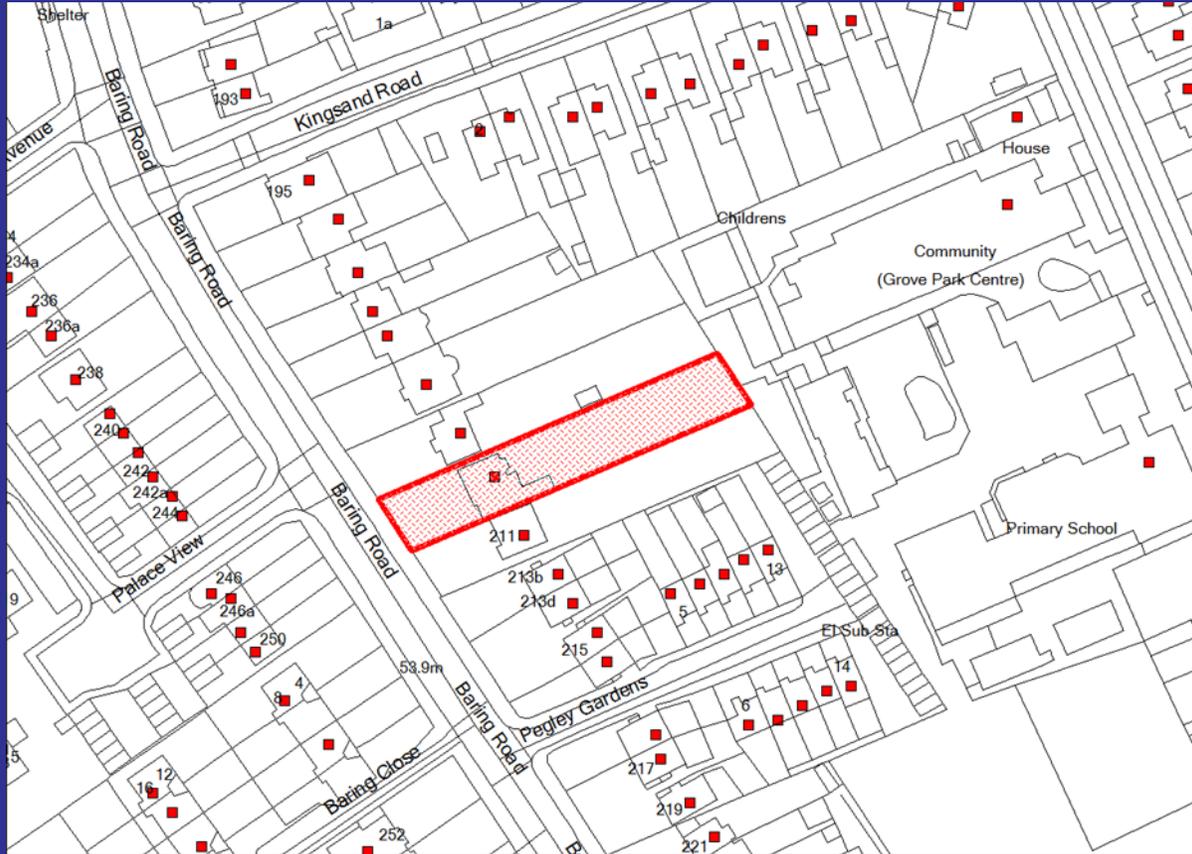
209 BARING ROAD, SE12 0PX

Construction of a loft extension comprising dormer windows to the sides of the roof and one dormer window to the rear roofslope, at 209 BARING ROAD, SE12, together with installation of two rooflights to the front roofslope and two to the rear roofslope.

Application Ref No. DC/21/123860

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

Site Location Plan



Site Location Arial- Context



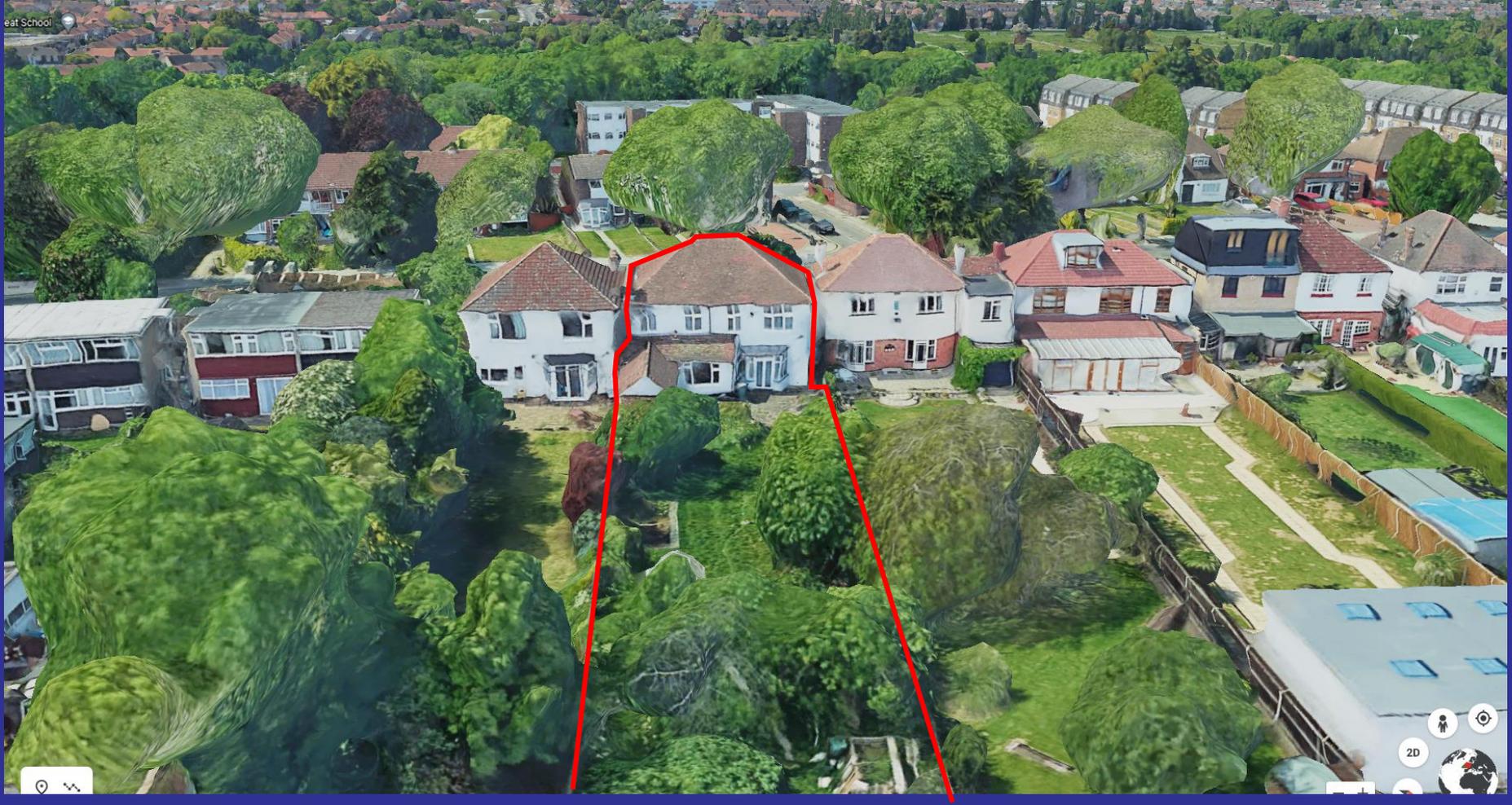
Views from Baring Road towards the South



Views from Baring Road towards the North



Arial Views Showing the rear Elevation And Back Garden



Front Elevation

Existing

Proposed

Page 213



EXISTING FRONT ELEVATION



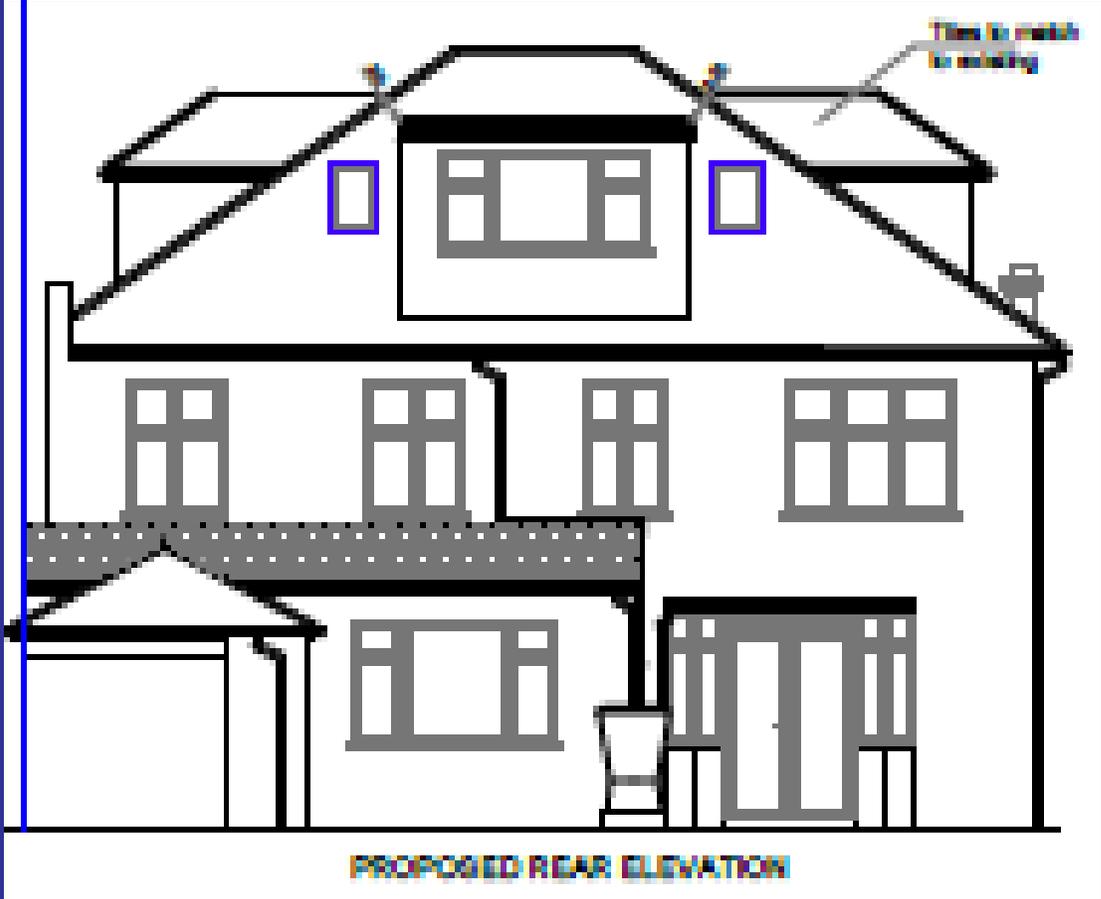
PROPOSED FRONT ELEVATION

Rear Elevations

Existing

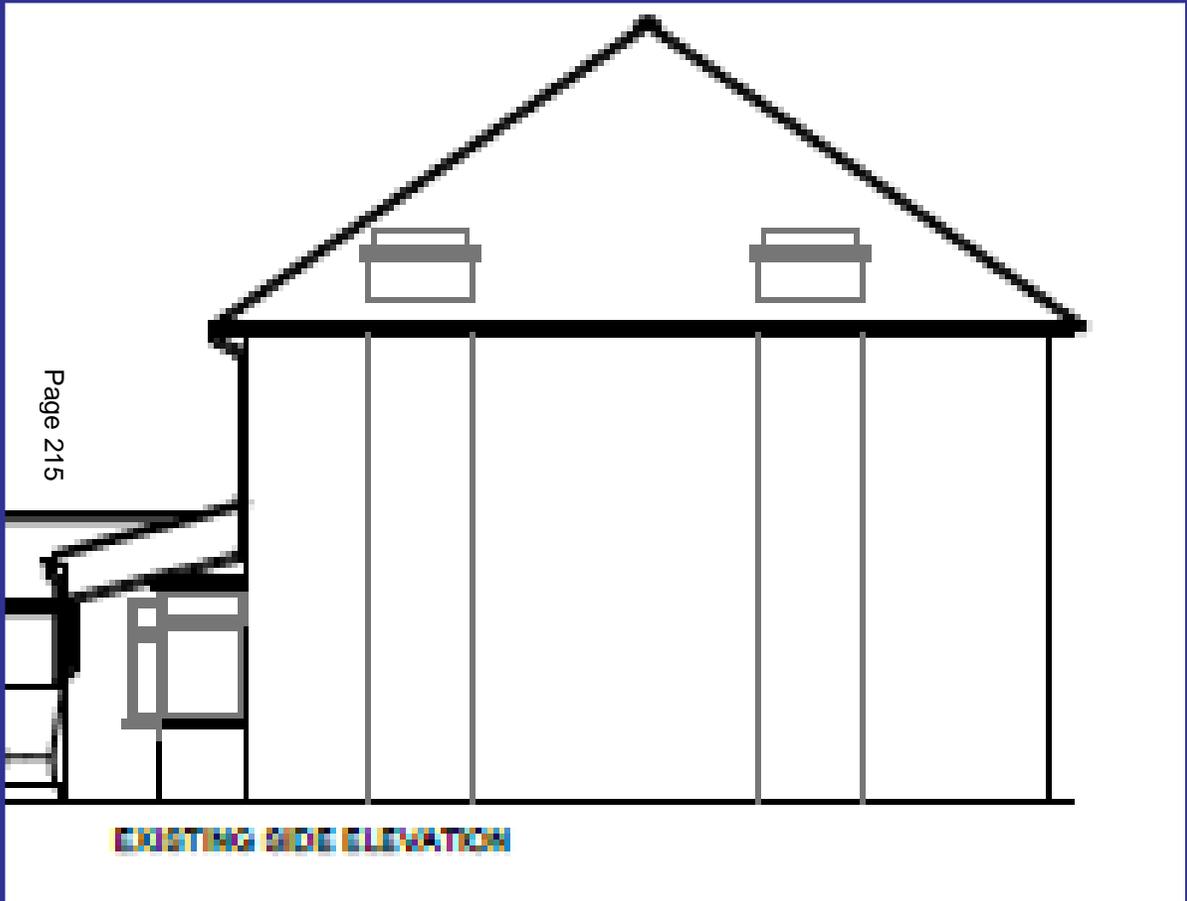


Proposed

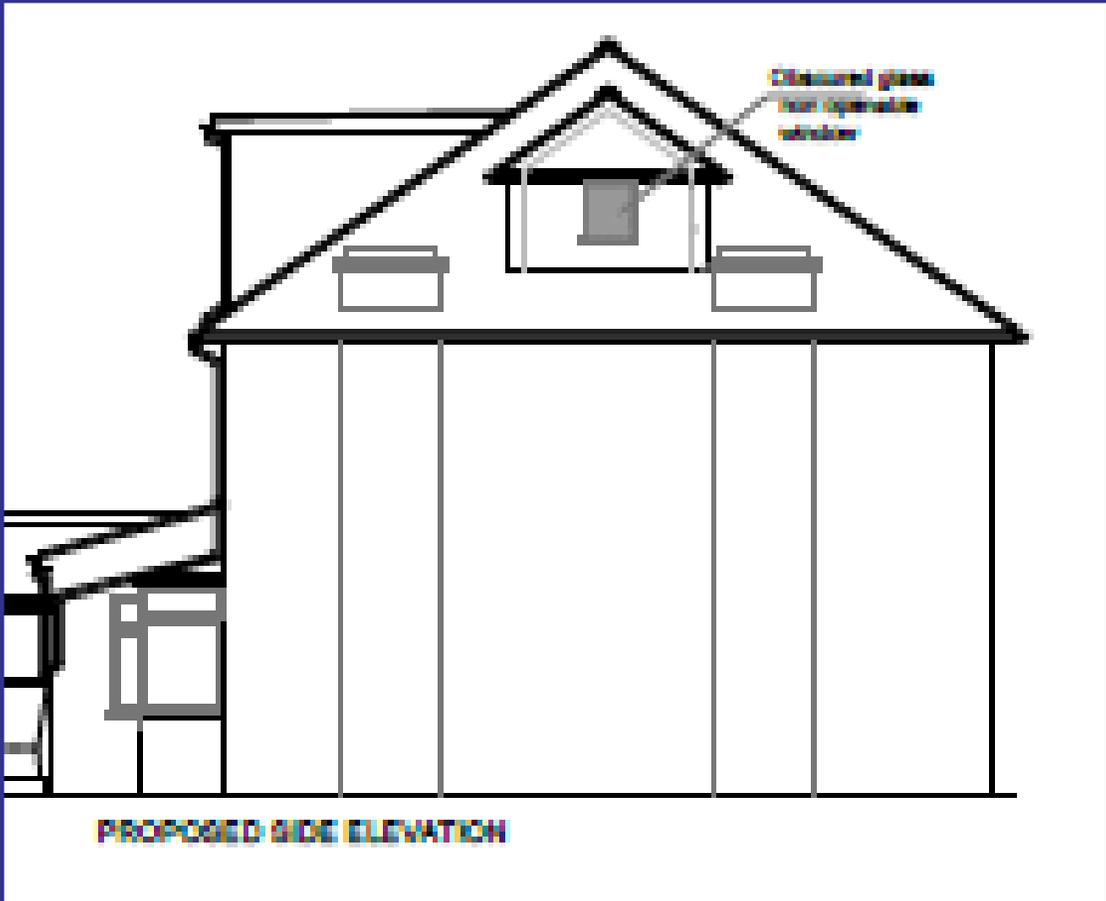


Side Elevations

Existing



Proposed



Key Planning Considerations

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



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Planning Committee B

Report title:

28 BORDER ROAD, LONDON, SE26 6HB

Date: 1 February 2022

Key decision: No.

See "[Legal Requirements](#)" in the guidance for more information.

Class: Part 1

See "[Legal Requirements](#)" in the guidance for more information.

Ward(s) affected: Sydenham

Contributors: Antigoni Gkiza

Outline and recommendations

This report sets out the officer recommendation of approval for this planning application.

The case has been brought before members for a decision as three objections have been received from the neighbouring properties.

Application details

Application reference number(s): DC/21/123393

Application Date: 09 September 2021

Applicant: Mr Bridges

Proposal: Demolition of existing shed and erection of a studio and an adjoining shed at the rear end of the garden at 28 BORDER ROAD, SE26.

Background Papers: Submission drawings
Submission technical reports
Statutory consultee responses

Designation: PTAL 4

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 This application site relates to a two-storey semi-detached dwelling, located in the northern side of Border Road, at No 28. The property benefits from a single storey rear extension and a moderate size garden.

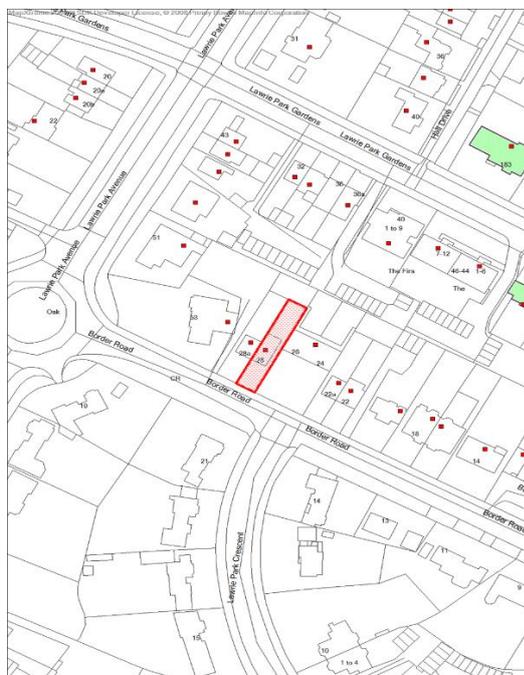


Figure 1: Site Location Plan

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Character of area

- 2 The surrounding area is predominantly residential in character with terraced and semi-detached properties.



Figure 2: Aerial View

- 3 The property is not located within a conservation area, nor is it, or close to, a listed building or non-designated heritage asset.

Surrounding area

- 4 Crystal Palace Park is located to the south of the application site.

Transport

- 5 The site has a Public Transport Accessibility Level (PTAL) score of 4 on a scale of 1-6b, 1 being lowest and 6b the highest.
- 6 Sydenham Railway Station is located approximately 700m to the north-east of the application site.

2 RELEVANT PLANNING HISTORY

- 7 **DC/96/039872** - Application for a Certificate of Lawful Development with respect to the erection of a single storey extension at the rear of 28 Border Road SE26 to provide larger kitchen/dining area. **Granted** 19 January 1996.

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3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

8 Demolition of existing shed and erection of a studio and an adjoining shed at the rear end of the garden at 28 BORDER ROAD, SE26.

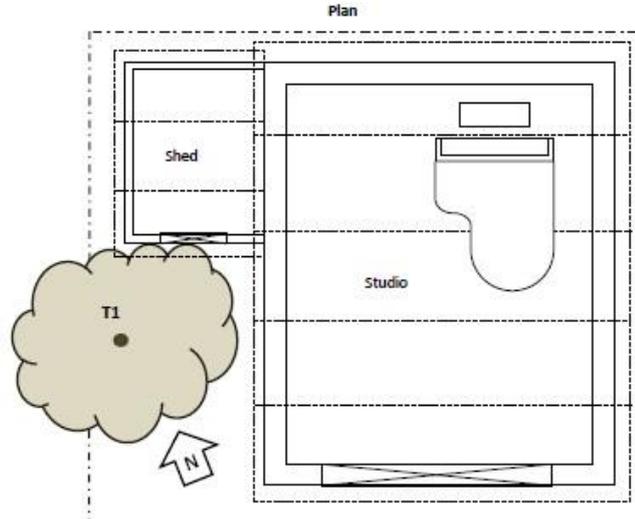


Figure 3: Proposed Plan

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

9 No pre-application advice was sought from the council regarding the proposal.

4.2 APPLICATION PUBLICITY

10 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 15 September 2021.

11 Three responses were received, comprising three objections.

4.2.1 Comments in objection

Comment	Para where addressed
Overshadowing and loss of daylight that would impinge the garden use.	45
Overbearing sense of enclosure	45
Loss of outlook from the inner side of the flat to the garden	45

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Creation of noise nuisance due to the use of the outbuilding as a music studio	45
Flood risk from overflowing drainpipe	36
Proximity to fence line	45

- 12 A number of other comments were also raised as follows:
- 13 The proposed development would negatively impact the value of the neighbouring property. (Officer comment: property values are not a material planning consideration.)
- 14 Safety/security concerns
- 15 Officer Comment: Planning Officers can only assess the proposed development, and the above comments are not material to the planning decision.

4.3 INTERNAL CONSULTATION

- 16 No Internal Consultees were notified given the nature of the application.

4.4 EXTERNAL CONSULTATION

- 17 No External Consultees were notified given the nature of the application.

5 POLICY CONTEXT

5.1 LEGISLATION

- 18 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).

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5.4 DEVELOPMENT PLAN

22 The Development Plan comprises:

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5.5 SUPPLEMENTARY PLANNING GUIDANCE

23 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

6 PLANNING CONSIDERATIONS

24 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

25 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.

26 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.

6.1.1 Principle of development conclusions

27 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

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6.2 URBAN DESIGN

General Policy

- 28 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.
- 29 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.
- 30 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.
- 31 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.

Discussion

- 32 According to Section 6.9.4 of the Alterations and Extensions SPD outbuildings should be subordinate to the host building and ancillary to the house. The materials to be used should be appropriate for a garden setting.
- 33 The existing shed would be demolished and the proposed outbuilding would be located at the end of the rear garden and would be rectangular in shape. The proposed outbuilding would set in by 0.4m from the rear boundary and 0.4m from both shared boundaries to the sides. It would have a total width of 6.4m, a depth of 5.56m and the roof would be sloping with maximum height of 3m sloping down to 2.6m. The outbuilding would feature a shed at its west elevation, which would be 3m deep, 2.15m high, rising at 2.55m, and 1.85m wide.

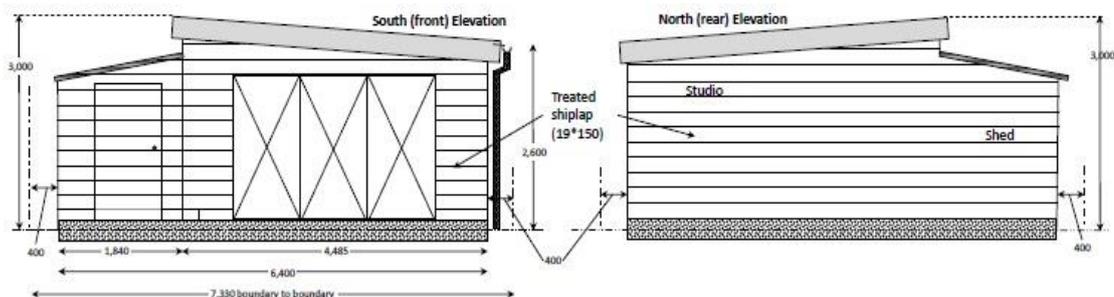


Figure 4: North and South Elevations

- 34 The submitted plans indicate that the outbuilding would be used as a music studio, which is considered ancillary to the residential function of the house.
- 35 The proposed outbuilding would be finished in wood shiplap, it would comprise kingspan quad core roof panels and a three sash bi-fold door that would face the rear elevation of the host building.

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36 The proposed development would reduce the rear garden area from approximately 105m² to 80m², maintaining 76% of the existing garden, and as such it is considered that the proposed development would retain an appropriate sized garden. In addition, the proposed development would feature a drainpipe which is considered acceptable as in case of overflowing, the existing garden would be able to absorb the water without causing any flooding problems to the neighbouring properties.

6.2.1 Urban design conclusion

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

38 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.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

39 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

40 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).

41 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.

42 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

43 The proposed outbuilding would extend for 5.56m along the boundary with No 26 and 3m along the boundary with No 28A with a sloping roof of maximum height of 3m sloping down to 2.6m. The outbuilding would have a minimal setback of 0.4m from the boundary with Nos 26 and 28A Border Road.

44 Officers note that objections to the proposal raise concerns over overshadowing and loss of daylight that would impinge the garden use, overbearing sense of enclosure, loss of outlook from the inner side of the flat to the garden, creation of noise nuisance due to the use of the outbuilding as a music studio and proximity to the fence line.

45 Although there is a minimal setback from the boundary with the adjacent properties, the size of the adjacent gardens is large enough that any potential enclosing or overbearing effect would be minimal. Therefore the proposed outbuilding is not considered to result in any unreasonable harm to the residential amenity of these neighbouring properties, in terms of loss of daylight, outlook, creation of sense of enclosure and nuisance that would

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warrant a refusal of the application. The use of the site as a music studio is judged ancillary to the host dwelling and the noise would not be inconsistent with conventional outbuilding use in a rear garden.

6.3.1 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.

7 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 is householder development, does not attract a CIL charge.

8 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.

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- 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>
- 9 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

- 57 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
- 58 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.

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- 59 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.
- 60 This application has the legitimate aim of providing a new outbuilding 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

- 61 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 62 In conclusion, the proposal is overall considered acceptable in its design, scale, materials and impact on neighbouring amenity.
- 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 the host building in terms of 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:

Drawing #1; Drawing #2 (Received 10/09/2021); Drawing #3 (**Received 14/09/2021**).

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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) **USE OF ANCILLARY BUILDINGS/ANNEXES**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the residential accommodation hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as **28 BORDER ROAD, SE26** and shall not be occupied as any form of self-contained residential accommodation without prior the benefit of planning permission.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant policies in the London Plan (March 2021), Core Strategy (2011) and Development Management Local Plan (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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

2) Unique Informative: You are advised that self-contained residential use of the building hereby approved is expressly precluded by a condition attached to this permission. You are reminded the Local Planning Authority has powers of enforcement.

13 BACKGROUND PAPERS

- 65 Submission drawings
- 66 Submission technical reports and documents
- 67 Statutory consultee responses

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14 REPORT AUTHOR AND CONTACT

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69 Email: antigoni.gkiz@lewisham.gov.uk

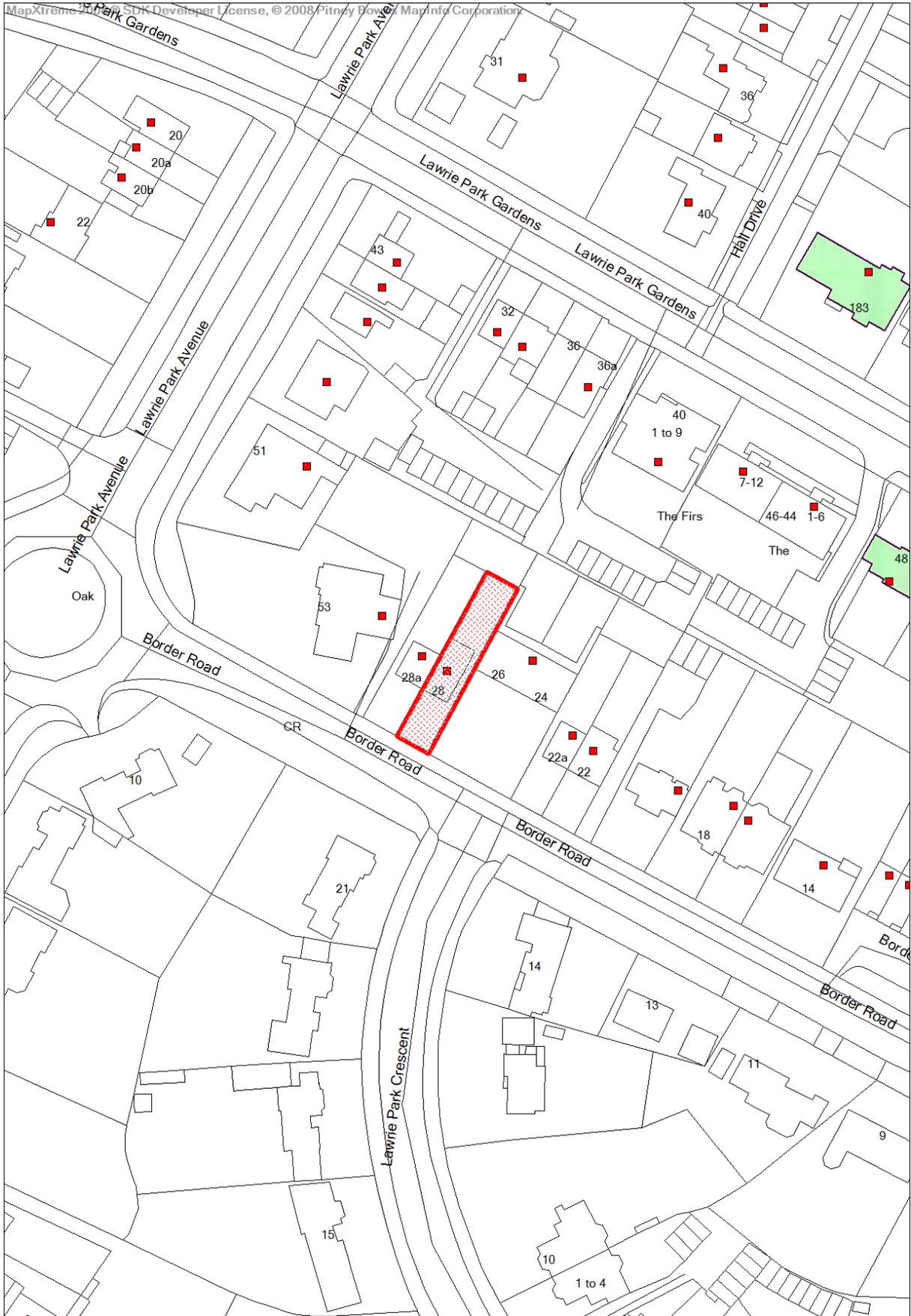
70 Telephone: 020 8314 8396

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28 BORDER ROAD

London

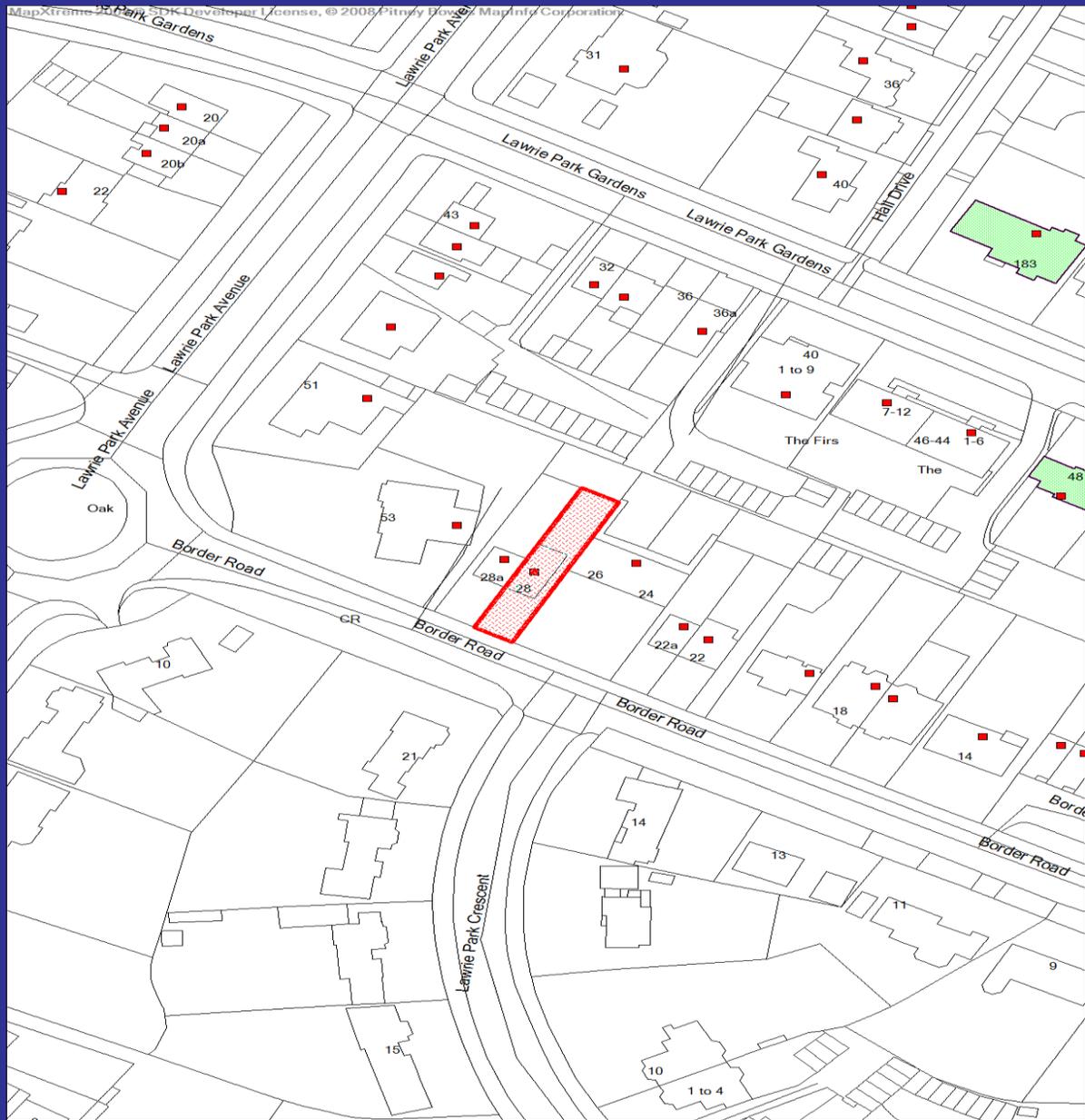
SE14 6TD

Application No. DC/21/123393

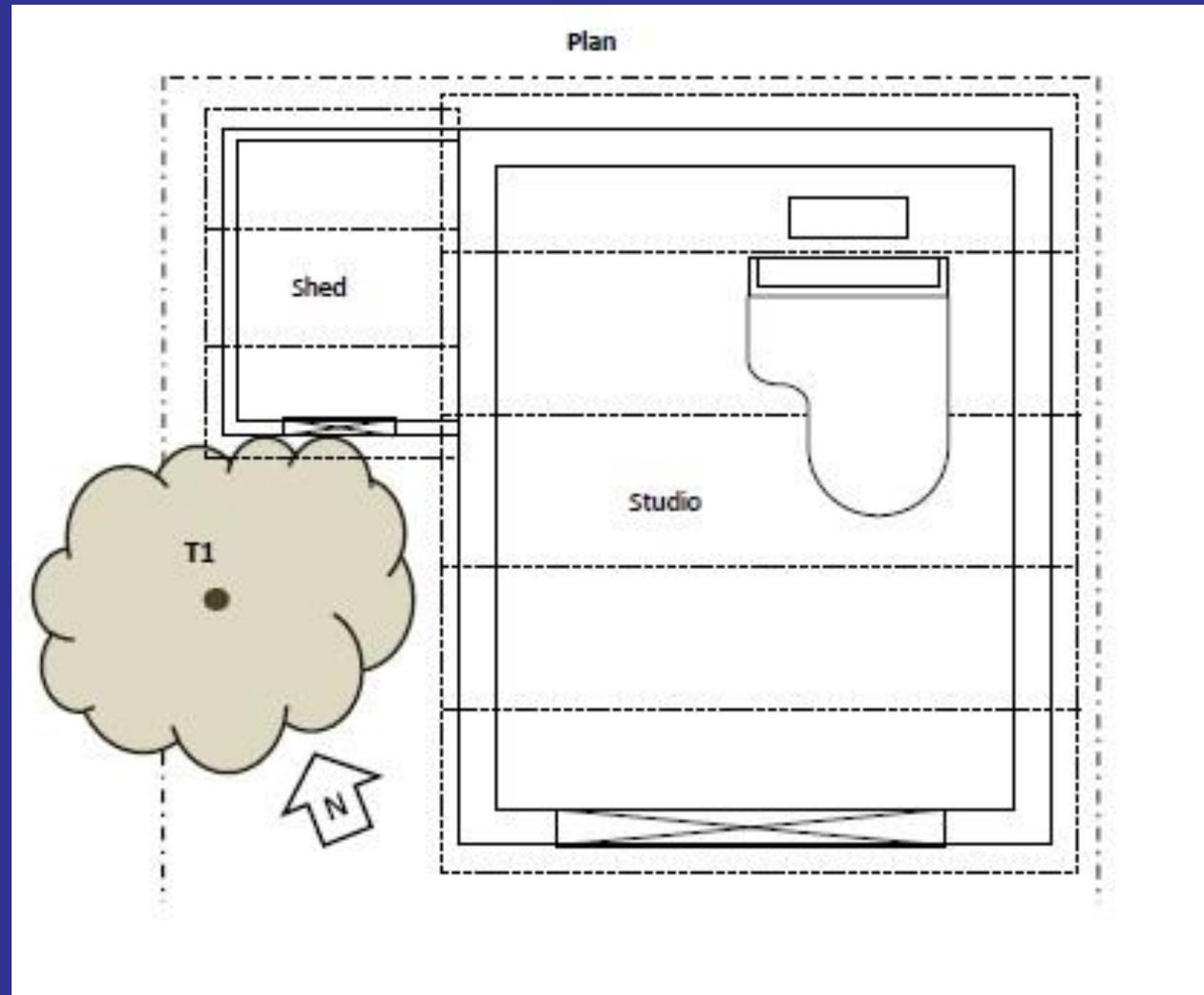
This presentation forms no part of a planning application
and is for information only.

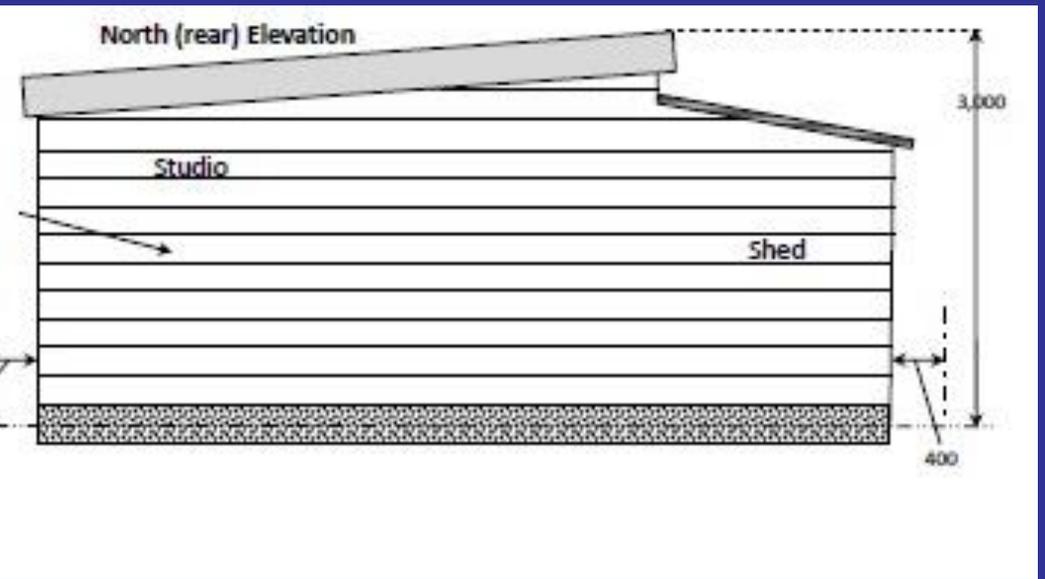
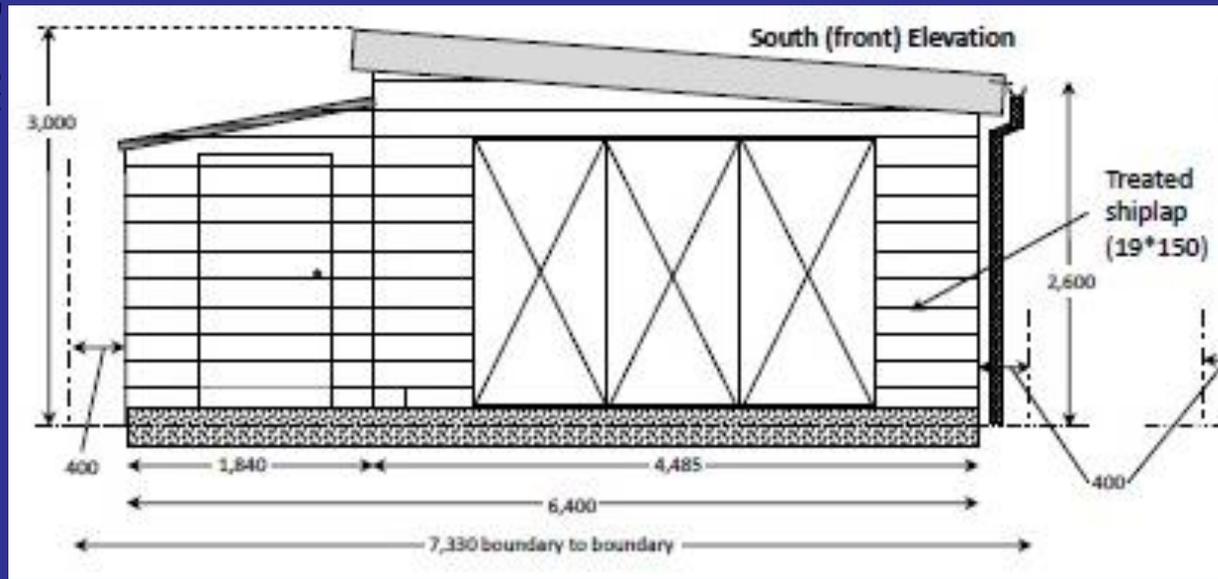
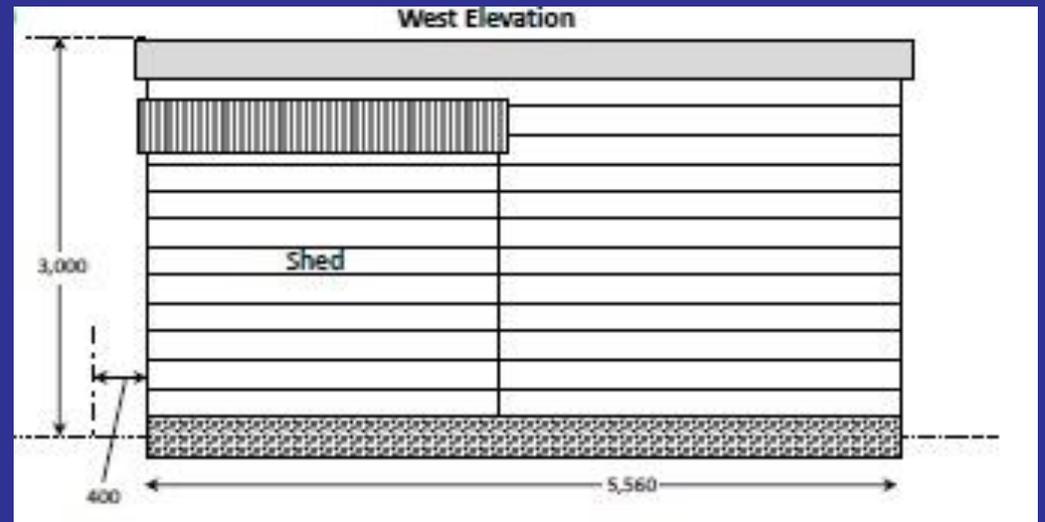
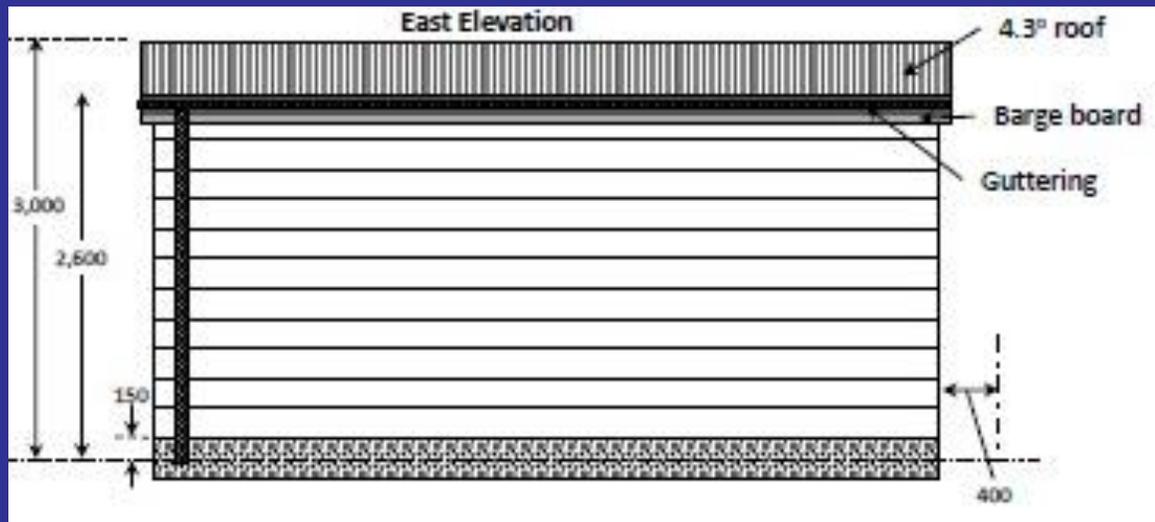
Demolition of existing shed and erection of a studio and an adjoining shed at the rear end of the garden at 28 BORDER ROAD, SE26.











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Key Planning Considerations

- Principle of Development
- Urban Design
- Impact on Neighbouring Amenity

End of Presentation

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Planning Committee B

Report title:

10 MANOR LANE, LONDON, SE13 5QP.

Date: 01 February 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Lee Manor

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the Officer's recommendation for the below proposal. The report has been brought before Committee for a decision due to the submission of one objection from an amenity society.

Application details

Application reference number(s): DC/21/124151

Application Date: 03 November 2021

Applicant: Mr Dakshy

Proposal: Construction of a rear dormer extension and two front roof lights at 10 Manor Lane, London, SE13 5QP.

Background Papers:

1. Submission drawings
2. Supporting documents
3. Internal consultee responses

Designation: PTAL 2
Air Quality
Lee Neighbourhood Forum
Area of Archaeological Priority - Lee
Lee Manor Article 4(2) Direction
Lee Manor Conservation Area
Not a Listed Building

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The subject site is situated on the western side of Manor Lane, SE13. The property is a two-storey mid-terrace single family dwellinghouse, sitting at the southern end of a run of six terraces.



Figure 1 – site location plan

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- 2 The property has a pitched roof and an outrigger projection to the rear of the property, and has one rooflight inserted into the rear roof slope. The property has been extended at ground floor level, with a side infill and rear extension.

Character of area

- 3 The surrounding area is residential in nature. The properties to the north (2, 4 and 6 Manor Lane) and properties to the south (12, 14, 16, 18, 20, 22 and 26 Manor Lane) have been extended at roof level with full width rear dormers. In the case of 6 Manor Lane, this was approved following the adoption of the Alterations and Extensions SPD.

Heritage/archaeology

- 4 The site is located within the Lee Manor Conservation Area, and covered by an Article 4 direction removing permitted development rights in relation to a number of extensions and alterations and hard surfacing, painting and boundary wall and fencing works, where visible from a public space. The property is not listed, or in vicinity of any listed buildings.
- 5 The Lee Manor Conservation Area was designated in 1975, however the western side of Manor Lane was designated part of the Conservation Area in 2008. Manor Lane falls under area 1(c), which covers Southbrook Road, Manor Lane, western Effingham Road and Taunton Road. The subject property and adjacent properties listed above are identified as making a positive contribution to the Conservation Area.
- 6 Prior to designation, the western side of Manor Lane enjoyed permitted development rights, which allowed roof extensions.

Surrounding area

- 7 Trinity CoE Primary School is located approximately 0.6 miles to the south-west of the application site. There are a number of shops, takeaways and public houses within a 0.5-mile radius. Manor Gardens which back onto the rear gardens of the opposite side of Manor Lane is a short walk from the application property.

Local environment

- 8 The site falls within Air Quality Management Area.

Transport

- 9 The site has a Public Transport Accessibility Level (PTAL) score of 2 on a scale of 1-6b, 1 being lowest and 6b the highest.
- 10 Hither Green Railway Station is located approximately 0.4 miles to the south-west of the application site.

2 RELEVANT PLANNING HISTORY

2.1.1 Subject Site

- 11 **PRE/18/105551:** Demolition of a single storey timber outbuilding and erection of a single-story rear extension

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- 12 **DC/18/106282:** The construction of a single storey rear extension and the replacement of all existing windows with double-glazed timber sash windows at 10 Manor Lane, SE13, together with alterations to the side elevation and alterations to the front garden including the reinstatement of the boundary brick wall, the installation of fencing, bin and cycle storage, and the replacement of the front door and paving. **Granted 06 July 2018**
- 13 **DC/19/110363:** An application submitted under Section 96a of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission DC/18/106282 dated 06/07/18 for the construction of a single storey rear extension and the replacement of all existing windows with double-glazed timber sash windows at 10 Manor Lane, SE13, together with alterations to the side elevation and alterations to the front garden including the reinstatement of the boundary brick wall, the installation of fencing, bin and cycle storage, and the replacement of the front door and paving in order to allow a reduction to the depth of the extension, the removal of a rooflight, amendments to the rear door and a change from Crittal to aluminium glazing in the rear elevation and celestial window. **Granted 30 January 2020**
- 14 **ENF/19/00034:** Enforcement case was open to investigate whether DC/18/106282 was being implemented correctly. **No breach had occurred – closed case 08 February 2019**

2.1.2 Neighbouring properties

2 Manor Lane

- 15 **DC/07/065389/FT:** The construction of a hip to gable end extension, incorporating a dormer extension to the rear roof slope of 2 Manor Lane SE13, together with the installation of rooflights to the front roof slope, in connection with conversion of the roof space to provide additional living space. **Granted 07 June 2006**

4 Manor Lane

- 16 **DC/04/056348/FT:** The construction of a dormer extension to the rear roof slope of 4 Manor Lane SE13, together with 2 roof lights in the front roof slope. **Granted 27 April 2004**

6 Manor Lane

- 17 **DC/20/116197:** Construction of roof extension in the rear roof slope at 6 Manor Lane SE13, together with installation of 2 roof lights in the front roof slope. **Granted 10 June 2020**

12 Manor Lane

- 18 **DC/05/059691:** The construction of a single storey extension to the rear of 12 Manor Lane SE13, together with a roof extension at the rear in connection with alterations to the existing roofspace to provide additional living accommodation **Granted 8 August 2005.**

- 19 **DC/07/064663:** The construction of a hip to gable roof extension at 12 Manor Lane SE13, together with an extension to the rear roof slope with Juliette balcony, and two roof lights to the front roof slope **Granted 13 March 2007**

14 Manor Lane

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- 20 **DC/17/105022:** Construction of a hip-to-gable roof extension and rear roof extension together with installation of two replacement front rooflights at 14 Manor Lane, SE13.
Granted at committee 03 April 2018
- 16 Manor Lane & 18 Manor Lane**
- 21 No planning history for rear roof extensions
- 20 Manor Lane**
- 22 **DC/07/067067:** Lawful Development Certificate in respect of the construction of an extension to the rear roofslope at 20 Manor Lane SE13, together with the installation of rooflights in the front roofslope, in connection with the conversion of the loft space to provide additional living accommodation **Granted 28 November 2007**
- 22 Manor Lane**
- 23 **DC/16/097720:** Proposed construction of a dormer extension to the rear slope of 22 Manor Lane, SE13 together with the insertion of three roof lights to the front roof slope
Refused 19 October 2016
- 24 **DC/17/101480:** Proposed construction of a dormer extension to the rear slope of 22 Manor Lane, SE13 together with the insertion of two roof lights to the front roof slope
Approved 24 June 2017
- 26 Manor Lane**
- 25 **DC/16/097610:** The construction of a hip to gable roof extension and roof extension to the rear roof slope at 26 Manor Lane SE13, together with the installation of roof lights in the front roof slope **Refused 13 September 2016**
- 26 **DC/16/097610** was allowed on appeal **8 February 2017** (reference: APP/C5690/D/16/3162228)

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3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

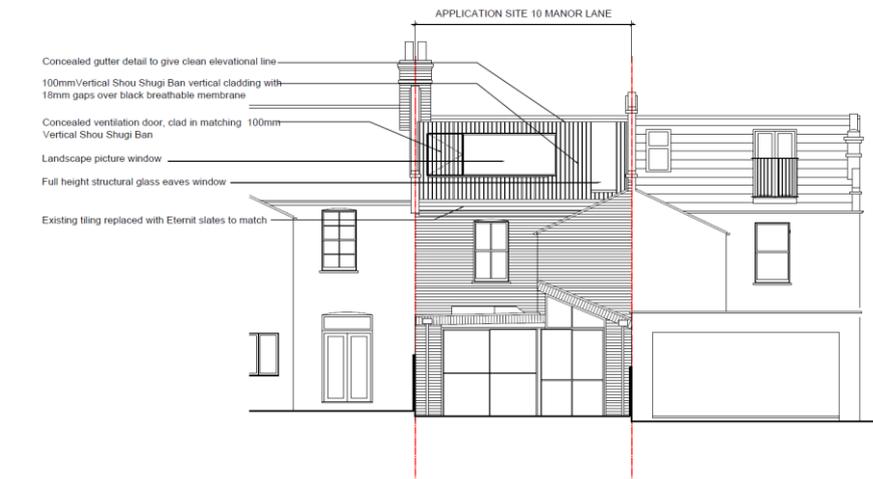


Figure 2 – proposed rear elevation of 10 Manor Lane

- 27 The proposed rear dormer would be 5.8m wide, 2.2m high and 3.6m deep. The dormer would occupy the entire rear roofslope, but would retain the chimney within the northern party wall with No. 8.
- 28 The dormer would extend from the roof ridge of the property, and would be setback to the rear eaves by 450mm. The rear elevation would have two windows, a larger window serving a bedroom and smaller full height window serving the staircase.
- 29 Materials would consist of vertical Shou Sugi Ban, Japanese charred timber and aluminium/timber composite framed windows with a ventilation door clad in matching vertical Shou Sugi Ban.
- 30 As part of works to the front roofslope, two conservation style NEO rooflights would be installed which would sit flush with roofslope and without a frame.

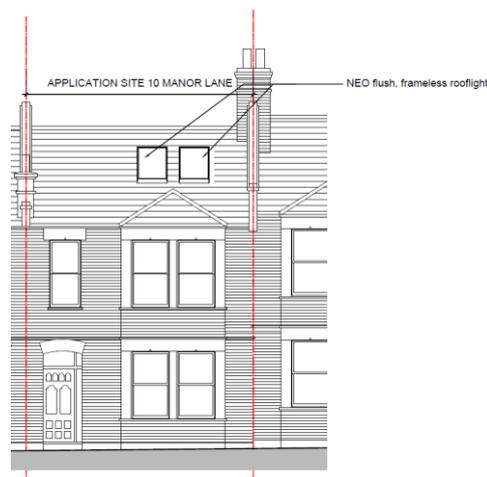


Figure 3 – proposed front roof lights

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31 The design is in accordance with the contemporary design refused by Council and allowed by appeal at 26 Manor Lane (DC/16/097610), which has also driven the design of the approved development at 22 Manor Lane (DC/17/101480) and 6 Manor Lane (DC/20/116197).

4 CONSULTATION

4.1 APPLICATION PUBLICITY

32 Site notices were displayed on 22 November 2021 and a press notice was published on 24 November 2021.

33 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 18 November 2021.

34 1no number responses received, comprising 1no objection from an amenity society

4.1.1 Comments in objection

Comment	Para where addressed
The proposed roof extension is not in accordance with the Alterations and Extensions SPD	Para 76

35 A number of other comments were also raised as follows:

36 Comments were raised over the relevance of two of the local precedents stated by the applicant due to their approval prior to extension of the conservation area and adoption of the Alteration and Extensions SPD (2019). Whilst there may be similarities between cases each individual case is assessed on its own merits, however on this occasion these precedents demonstrate that the character of the Lee Manor Conservation Area on this specific road, is typified by the numerous roof level interventions. Any planning decision needs to be taken in the context of the Conservation Area and the impact of any proposal on the character of that area.

4.2 INTERNAL CONSULTATION

37 The following internal consultees were notified on 18 November 2021.

38 Conservation: raised objections. See para 76 for further details.

5 POLICY CONTEXT

5.1 LEGISLATION

39 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).

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

5.2 MATERIAL CONSIDERATIONS

41 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.

42 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.

43 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.

5.3 NATIONAL POLICY & GUIDANCE

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

5.4 DEVELOPMENT PLAN

44 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)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

45 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

5.6 OTHER MATERIAL DOCUMENTS

- Lee Manor Conservation Area Character Appraisal

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6 PLANNING CONSIDERATIONS

46 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

47 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.

48 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.

Policy

49 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

6.1.1 Principle of development conclusions

50 The principle of development is supported.

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSET

General Policy

51 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.

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

53 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.

54 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.

Policy

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- 55 London Plan Policy D3 states that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. It should also be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.
- 56 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 57 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.
- 58 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, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.
- 59 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.
- 60 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.
- 61 Further guidance is given in Lee Manor Conservation Area Character Appraisal.
- 62 Paragraph 5.5.4 "Additional guidance for roof lights in conservation areas" of the Alterations and Extensions SPD (2019) states:
- Rooflights should be few in number and generally restricted to the rear or least visible roofslopes.*
- Where traditional 'conservation style' rooflights have been established as an accepted and prevailing characteristic on front roofslopes, proposals for small traditional 'conservation style' rooflights may be acceptable.*
- Wide rooflights are detrimental to the appearance of a roof, and new/ replacement rooflights should not exceed 600 mm in width. They should relate well to the scale and proportions of the elevation as a whole, aligning with the windows below, or centering on the spaces between them where appropriate.*
- Rooflights should be set within the middle third of the roof slope, and remain well away from chimneys, gables, ridges, verges and eaves. If more than one rooflight is proposed, they should be set at the same level and evenly spaced or in line with fenestration below.*
- 63 Paragraph 5.8.1 of Alterations and Extensions SPD (2019) states:

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[Rear Roof Extensions] need careful consideration. Proposals that disregard character or obliterate the original roof form will not be supported.

64 Paragraph 5.8.3 of Alterations and Extensions SPD (2019) states:

In conservation areas rear roof extensions will only be considered where the applicant can demonstrate exceptional design quality, high quality materials and its location is set in significantly from the eaves, ridge and sides and where the dormer is no wider than two thirds of the original, unextended roof.

In these cases, the onus is on the applicant to demonstrate that the characteristics and integrity of the property is maintained and that the impact on neighbouring properties is not significant.

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.

65 Figure 5.17 shows an example of an acceptable rear roof extension which is located within the Lee Manor Conservation area, it is noted that it has a high-quality design and respects the existing gable and is not visible from the street.

Discussion

66 The property sits on the edge of the Conservation Area. The properties which back on to the application site, on Manor Lane Terrace are not within the Conservation Area. There is no view of the rear of the property from the carriageway, either within or outside the Conservation Area. The property is not visible from Manor House Gardens, being on the even side of the road.

Front rooflights

67 The Conservation Officer has raised objections to the proposed rooflights, they stated that rooflights do not form part of the traditional character of this conservation area and does not follow the guidance of the Alterations and Extensions SPD. As per Section 5.5.4 of the SPD it is clear from the front roofslopes of Manor Lane that traditional conservation style rooflights have been established as an accepted and prevailing characteristic on front roofslopes and therefore what is being proposed is acceptable.

68 Given that there are a number of properties on both sides of Manor Lane which have had two conservation rooflights approved in the past, it is clear that conservation style rooflights are an accepted characteristic of this street.

69 The proposal includes two flat conservation style rooflights (NEO rooflights, manufactured by the Rooflight Company), these particular rooflights are contemporary in style however they are very discreet with a level profile and minimal visible frames. These will be positioned symmetrically around the existing hipped bay. The proposed rooflights are largely in accordance with the SPD guidance, except for their size which are 150mm wider.

70 The appeal at No. 26 Manor Lane (APP/C5690/D/16/3162228) had the same NEO rooflights which were of a similar size to this application and the Inspector concluded that "Given their size and positioning on the roofslope, I have no reason to disagree [with the LPA's conclusion] and consider these would have an acceptable appearance."

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71 In light of the recent appeal decision and other properties on Manor Lane with similarly sized front rooflights Officers raise no objection to this element and consider these would have an acceptable appearance.

Rear dormer roof extension

72 The western side of Manor Lane is a more recently designated part of the Lee Manor Conservation Area, therefore prior to 2008 roof extensions have been able to occur to this area within the limits of Class B of Schedule 2, Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order. The rear roof extensions at the Nos. 16, 18 and 20 Manor Lane were established under permitted development, which has inherently impacted on the character of the area as demonstrated in Figure 44.



Figure 4 – photograph of the rear elevations of Manor Lane giving context to neighbouring roof extensions

73 The proposal seeks for a higher quality design than those developments completed under Permitted Development and would have a contemporary and high-quality design, established through a large landscape picture window to the rear, with a concealed Shou Sugi Ban clad ventilation door, which will, integrate into the cladding when closed, but offer ventilation to the bedroom combined with the use of high quality black charred Shou Sugi Ban cladding and aluminium framed windows.

74 The proposal would sit within a run of terraces which at their rear elevations are characteristic by full width rear roof extensions. While the Council's Development Management Policies and supporting SPD guidance are resistant to full width and insubordinate roof extensions, the proposals size, detailed design and materials are in context with the surrounding form of development.

75 The recent appeal decision at 26 Manor Lane (reference: APP/C5690/D/16/3162228, which is of a similar scale of the subject proposal) acknowledges the large size of the proposal, but does not consider it to be an incongruous addition due to the existing features on nearby properties together with the high-quality material finished proposed. The appeal decision concludes that the proposal would not have an unacceptable adverse impact on the host property and would preserve the character and appearance of the Conservation Area.

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- 76 Conservation Officers have objected to the proposed roof extension as it would be incongruent with the historic context of the existing building due to its non-contextual design and by virtue of the proposed non-traditional and unsympathetic fenestration. They have also objected on the grounds that the proposal is not in accordance with the Alterations and Extensions SPD, given that the extension is greater than two thirds of the original roof slope. This concern was also raised by the amenity society.
- 77 Whilst the proposal is not in accordance with the Alterations and Extensions SPD guidance for rear roof extensions, Officers would like to draw attention to Section 1.3.3 which states that “the guidance addresses many types of houses, roofs and buildings. However, there will always be schemes which fall outside the context this document. In those instances, a reasonable and pragmatic approach will be taken. The Council is supportive of innovative and creative solutions that demonstrate the necessary high quality of design and detailing.” It is also worthy to note the purpose of the SPD is to encourage high quality design, which given the site context the proposed rear roof extension does achieve this.
- 78 It should be noted also that Figure 5.17 of the Alterations and Extensions SPD shows a full width roof extension which is considered “acceptable due to its high-quality design and its location respecting the existing gable and not being visible from the street.”
- 79 Officers consider that the nature of the Conservation Area would not be detrimentally impacted by these proposals. The applicant has made considerable efforts to ensure that the proposed extension will enhance the architectural character of the area, by adopting a sharp, contemporary language, which will complement the existing ground floor extension and contribute to the ongoing architectural richness of the area.
- 80 Officers also argue that the character of the conservation area would not be further eroded by this scheme, which is clear to see given the rear of these properties. The recently approved roof extension at No. 6 (DC/20/116197) which is also a full width roof extension was granted consent in the same context.
- 81 Although Conservation Officers have regarded there would be harm to the Lee Manor Conservation Area for the reasons set out above Officers conclude that the current proposal would lead to no harm to the Lee Manor Conservation Area given its immediate context.

6.2.1 Urban design conclusion

- 82 Noting the surrounding pattern of development, works to the front roofslope and hip-to-gable being accept in their own right together with the effect and direction provided by the relevant appeal, the overall proposal is considered acceptable in terms of its design and scale, and would not be harmful to the character and appearance of the host building, neighbouring buildings and the Lee Manor Conservation Area.
- 83 No further details or samples of materials are required, given officers are satisfied by the level of detail provided in the application, and similar well designed roof extensions have used Shou Sugi Ban cladding.
- 84 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 or appearance of Lee Manor Conservation Area.

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6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

85 The NPPF at 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 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

Policy

86 Core Strategy Policy 15 states that household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.

87 DM Policy 31 states that residential extensions should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.

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

Discussion

89 The proposal is acceptable in terms of neighbour's amenity, given the dormer would not extend beyond the rear building line and would not be in a position which would harm the outlook or cause overshadowing to neighbouring properties. The dormer may cause an increase in perceived overlooking to occupiers to the rear, however as such views already occur from the subject site and adjoining sites, there would be no material increase in harm.

90 The front roofslope works would not cause harm to the amenity of adjoining occupiers, by virtue of their siting towards the street.

6.3.1 Impact on neighbour's conclusion

91 Therefore, the application is deemed to be acceptable in terms of residential amenity and compliant with DM Policy 31.

7 LOCAL FINANCE CONSIDERATIONS

92 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).

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- 93 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 94 The CIL is not payable for developments such as this scheme, therefore the CIL is not a material consideration.

8 EQUALITIES CONSIDERATIONS

- 95 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.
- 96 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.
- 97 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.
- 98 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>
- 99 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
- 100 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

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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>

101 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 there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

102 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

103 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.

104 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.

105 This application has the legitimate aim of making an alteration to a residential property. 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.

10 CONCLUSION

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

107 As outlined in this report, the proposal is overall considered acceptable in its design, scale and materials, and accords with the pattern of development in the immediate area.

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11 RECOMMENDATION

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

11.1 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:

Design and Access Statement including Heritage Statement; EX01; EX02; EX03; EX04; EX05; EX06; EX07; EX08; PL01 REV A; PL02 REV A; PL03 REV A; PL04 REV A; PL05 REV A; PL06 REV A; PL07 REV A; PL08 REV A; PL09 REV A; PL10 REV A (**Received 03 November 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.

11.2 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

12 BACKGROUND PAPERS

109 None

13 REPORT AUTHOR AND CONTACT

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10 Manor Lane – Site location Plan



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10 Manor Lane

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and is for information only.

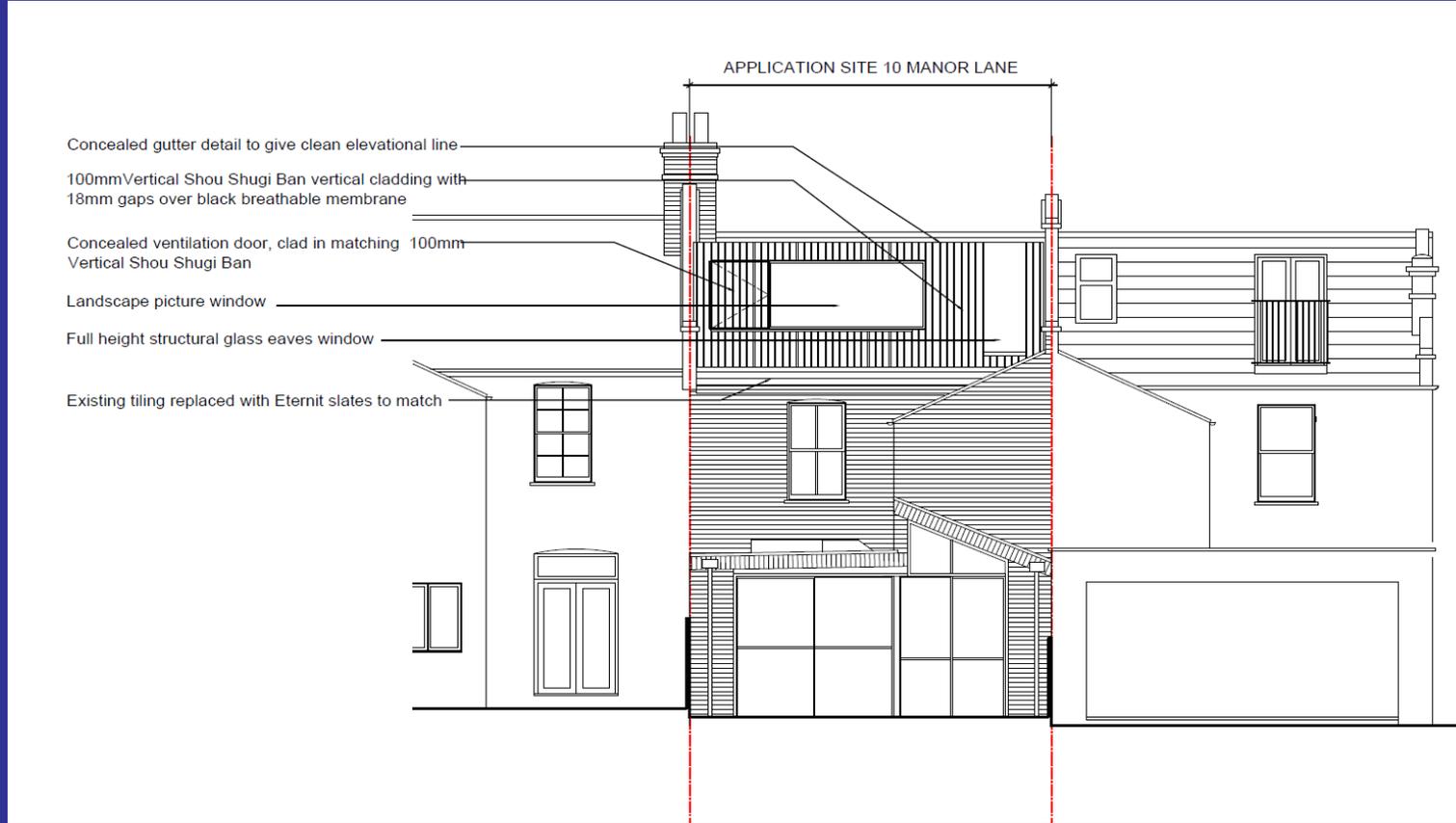


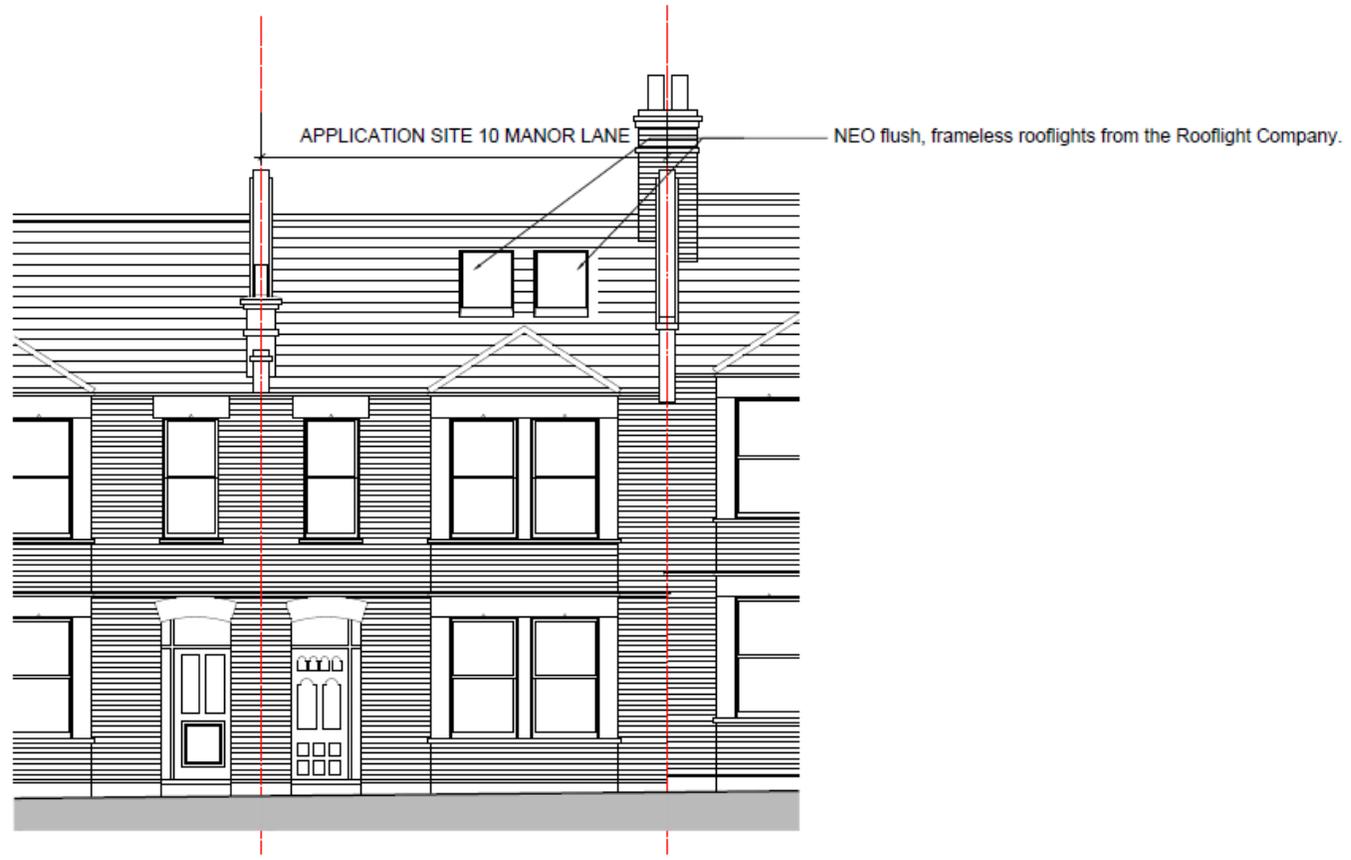
Construction of a rear dormer extension and two front roof lights at 10 Manor Lane, SE13.



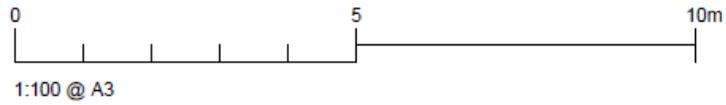


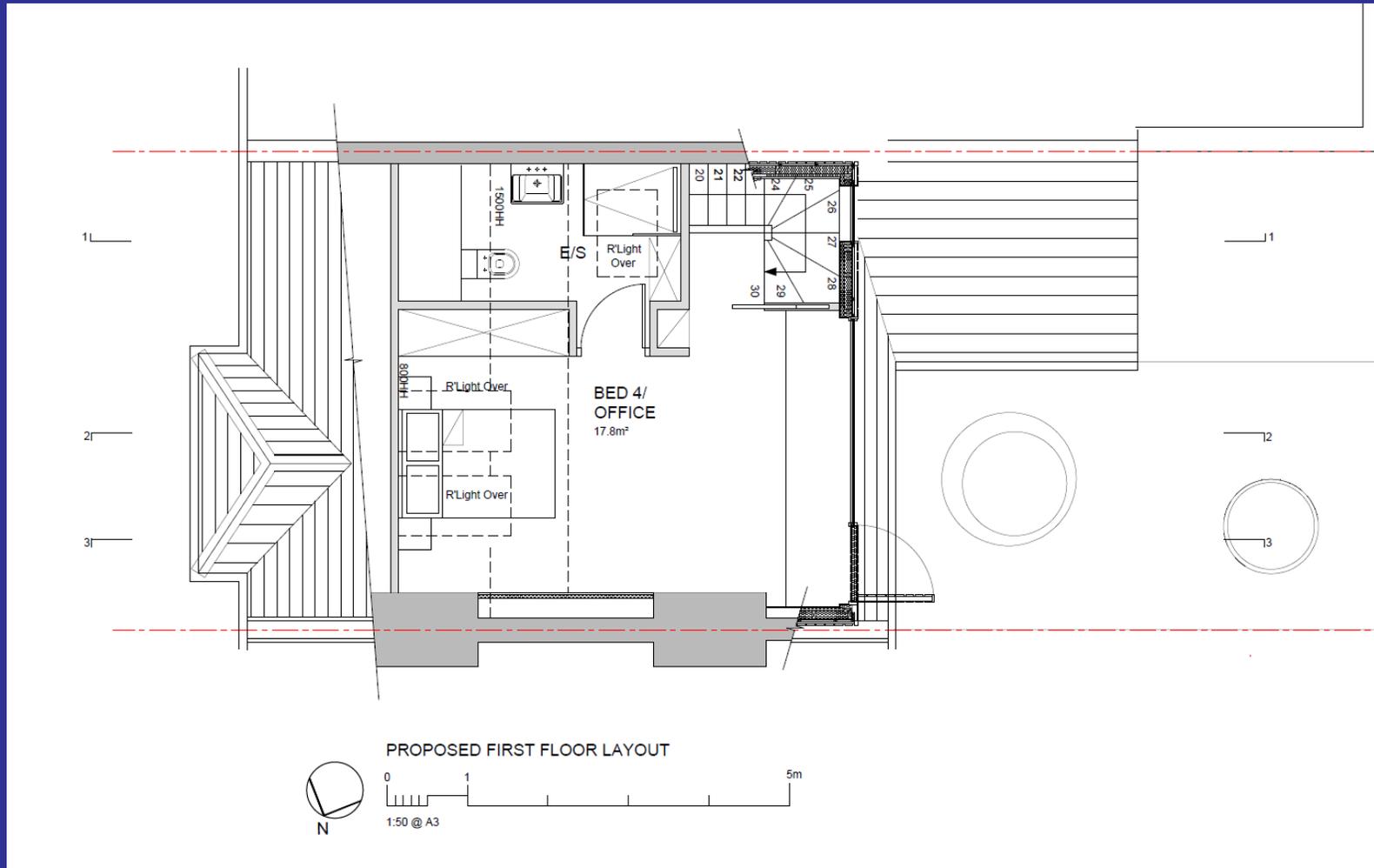






PROPOSED REAR ELEVATION





Key planning considerations

- **Principle of Development**
- **Urban Design and impact on Heritage assets**
- **Impact on living conditions of neighbours**





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