

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 20 OCTOBER 2022 TIME 7.30 PM**

PLACE: **ROOMS 1 AND 2, CIVIC SUITE, LEWISHAM
TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Peter Bernards (Chair)
Oana Olaru (Vice-Chair)
Natasha Burgess
Liam Curran
Ayesha Lahai-Taylor
Hilary Moore
John Muldoon
John Paschoud
James Rathbone
Rudi Schmidt**

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

**Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 11 October 2022**

**For further information please contact:
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Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 20 October 2022

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 24 August 2022.

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MINUTES OF THE PLANNING COMMITTEE A MEETING

24 August 2022 at 7.30pm

IN ATTENDANCE: Councillor Bernards, Councillor Curran, Councillor Rathbone, Councillor Muldoon, Councillor Malik-Smith and Councillor Burgess

ALSO JOINING THE MEETING VIRTUALLY: none

APOLOGIES: Councillor Olaru, Councillor Paschoud, Councillor Moore and Councillor Schmidt

ALSO PRESENT: Angus Saunders, Samuel James, Alfie Williams, Georgia McBirney, Max Curson (Planning Officers) and Joy Udiake (Legal Representative)

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

1. Minutes

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

2. Declarations of Interest

Councillor John Muldoon stated that he had been lobbied in regards to item 5, and approaches the decision with an open mind.

No other interests were declared.

3. 272 Brockley Road, London, SE4 2SF

The presenting Planning Officer gave an illustrative presentation of the proposed application. The proposal was for alterations and conversion of the existing dwelling and construction of a lower ground floor rear extension with a roof balcony at 272 Brockley Road SE4 to create two self-contained flats, with alterations to front boundary and front garden area, refuse and cycle storage, together with the demolition of outbuildings and structures in the rear garden and redevelopment to provide a partially sunken two storey dwelling with refuse and cycle storage.

It was the officer recommendation to approve this application. The key considerations were: Principle of Development; Residential Quality; Urban Design; Transport Impact; Living Conditions of Neighbouring Properties; Sustainable Development; and Natural Environment. The main consideration discussed was the Living Conditions of Neighbours- it was concluded by officers that a 'high standard' of amenity for existing and future users according to the NPPF and that a 'satisfactory level' of sunlight and daylight for its neighbours were both met.

It was also discussed that at the previous committee meeting members identified that they did not have sufficient information to assess the impact of the proposed garden house to light levels at the upper ground floor terrace at No.274 Brockley Road. The new street elevation drawing confirmed that the first floor of the garden house would be located approximately 6m from the rear elevation of No.274 as stated in the previous Committee Report. The drawing also shows that the roof of the garden house would sit just above the top of the terrace door.

The objector was invited to present. He welcomed the revised drawings. He stated that he sought clarifications on the metrics in terms of the size of the buildings and the distances between any proposed works. He asked that the architect first confirmed that the latest technical drawing is final and accurate and then provide a version containing final specifications and measurements before anything is formally signed off. He also stated that in the report, Area G3 on the aerial shot included his balcony and the balcony above, so he asked for assurance that the sunlight assessment was taken from the correct apartment.

The officer responded to the objectors points. He stated that planning officers were satisfied that the plans were accurate representation and that the amendments and revisions have been uploaded and made publicly available to view. The lighting consultant was also present and clarified that in terms of the impact on the sunlight, the different reports show the different assessments- one showing the hours within a year of sunlight and the other assessing the hours of sunlight for the day that the supply is assessed for amenity spaces.

The applicant was invited to present. The main points made were as follows. The plans submitted were all to scale, however on the CGI images, a scale cannot be applied to such images, but they are generated according to the scaled plans and elevations. The light consultant added that he initially did not assess the upper ground floor amenity space because from experience, the orientation of it compared to their site, he did not think there would be any effect. The assessment now shows in his most recent report that 61.05% of the space will receive two hours of sunlight on March 21st and will still retain 100% throughout the summer months as well.

It was MOVED, SECONDED and RESOLVED that the application was approved, with all conditions outlined in the report.

4. Hesper House, Wells Park Road, SE26 6RQ

The presenting Planning Officer gave an illustrative presentation of the proposed application for the demolition of existing buildings on site and the construction of a 5-storey residential building (plus lower ground) (Use Class C3) at the site known as Hesper House, Wells Park Road, SE26, incorporating off-street parking spaces, together with associated landscaping and refuse and cycle parking facilities.

It was the officer recommendation to approve the application. The scale of the proposal was very similar to that of an approved application from January 2021. The height was the same of the approved building, as was the depth. The key difference was that this proposal was for 15 dwellings compared to 10 of the previous approved proposal. The 6 car spaces proposed to be provided were slightly less than

the maximum provision set out in the London plan and was considered to meet the needs of the development. The key considerations were: 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; Natural Environment.

Members asked why affordably housing could not be provided for this development. The officer responded that the affordable housing requirement is assessed through a viability tested route that requires the applicant to submit an economic viability report to the Council- it set out that no affordable housing can be provided. The Council send these reports to an independent consultant to assess them as well who found that the scheme would only produce a surplus of £12,000.

The applicant was invited to present. They were the architects for the application. Their main points were that the proposed development consisted of spacious designs and high quality materials. Increasing the number of dwellings to 15 increased the viability position and optimised housing availability on the site and helped the Council meet its targets by providing more varied dwellings so high provision of family homes. The development would be sustainable and good for the amenity with 66 solar panels on the roof and large balcony spaces. There are also no additional trees to be moved and all high value trees will be retained.

The objector was invited to present. He raised concerns about the parking being narrow and there is a risk of speeding on the road which can cause collision. He also raised concerns about groundwater and flooding given rising concerns about climate emergency. He asked for detail on how these risks would be managed by the developers.

A construction phase engagement with the local community was suggested by Members. There were also concern about the disruption the construction will case to the nearby local roads. The planning officer asked that Members bear in mind the extent to which planning officers can get involved in the construction of such development as all of these things are ancillary aspects of construction works.

It was MOVED, SECONDED and RESOLVED that the application was approved, subject to the conditions outlined in the report.

5. 1 Liphook Crescent, SE23 2BN

The presenting Planning Officer gave an illustrative presentation of the proposed application of the demolition of the existing garage and the construction of a two storey, two-bedroom dwelling house in the rear garden of 1 Liphook Crescent, SE23, together with the provision of 1 cycle space and refuse storage.

It was the officer recommendation to approve the application. A revised site plan was submitted before the meeting to confirm the location species of street trees but no changes were made to the proposed development. The key considerations were: Principle of Development; Housing; Urban Design; Impact on Neighbouring Amenity; Transport and Highways; Sustainable Development; Natural Environment.

Members asked for clarification on the changes to the rear elevation from the previous application. The officer responded that the matter for consideration here,

was whether the overlooking from the rear elevation was still going to meet the threshold and if it didn't, then there are no legal grounds for refusal

The applicant was invited to speak. The main points raised from their presentation were as follows. The design of the proposed development is for an ecologically sound home and ensure the best possible use for the site in terms of impact and appearance whilst having minimal impact on the neighbouring amenity. The project is to facilitate intergenerational living and maximise the use of the existing development land and ownership in order to produce and reinforce sustainable small scale developments. The height and scale is appropriate to its setting with a considered elevation treatment and compositions, specifically designed for this infill site.

The objector was invited to speak. They stated that they do not believe this is a small scale development and the construction would be an invasion of their privacy and there will be considerable loss of amenity. He stated that the back entrance, balcony and staircase all overlook the majority of the garden and that the patio area is very close to the boundary. The necessity of the staircase was also questioned as it only provided access to the rear garden.

It was MOVED, SECONDED and RESOLVED to approve the application, subject to all conditions and informatives set out in the report.

6. 156 Erlanger Road, London, SE14 5TJ

The presenting Planning Officer gave an illustrative presentation of the proposed application of the construction of a rear dormer roof extension together with the insertion of one roof light to the rear roof slope, two roof lights to the outrigger roof slope and two roof lights to the front roof slope and replacement of the existing roof tiles at 156 Erlanger Road, SE14.

It was the officer recommendation to approve the application. The key considerations were: Principle of Development; Urban Design and Heritage Impact; and Impact on living conditions of neighbours, all considered to be acceptable.

The applicant was invited to speak. Her main points were that the roof lights are low profile and would not harm the original form of the building. There are also roof lights on several of the neighbouring properties. The roof lights are appropriate to the size of their position. The clients want to change the existing tiles on the front bay roof to restore the missing period features back to the fish scale tiles.

The objector was invited to speak. Their objection consisted of the points that the front roof lights should be in the middle third according to SPD guidance. He also stated that the extension at the back of the property and large roof extension are contributing to the destruction of the conservation area. He stated that he does not believe that just because it is hidden it is not important. They are visible from properties and reduce the attractiveness of properties. Members asked if similar objections were made to previous similar applications to which the objector stated he did not know, but believes all applications should be considered separately and precedent should not be used. The officer agreed that while precedent is not a

consideration, the dormers and extensions of neighbouring properties is a material consideration because it speaks to the character of the conservation area.

It was MOVED, SECONDED and RESOLVED to approve the application, subject to all conditions set out in the report.

The meeting finished at 9.15pm

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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 20 October 2022

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Planning Committee A

BLACKHEATH TEA HUT, JUNCTION OF GOFFERS ROAD AND SHOOTERS HILL, LONDON, SE3 0UA

Date: 20 October 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Blackheath

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 six individual objections from local residents.

Application details

Application reference number(s): DC/20/119712

Application Date: 21 December 2020

Applicant: Mr Furze

Proposal: The construction of a replacement single storey cafe building (Tea Hut) and associated works at the junction of Shooters Hill Road and Goffers Road (Blackheath Tea Hut Site), SE3.

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
Area of Archaeological Priority
Blackheath Conservation Area
Blackheath Site of Importance for Nature Conservation (SINC)
Maritime Greenwich World Heritage Site Buffer Zone
Metropolitan Open Land (MOL)
PTAL 1b

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

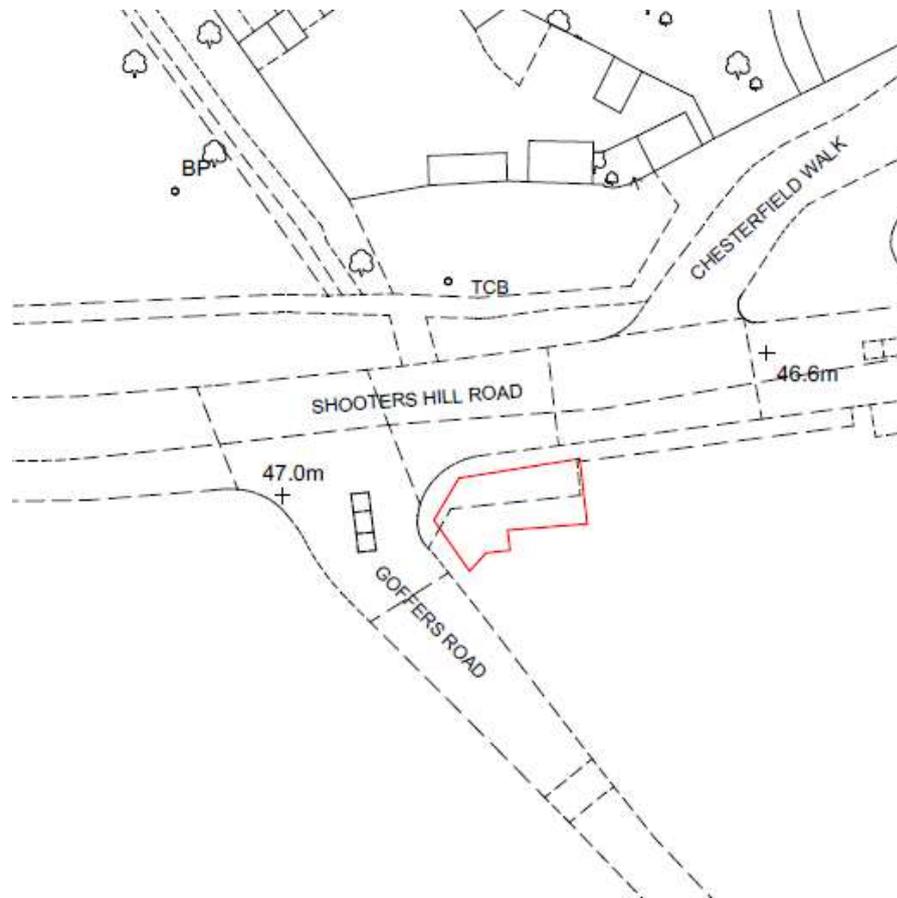
- 1 The application site is an area of land located on the eastern side of the junction of Goffers Road and Shooters Hill (A2). The site hosts the Blackheath Tea Hut, which is a single storey building providing take away hot and cold food and beverages. A business has operated from the site since the 1920s with the previous structure constructed in the 1970s. The previous hut was destroyed in a road traffic accident in January 2020 and the business has since operated from a temporary structure.

Figure 1. Site Location Plan

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Character of area

- 2 The application site is located on the north edge of Blackheath. The heath is designated as Metropolitan Open Land and is also a Metropolitan Site of Importance for Nature Conservation. Consequently built form is sparsely located with Holly Hedge House to the south-west and the residential roads further south on Goffers Road the only development within the heath.
- 3 To the south and west of the heath are areas of residential roads. To the south-east of the heath is Blackheath Village, which is designated as a district centre within the Core Strategy. Blackheath District Centre is located approximately 0.7km from the application site. To the north of the site is Greenwich Park.

Heritage/archaeology

- 4 The application site is located directly to the south of the Maritime Greenwich World Heritage Site, which lies on the north side of Shooters Hill Road. The site is therefore located within the WHS buffer zone. The WHS Management Plan discusses the Buffer Zone at section 2.2.2 and states:

“A Buffer Zone is an area surrounding a World Heritage Site which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the Site. This should include the immediate setting of the Site, important views and other areas or attributes that are functionally important as a support to the Site and its protection.”

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- 5 The site is also located within the Blackheath Conservation but is not subject to an Article 4 Direction. The building is not listed and neither are there any nationally or locally listed buildings within the vicinity of the site.

Transport

- 6 The area has a PTAL of 1b, which indicates a very poor level of public transport accessibility. The nearest train station is Blackheath located 0.9km to the south-east. Deptford Bridge DLR station is located 1.5km to the west. Shooters Hill is a classified A Road (A2) and forms part of the Transport for London Road Network.

2 RELEVANT PLANNING HISTORY

- 7 A tea kiosk of sorts has been in situ at the site for approximately 100 years (there is photographic evidence dating from 1924). There is no planning history on Council records prior to December 1970 when a retrospective planning application was received to replace the tea kiosk, which had been demolished by a road traffic incident. Temporary planning permission was granted for a replacement single storey tea hut in May 1972, which expired in September 1976.
- 8 The tea hut continued to operate beyond the time limit granted. A planning application for the retention of the tea hut was submitted in December 1979. The planning application was refused in July 1980 due to concerns with the design and visual impact.
- 9 In September 1980 an Enforcement Notice was issued requiring the owner to take down, demolish or otherwise remove the tea hut. Evidence suggests that this notice was not complied with. A further planning application was submitted in January 1983 which was also refused. However, Council records indicate that no further enforcement action was taken. There is no planning history on Council records beyond 1983.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 The proposed development would see the construction of a single storey hut to be used as a hot food and beverage take-away. The tea hut would measure 10.2m wide x 4.1m deep x 3m high and would be clad in timber with service windows in the north (front) and eastern elevations. The north elevation would feature a timber canopy and there would be externally illuminated signage at roof level. The area to the side (west) of the hut would feature a small area of external customer seating and there would be safety bollards erected around the perimeter of the site.
- 11 Following discussions with Officers the application was revised to reposition the hut so that it would not encroach onto the grassed area of the heath. The revisions also secured the removal of the cesspit initially proposed.

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4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 12 Site notices were displayed and a press notice was published on 22 December 2021 and again on 4 May 2022 as part of a second period of consultation required due to a revision to the siting of the Tea Hut.
- 13 Letters were sent to residents in the surrounding area as well as to the relevant ward Councillors and Blackheath Society on 17 December 2021 and again on 27 April 2022 as part of the second period of consultation.
- 14 Seven representations were received in response, comprising six objections and one comment in support.

4.1.1 Comments in objection

Comment	Para where addressed
Harm to the World Heritage Site	50-56
Harm to the Blackheath Conservation Area	50-55
Poor standard of design	50-54
Obstruction to traffic from car parking	63
Loss of amenity	67
Harm to the SINIC and erosion of grassland	76-77
Littering	78

- 15 The objections also raised the concerns with the provision of a cesspit. However, this aspect of the development has now been removed from the scheme.
- 16 The Blackheath Society stated that further details of the design, impact on highway safety and management of waste and litter are required and expressed a preference for the application be deferred or a temporary permission issued to allow an alternative site to come forward. The Council is required to consider the merits of the application submitted so it is no possible to consider the relative merits of potential alternative sites for a development of this type and defer the decision indefinitely. However, it is possible for the Council to recommend that a temporary permission be granted. On this matter, Officers have not identified any potential for long-term harm and the use has been established for decades, so a temporary permission is not recommended.

4.1.2 Comments in support

- 17 The comment in support did not include details outlining the reasons for their support.

4.2 INTERNAL CONSULTATION

- 18 The following internal consultees were notified on 17 December 2021 and again on 27 April 2022.

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- 19 Conservation: raised no objection following confirmation that the building would not encroach onto the heath.
- 20 Highways: raised no objections.
- 21 Parks Team: raised objections to the development due to the initial proposal to locate the tea hut on the grassed area of the heath and the proposed inclusion of a cesspit. These elements have subsequently been removed from the scheme following the submission of revisions.

4.3 EXTERNAL CONSULTATION

- 22 The following External Consultees were notified on notified on 17 December 2021 and again on 27 April 2022.
- 23 Maritime Greenwich World Heritage Site Co-ordinator: raised no objection but did express a preference for a traditional design utilising neutral colours. The Co-ordinator also indicated a preference for an alternative site located on the opposite side of the A2 (Shooters Hill). The potential for an alternative site is not a material consideration for this application.
- 24 Royal Borough of Greenwich: raised no objections.
- 25 TfL: raised no objections on transport or highway safety grounds and supported the use of bollards to prevent parking on the forecourt and to help delineate the footway.

5 POLICY CONTEXT

5.1 LEGISLATION

- 26 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).
- 27 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

- 28 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.
- 29 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.
- 30 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

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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

31 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

32 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

33 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- London World Heritage Sites (2012)
- All London Green Grid (March 2012)
- Character and Context (June 2014)

6 PLANNING CONSIDERATIONS

34 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

36 The 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

37 LPP G3 states that Metropolitan Open Land (MOL) is afforded the same status and level of protection as the Green Belt and is clear that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.

38 Paragraph 149 of the NPPF is clear that local planning authorities should regard the construction of new buildings within the Green Belt as inappropriate other than in the following circumstances:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Discussion

39 The application site is located on MOL. LPP G3 is clear that MOL benefits from the same policy protection as the Green Belt. Para 149 sets out the circumstances in which new buildings can be supported in the Green Belt, and in this case MOL. Para 149(d) allows the construction of a replacement building where the new building would be in the same use and is not materially larger than the existing. The proposed replacement building is

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considered to meet both criteria on the basis that it would be a single storey built on a similar footprint to the previous structures and no change of use is proposed. It is noted that the pre-existing structures no longer exist and the site is cleared. It is relevant that the demolition of the pre-existing structures was the result of a vehicle colliding with the main structure and therefore not a voluntary act on the part of the applicant. Therefore, Officers are satisfied that the principle of a replacement building of the size proposed would be compliant with LPP G3.

6.1.1 Principle of development conclusions

40 The proposal would not conflict with the policy protections afforded to MOL and therefore the principle of development is supported.

6.2 URBAN DESIGN & HERITAGE IMPACT

General Policy

41 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

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

43 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.

44 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.

45 LPP HC1 is clear that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

46 LPP HC2 states that development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value, including the authenticity, integrity and significance of their attributes, and support their management and protection.

47 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. The policy does onto state that the World Heritage Site buffer zone for the Maritime Greenwich World Heritage Site is identified on the Proposals Map and that The Council will ensure that its Outstanding Universal Value, integrity and authenticity will be protected and enhanced and will ensure the implementation of the World Heritage Site Master Plan.

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- 48 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, Registered Parks and Gardens and other designated heritage assets so that their value and significance as designated heritage assets is maintained and enhanced.
- 49 The Blackheath Conservation Area Character appraisal is also relevant to this development.

Discussion

- 50 The presence of a tea hut in this location has been established for approximately 100 years. Furthermore, the location within a corner adjacent to the boundary with two roads helps minimise the impact to the openness of the heath and is therefore the optimal location for a building on the heath. Over time the customers of the tea hut have caused erosion to the grassland in this corner location.
- 51 The grassland and open character of the heath make a strong contribution to the character and appearance of the Blackheath Conservation Area and the setting of the Maritime Greenwich World Heritage Site (WHS). It is therefore vital to preserve this character and to minimise built form on the heath by respecting the existing footprint. Following revisions, the replacement hut would now be located on the area of eroded land with no further encroachment onto the grassed area of the heath. Officers are satisfied that this would achieve the requirement to prevent further loss of grassland while also minimising the visual impact to the open character of the heath.
- 52 The footprint is broadly equivalent to the previous structures, as shown in figure 2 below, and is therefore acceptable. The hut would remain single storey and at 3m in height would be typical for external structures of the type. Therefore, the bulk and massing are assessed to be appropriate and would ensure that the visual impact would be minimised.

Figure 2. Google Street View image of the tea hut from June 2019



- 53 The hut would have a simple box form clad in timber. This is a suitable design response for a small building within a park/common setting. A condition is recommended securing details of the materials, detailing and finishes to ensure that a high quality standard of

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design is provided. An informative will also be attached advising that the externally illuminated signage would require advertisement consent.

54 Overall, the form, materiality and massing of the hut would not cause any harm to the character or appearance of the Blackheath Conservation Area or the setting of the Maritime Greenwich WHS.

6.2.1 Urban design and heritage impact conclusion

55 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 the Blackheath Conservation Area.

56 Officers are also satisfied that the development would not harm the setting of any of the elements identified as part of the WHS's outstanding universal value, and would result in minimal change to the character of the WHS buffer zone. This assessment is supported by the Maritime Greenwich World Heritage Site Co-ordinator.

6.3 TRANSPORT IMPACT

General policy

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

Policy

58 Para 111 of the NPPF states that "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".

59 LPP T4 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity and should not increase road danger.

60 LPP T5 requires the provision of cycle parking in accordance with the Table 10.2 and Figure 10.3 of the London Plan.

61 The Core Strategy, at CSP 14, reflects the national and regional guidance

Discussion

62 The previous tea hut was destroyed in a road traffic incident. In order to protect the proposed hut the applicant has set the hut back slightly further from the road and is proposing bollards to protect the hut, as well as staff and customers, from vehicles. Neither the Council's Highways Officer nor TfL consider these measures to be necessary

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as the replacement hut is not assessed to be harmful to highway safety. However, the tea hut was previously destroyed by a vehicle and therefore some protection for staff and customers of the tea hut is considered prudent. Furthermore, TfL consider that the bollards would be beneficial to prevent car parking on the heath and to help delineate the site from the pedestrian footway. In order to provide the bollards a Section 278 highways agreement would be required with TfL in their role as highway authority for this section of road. A condition will be imposed requiring that the applicant enter into the S278 agreement prior to the commencement of development.

63 The replacement tea hut would be broadly equivalent to the size of the previous tea hut so would not result in the intensification of the use of the site. As such, the development would not generate any significant increase to the established levels of associated parking or traffic. The tea hut is able to continue operating utilising the existing delivery and servicing arrangement without the benefit of planning permission. Therefore, addition details for servicing are not required.

64 One long-stay and one short-stay cycle parking space would be required in order to comply with LPP T5. Officers are satisfied that the cycle parking requirement should not be applied in this case given that this is a replacement building and no change of use would occur. Additionally, the site is sensitive in heritage terms so further built form and clutter in the form of cycle stores and racks would not be justified.

6.3.1 Transport impact conclusion

65 The proposed development is considered acceptable in transport terms.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

66 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.

Discussion

67 The application site is located a significant distance from residential development so any additional impacts to amenity would be negligible.

6.4.1 Impact on neighbours conclusion

68 The proposed development would not introduce any adverse impacts to neighbours.

6.5 NATURAL ENVIRONMENT

General Policy

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

70 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

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Policy

- 71 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.
- 72 NPPF para 170 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. NPPF para 180 sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 73 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 74 CSP 12 seeks to preserve or enhance local biodiversity.
- 75 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

Discussion

- 76 The application site is located within the Blackheath Metropolitan Site of Importance for Nature Conservation (SINCs). The grassland on the heath makes a significant contribution to the special ecology of the heath. The long established use of the tea hut has eroded the grass in this corner of the heath as show in Figure 2 below.

Figure 2. Ariel view of the Blackheath Tea Hut site



- 77 This erosion of grass is regrettable but has been established over time and any harm has been limited by the modest size of the site. However, further erosion at these margins by encroachment onto the grassed areas would not be justified. The application has been revised to ensure that the tea hut would be constructed in the area that has already suffered erosion. Therefore, Officers are satisfied that the revision to the siting of the tea hut would prevent any further harm to the SINC.

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78 The objections note that the tea hut has historically contributed to littering on the heath, which is potentially harmful to biodiversity. The proposed drawings show bin storage within the hut but is it not clear whether this would be for the waste generated by staff or customers. For that reason a condition is recommended securing waste management details for the development.

6.5.1 Natural Environment conclusion

79 The proposed conditions are considered to prevent any harmful impacts to the natural environment.

7 LOCAL FINANCE CONSIDERATIONS

80 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).

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

82 The CIL is therefore a material consideration.

83 £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

84 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.

85 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.

86 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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- 87 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>
- 88 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
- 89 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>
- 90 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

- 91 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
- 92 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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- 93 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.
- 94 This application has the legitimate aim of providing a new building with a commercial use. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

- 95 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 96 The principle of development within MOL is supported as the scheme would see the construction of a replacement building broadly equivalent to the previous structures in terms of footprint, scale and massing with no change of use proposed. The proportionate scale and massing together with the siting and appropriate design approach would prevent any harm to the character and appearance of the Blackheath Conservation Area and the outstanding universal value of the Maritime Greenwich World Heritage Site.
- 97 No adverse impacts have been identified to the surrounding transport network, living conditions of the surrounding residential properties or the natural environment. Therefore, the application is recommended for approval subject to conditions.

11 RECOMMENDATION

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

11.1 CONDITIONS

Conditions

1. **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:

Site Location Plan received 21 December 2021;

19-21-BHTH Rev S1 09 received 27 April 2022;

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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. **Materials & Detailed Design**

(a) Prior to the commencement of the relevant part of the development a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) external cladding (including colour and sheen);
- ii) roofing materials and roof junctions (sections at scale 1:10);
- iii) windows and external doors;
- iv) canopy

has been submitted to and approved in writing by the local planning authority

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

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

4. **Waste Management**

(a) Prior to the first occupation of the development, a waste management plan for the development (including the location of bins for staff and customers and details of collection) shall be submitted to and approved in writing by the local planning authority.

(b) The waste management plan 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 biodiversity and the amenities the area in general, in compliance with Policy G6 Biodiversity and access to nature of the London Plan (March 2021) and Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011).

5. **Highways Agreement**

(a) No development above ground (excluding demolition) shall commence on site until details of the highway works to secure the provision of the fixed posts shown on drawing 19-21-BHTH Rev S1 09 have been submitted to and approved in writing by

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the local planning authority, in consultation with the relevant highway authority. The details must include the following information:

- i) a signed s278 agreement with the relevant highway authority confirming that the works can be undertaken on the public highway in accordance with the details submitted to the local planning authority for approval.
- ii) drawings and specifications for the fixed posts

(b) The building shall not be occupied until the highways works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under paragraph (a).

Reason: In the interests of highway and pedestrian safety and to comply with paragraph 111 of the NPPF (2021) and Policy T4 Assessing and mitigating transport impacts of the London Plan (March 2021).

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, positive discussions took place which resulted in further information being submitted.
- 2) The applicant is advised that the externally illuminated signage at roof level would require an application for advertisement consent.
- 3) The applicant is advised that the construction phase of development should be serviced via Goffers Road (avoiding the road demarked as a "red route") in order to prevent obstruction to the A2 (Shooters Hill).

12 BACKGROUND PAPERS

1. Submission drawings
2. Submission technical reports
3. Internal consultee responses
4. Statutory consultee responses

13 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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Blackheath Tea Hut

Junction of Shooters Hill and Goffers Road

London

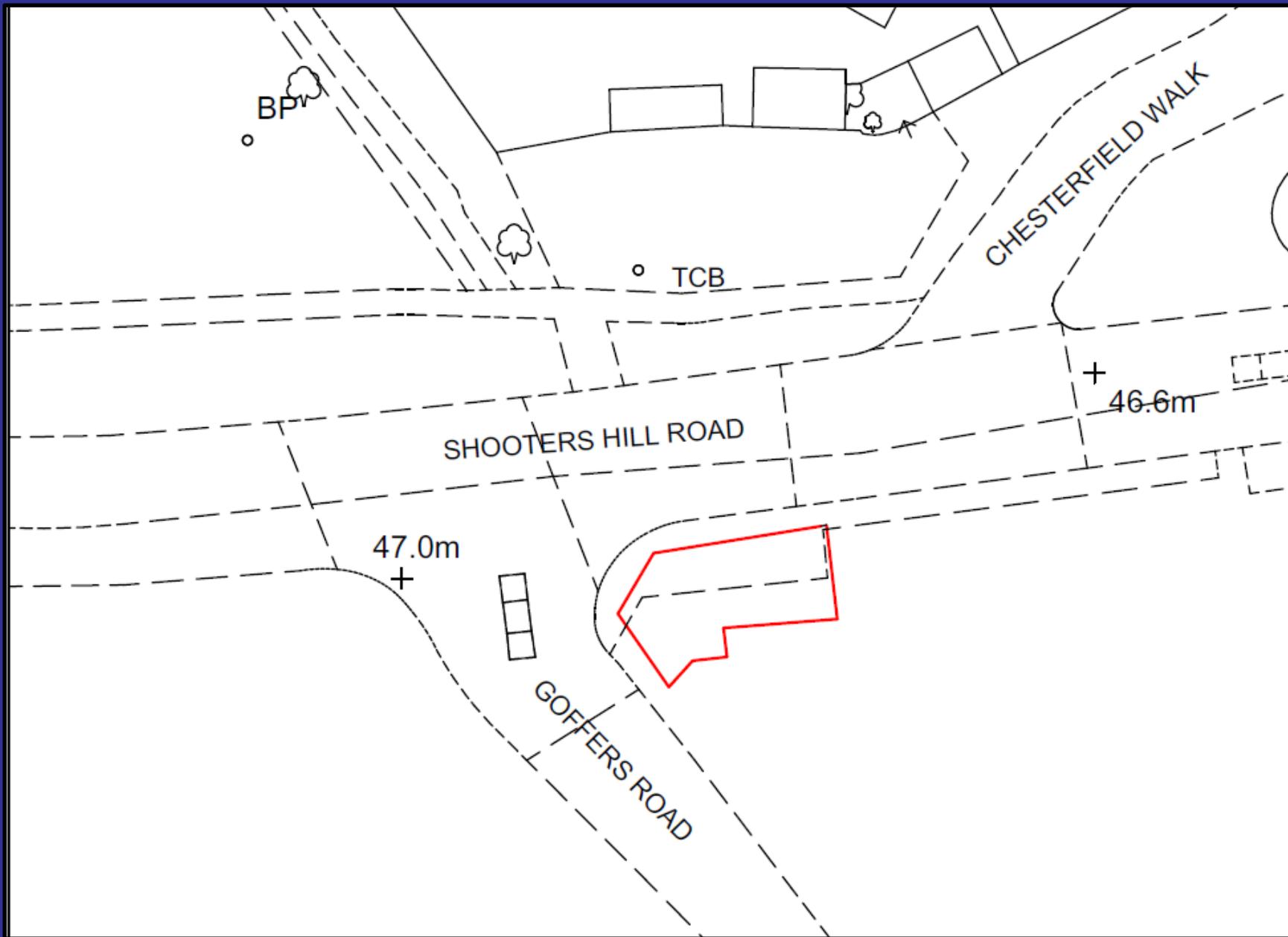
SE3 0UA

Application No. DC/20/119712

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

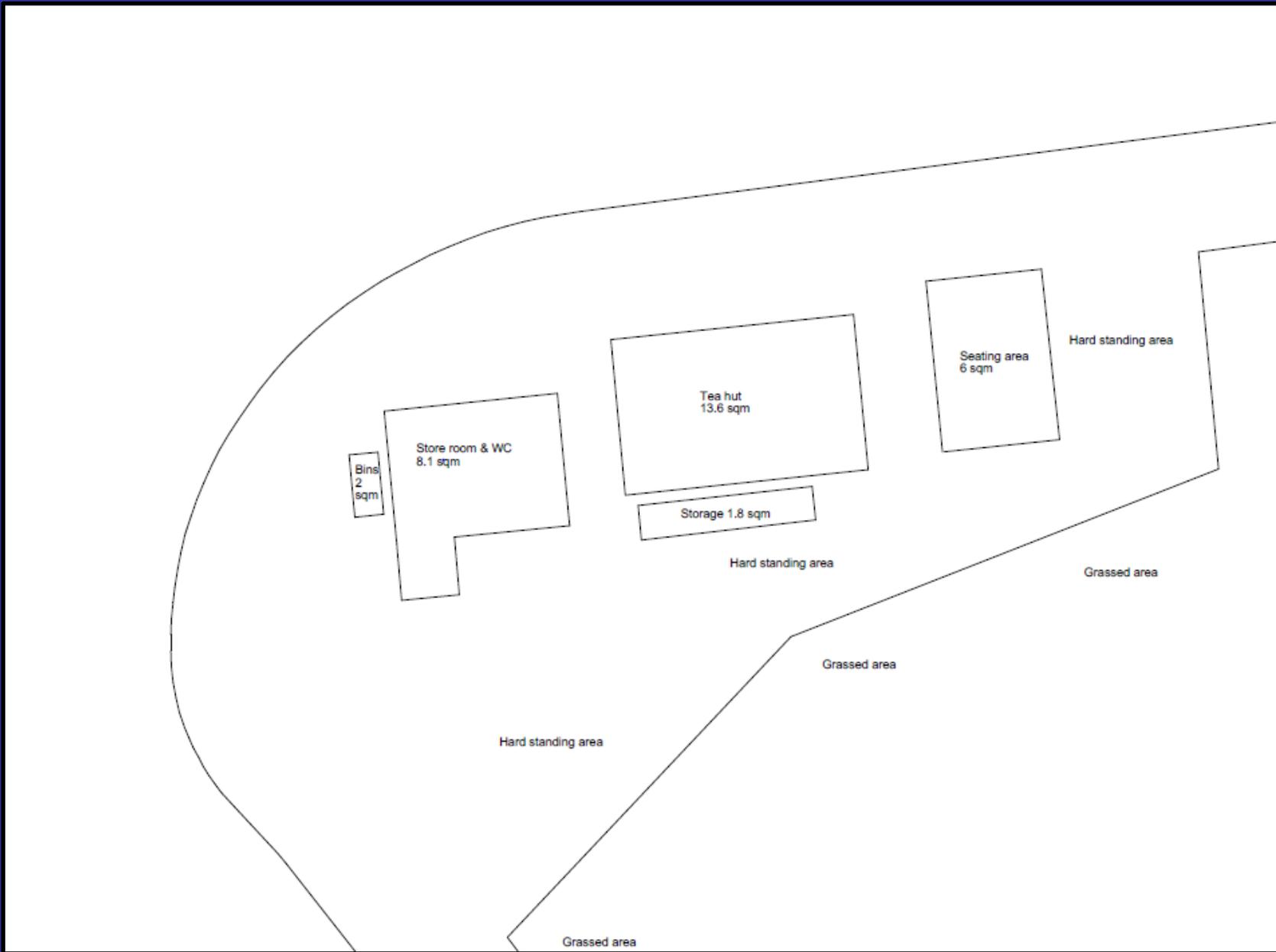
The construction of a replacement single storey cafe building (Tea Hut) associated works at the junction of Shooters Hill Road and Goffers Road (Blackheath Tea Hut Site), SE3.

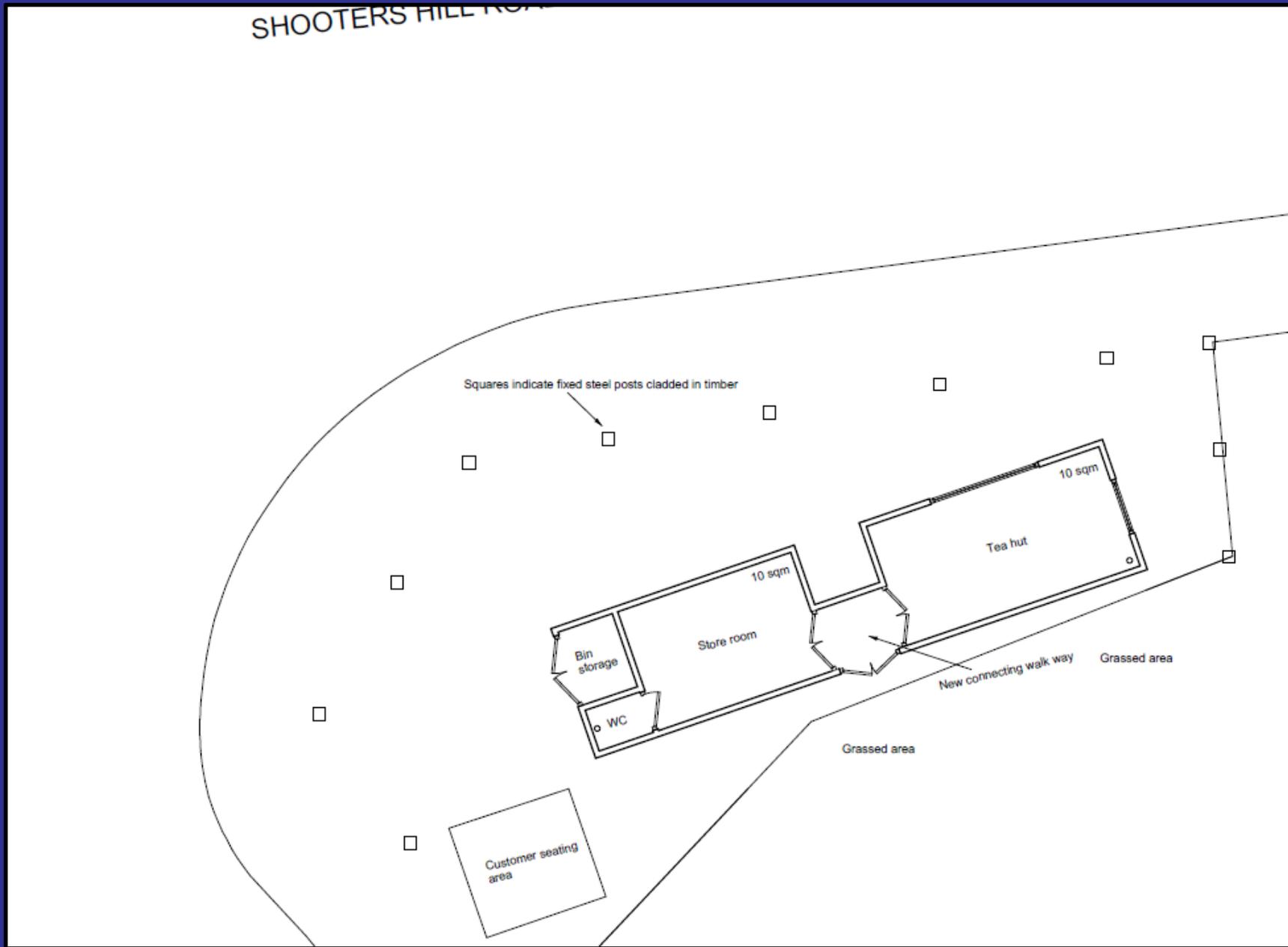






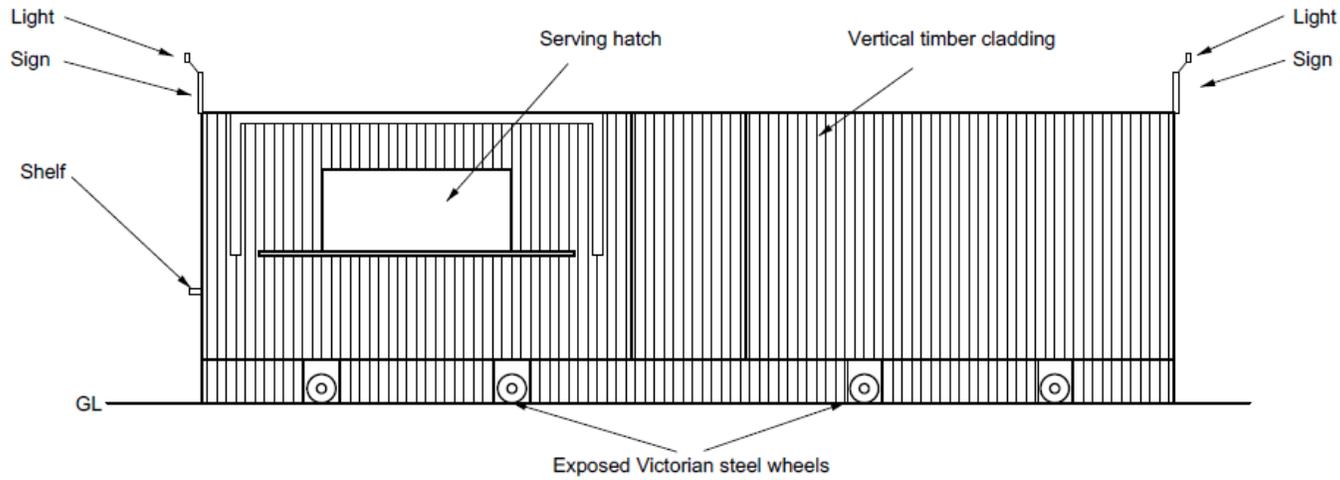




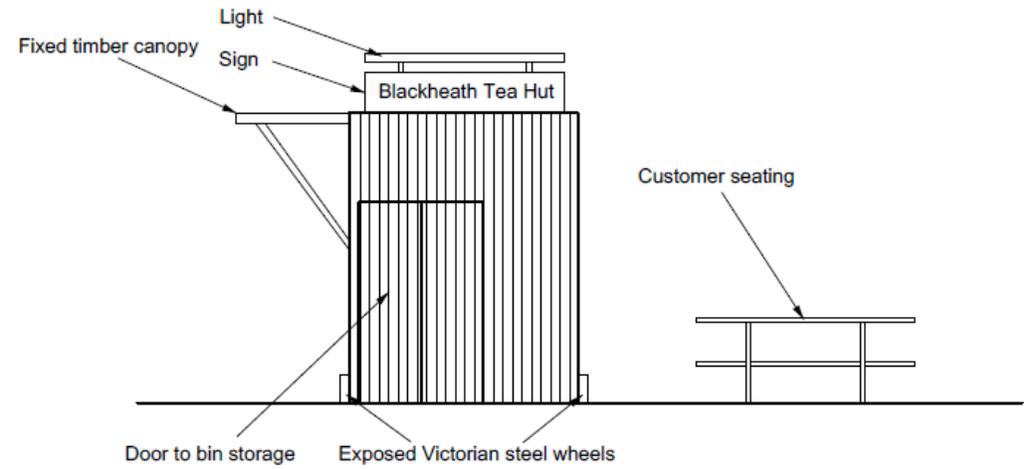


Proposed Site Layout

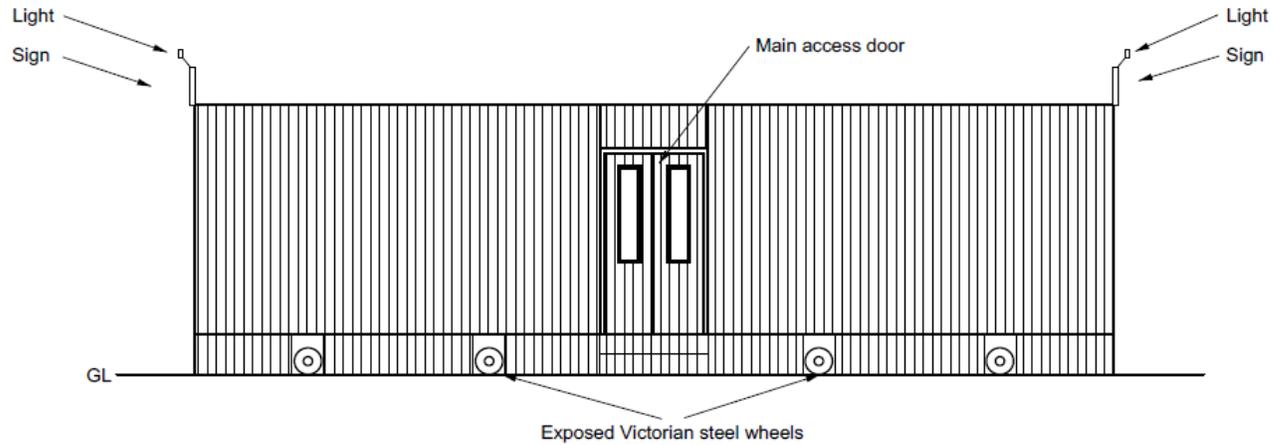
Proposed Front Elevation (North Facing)



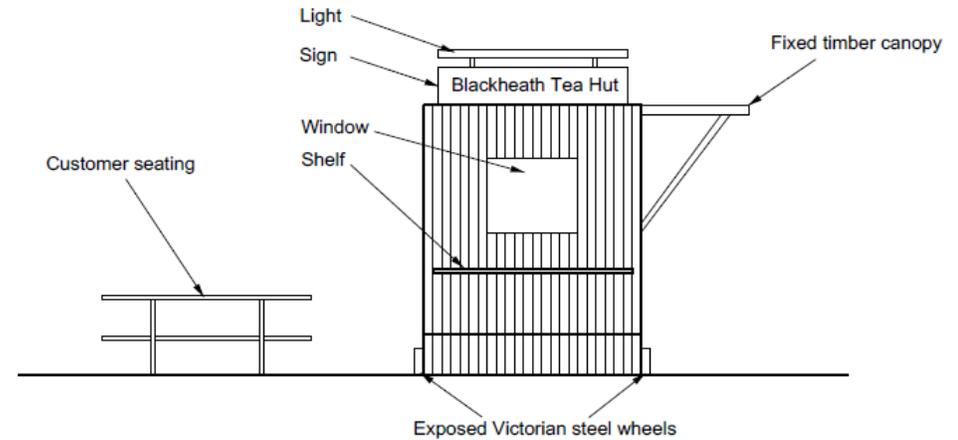
Proposed Side Elevation (West Facing)



Proposed Rear Elevation (South Facing)



Proposed Side Elevation (East Facing)



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MAIN PLANNING CONSIDERATIONS

- Principle of Development
- Urban Design & Heritage Impact
- Transport Impact
- Living Conditions of Neighbouring Properties
- Natural Environment

End of Presentation

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Planning Committee A

Report title:

46 JERNINGHAM ROAD, LONDON, SE14 5NW

Date: 20 October 2022

Key decision: No.

Class: Part 1

Ward(s) affected: Telegraph Hill

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the Officer's recommendation of approval for the below proposal subject to the conditions and informatives.

This report has been brought before Committee for a decision due to the submission of ten objections from local residents and one objection from the Telegraph Hill Society.

Application details

Application reference number:	DC/22/125363
Application Date:	05 February 2022
Applicant:	Charlotte Tate of Icen Projects acting on behalf of Mr Gillam
Proposal:	The construction of two storey plus basement side extension at 46 Jerningham Road SE14, together with associated alterations to side boundary wall.
Background Papers:	(1) Submission Drawings (2) Submission technical reports and supporting documents (3) Internal consultee responses
Designation:	PTAL 6a Air Quality Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area Not a Listed Building
Screening:	Not applicable.

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is occupied by one of the pair of semi-detached three storey properties, located on the south western side of Jerningham road in a predominately residential area.
- 2 The site also includes land to the side which is predominately used for off-street parking with access gained by a dropped curb on Ommaney Road and as an additional patio area.

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Figure 1 – Site location plan

Heritage/archaeology

- 3 The site is located within the Telegraph Hill Conservation Area and is subject to the Article 4 Direction, but it is not a listed building or in the vicinity of one.
- 4 It is within Telegraph Hill Conservation Area, character area 1, comprised of the original Haberdashers Estate development characterised by strong uniformity of design, a restricted materials palette and a high level of architectural detailing. The front gardens provide a verdant setting to the setting of the houses. No. 46 is identified in the Conservation Area Character Appraisal as making a positive contribution to the Conservation Area; hence it is considered to be a Non-Designated Heritage Asset.

Surrounding area

- 5 The surrounding area is predominately residential in nature and is comprised of a mix of buildings which were built around the 19th and 20th Centuries, all of distinctive style and form.

Transport

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

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2 RELEVANT PLANNING HISTORY

7 **DC/17/100404:** Front Garden: ONE lime Urgent request FELL following storm damage. **Raised no objection**

8 **DC/18/117330:** The replacement of the front path paving, of the front steps and of the railings to the front of 46 Jerningham Road, SE14, together with the replacement of the concrete wall and trellis with timber fencing to the north side boundary of the front garden and the installation of replacement gates fronting Ommaney Road. **Granted**

Pre-application advice

9 **PRE/20/119658:** Construction of three storey with basement residential extension to 46 Jerningham Road, London, SE14 5NW.

10 **PRE/21/121154:** Follow up to pre-application reference PRE/20/119658 for the construction of three storey with basement residential extension to 46 Jerningham Road, London, SE14 5NW.

- Pre-app advice advised that the proposed development must retain the existing symmetrical semi-detached nature; be subservient to the host dwelling; positively address Ommaney Road; respond to the predominantly pitched hipped roofs of the conservation area; position the extension so that the semi-detached form retains its predominance in some views; use brick as the principal material.

Enforcement History

11 **ENF/13/00477:** Alleged unauthorised construction in a Conservation Area of an outbuilding in the side garden of 46 Jerningham Road. **Enforcement notice service and complied with. Alleged breach was rectified.**

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

12 This application relates to the construction of two storey plus basement side extension at 46 Jerningham Road SE14, together with associated alterations to side boundary wall.

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Figure 2 – CGI of the proposed development

- 13 The proposed work involves the construction of a new side extension comprising basement, ground and first floor levels as well as construction of a new level-access entrance to the ground floor from Ommaney Road.
- 14 The applicant in consultation with Conservation Officers have revised their scheme in a number of ways:
- Removal of fence between the host property and the side garden;
 - Amendments to the windows to better reflect the existing bay windows;
 - Roof overhang;
 - Increased soft landscaping;

3.1.1 PRE-APPLICATION VERSIONS

- 15 There had been two rounds of pre-application advice which has seen the design develop and become more refined which has less of an impact on the host property and wider conservation area.

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Figure 3 – pre-application proposal in 2020 and 2021 respectively, demonstrating how the design has evolved

16 Conservation Officers were involved in the meetings and their feedback has allowed the design to further evolve into the scheme that has been submitted with this application.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

17 There was no pre-application engagement undertaken by the applicant with the general public.

4.2 APPLICATION PUBLICITY

18 Site notices were displayed on 01 March 2022 and a press notice was published on 23 February 2022.

19 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 16 February 2022.

20 11no responses received, comprising 10no objections and 1no objection from an amenity society.

4.2.1 Comments in objection

Comment	Para where addressed
Principle of Development	
Potential self-contained use of the extension in the future	Paras 38 and 39
Urban Design and Impact on Heritage Assets	
Proportions of the windows are not in keeping with host property	Para 59

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The scale and bulk of the upper floor development is out of character to the conservation area	Para 60
Proposals design is out of keeping with the conservation area	Para 62
Loss of symmetry between No 46 and its adjoining neighbour, No 48	Para 63
Proposal for side extension is not in accordance with the Alterations and Extensions SPD guidance	Para 56
Choice of materials	Para 58
The appearance and design are inconsistent with the style and qualities of the conservation area.	Para 58
Extension is read as a separate house	Para 73
Natural Environment	
Astroturf on the roof of the basement extension	Paras 87 and 88
Loss of side garden for residential development	Para 83

4.2.2 Neutral comments

- 21 A number of neutral comments relating to non-material planning considerations were also raised as follows:
- 22 A number of comments were received which questioned the impact of the proposal on the structural integrity of the semi-detached pair, although the applicant submitted a structural report this is considered to be a Building Control issue and as such is not a planning consideration in this application.
- 23 A number of comments were received which objected to the proposal due to the impact it would have on neighbouring properties views. The is no right to a view or planning controls to safeguard a view for the continuing benefit of an existing landowner, Officers therefore do not consider the loss of or interruption of a view to be a material planning consideration.

4.2.3 Comments in Objection from Telegraph Hill Society

Comment	Para where addressed
Urban Design and Impact on Heritage Assets	
Not in keeping with the design of the area	Para 58
Conflicts with the SPD	Para 56
Impact on the symmetrical pair	Para 63
The proposals neither respects nor compliments the form, setting, period,	Para 60

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architectural characters or detailing of the original property	
Proposed windows do not respond to the host property	Para 59
Incongruous addition	Para 58
Fails to repair the street frontage	Para 57
Loss of bay window	Para 66

4.3 LOCAL MEETING

24 Due to the number of submissions received, a virtual Local Meeting was held on Tuesday 27 September 2022. The meeting was chaired by Councillor Joan Millbank and attended by two people. Notes from the Local Meeting are contained in Appendix 1 of this report.

4.4 INTERNAL CONSULTATION

25 The following internal consultees were notified on 14 February 2022.

26 Highways: gave no comments.

27 Conservation: raised concerns with the proposal during the lifetime of the application and a meeting was held between the applicant and Conservation Officer on 30 May 2022 to discuss the application. Following the meeting between Officers and the agent a further set of revised drawings were submitted which Conservation considered addressed a large number of the comments which were raised. See Section 6.2 for further details.

5 POLICY CONTEXT

5.1 LEGISLATION

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

29 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

30 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.

31 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.

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32 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

33 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

34 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

35 London Plan SPG/SPD:

- Character and Context (June 2014)

5.6 OTHER MATERIAL DOCUMENTS

- Telegraph Hill Conservation Area Character Appraisal

6 PLANNING CONSIDERATIONS

36 The main issues are:

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

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6.1 PRINCIPLE OF DEVELOPMENT

General policy

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

Discussion

38 Comments were received that were concerned with the proposed extension becoming self-contained accommodation in the future. While Officers acknowledge that the proposed side extension is on the larger size and has an internal floor space of circa 155sqm, the submitted plans do not indicate it could be easily separated from the host property. The main living facilities in terms of kitchen and bathrooms are all contained in the host property, and not the extension.

39 Decision-makers can only assess an application based on the submitted plans and the permission to which the applicant is seeking. As such Officers have assessed this application as a side extension and are not concerned that it could easily be turned into separate self-contained accommodation, planning permission would be required if the applicant sought to do this in the future.

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

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSET

General Policy

41 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.

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

43 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.

44 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

45 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

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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.

- 46 London Plan Policy HC1 states that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 47 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.
- 48 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.
- 49 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.
- 50 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.
- 51 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.
- 52 Further guidance is given in Telegraph Hill Conservation Area Character Appraisal.

Discussion

- 53 The proposed extension has three levels – basement, ground (which corresponds with the lower ground floor of the host building) and first (which corresponds with the raised ground floor of the host building). Officers consider the basement would not have a visual presence from the streetscene given the existing boundary treatments. The (lower) ground floor will be set beneath the existing garden level at the front and open out onto the garden level at the rear. The first floor will sit above the garden level to front and rear and be the level that is principally visible from the street.
- 54 The applicant had undergone two rounds of pre-application advice with Officers and Conservation Officers prior to the submission of this application. Officers consider that the proposal has responded positively to the pre-app advice given; the footprint is set back from the front building line and springs from the front edge of the chimney stack; it sits one storey below eaves level and so appears subordinate to the building. Its

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orientation addresses Ommaney Road, and visually demarcates it as a contemporary addition. Its set back building line allows the envelope of the semi-detached pair to still be read in views from the south, until one gets closer to the junction with Ommaney Road.

- 55 The extent of garden space between no. 46 and the site boundary fronting Ommaney Road, due to the corner nature of the site, creates greater opportunity for side extensions than elsewhere in the Conservation Area where most of the buildings are more closely spaced.
- 56 Whilst the proposal is not in strict accordance with the Alterations and Extensions SPD conservation area guidance for side extensions, Officers would 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 of 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 side extension does achieve. Officers are satisfied that while the proposal may not be in strict accordance with the guidance of Section 4.4.7, it is broadly speaking in accordance with the overall aims of the SPD to produce innovative and creative solutions and a high quality design.
- 57 Comments were received from Telegraph Hill Society that the proposal would fail to repair the street frontage as required by DMP 33, however Officers note that this is for a side extension and not a new dwelling and would be built set back from the Ommaney Road. As such Officers consider the proposal to be acceptable.
- 58 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 host building and contribute to the ongoing architectural richness of the area.
- 59 Comments were received regarding the proposed windows to the front elevation which were not in keeping with the host property, these comments were also shared by the Council’s Conservation Officer who advised the applicant to group them more closely, leaving a wider area of brickwork either side to better reflect the bay windows of the host property. The agents revised this element of the proposed design following feedback and Conservation Officers are satisfied with these design revisions.

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Figure 4 – amended window formation

- 60 Objections were also received that the scale and bulk of the upper floor extension is out of character to the Telegraph Hill Conservation Area, the proposals have significantly changed since 2020 pre-application meeting as shown in Figure 3. Officers consider that the main bulk of the extension is on the lower ground floor level, which is not visible from the street scene, the proposed upper ground floor extension is considered to be subservient to the host property.



Figure 5 – views of the extension from the street scene

- 61 Multiple objections were received that the proposed design, style of windows and design detailing is out of character with the wider conservation area. There were concerns that the contemporary design would give rise to harm and damage the special qualities of this conservation area.
- 62 Officers note the objections above and have considered them in detail. The proposals would introduce visible change in this location, but are not considered to result in material harm to the host property or conservation area. The design of the extensions is contemporary, and it is felt that the style, scale and materials would complement the application property and wider street scene well. The materials proposed are deemed to be of a high quality and a condition will secure further details of them and architectural

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details of the window reveals, eaves junction and the junction between the extension and host property.

- 63 While it is recognised that the proposal would lead to a loss of symmetry to a small degree, the proposals design evolved from the pre-application stage to a design which respects the host property to a higher degree and has less of an impact on the symmetry of the pair. Conservation Officers consider the proposed design to be acceptable and would not lead to a degree of harm. The envelope of the semi-detached pair can still be read in views from the south, until one gets closer to the junction with Ommaney Road.
- 64 Conservation Officers had previously raised concerns with the lack of eaves overhand and gutters which were considered to be out of keeping with the host property, as a consequence amendments were submitted which amended the roof form and gutter to better reflect the host property.
- 65 The proposal also includes the removal of the off-street car-parking, which was accessed from Ommaney Road, Officers consider this would have a positive impact on the conservation area given the known impacts that off-street parking has on Telegraph Hill Conservation Area. A condition requiring the highway works to be agreed with the Council to restore the pavement and remove the crossover shall be imposed.
- 66 The Telegraph Hill Society have objected to the loss of the rear bay window as part of the proposed development. The bay is a traditional feature on some Victorian housing in the Conservation Area and is an integral part of the character of this type of housing. However, it is set to the rear on a less visible elevation where views are restricted to the upper floors of the surrounding houses. Therefore, while the removal would result in the loss of a historic feature of a degree of architectural interest, the impact on the character and appearance of the Conservation Area would be negligible given the minimal visibility. As such, no harm to the Conservation Area is identified.
- 67 As mentioned in para 4, the property is identified as an NDHA i.e., the host property makes a positive contribution to the conservation area. NPPF para 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The effect of this proposal would be to erode the NDHAs architectural integrity somewhat and that of the group of semi-detached pairs within which it falls. In this case the significance of the NDHA is moderate (being a NDHA that makes a positive contribution to a CA, within a consistent group of NDHAS) and the scale of harm or loss is at the low end of less than substantial, affecting the NDHA in a minimally visible location. As such, the impact of the proposal on the NDHA is also considered acceptable.
- 68 The proposed basement extension would be accessed from the upper ground floor of the new side extension and would provide additional space which will be used as wine store, shower room, utility room and games room/gym. None of the proposed rooms are intended to be used as primary living accommodation.
- 69 The proposed basement would be formed by excavating under the proposed footprint of the side extension. It would cover the full area of the side extension with a width of 7.3m and have a depth of 10m and have floor to ceiling height of 2.4m at the front part of the basement and 2.7m to the rear part. The proposed basement that extends out from the side elevation would form the basement to the two-storey rear extension which is also

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proposed in this application. Officers consider the depth and width of the basement to be acceptable.

- 70 While Officers recognise that the proposed basement would be reliant upon artificial lighting and ventilation due to the lack of any natural lighting and ventilation from a lightwell, given the basements use would not be for primary habitable accommodation this is acceptable. The proposed uses as outlined in para 68 are uses that are unlikely to need natural daylight, as such Officers raise no concerns with the lack of natural day light to these rooms.
- 71 A condition will also be added for details of a ventilation strategy for the proposed basement given the lack of details which have been submitted with this application.
- 72 In light of the above, Officers are satisfied that the proposed basement extension would be used as additional space ancillary to the use of a single-family dwelling and subject to condition would be appropriately ventilated. As such, the proposal is not considered to cause harm to the host building, streetscape character or surrounding conservation area, and future amenity of users is appropriately provided for.
- 73 Concerns were originally raised by Conservation Officers with the provision of a timber fence above the existing boundary wall fronting Ommaney Road, these have since been removed and the wall/fence on Ommaney Road will remain as existing. Amendments were also submitted to the boundary between the existing dwelling and the proposed extension, this had originally included a fence which gave the illusion of two separate dwellings. However, following negotiation with the applicant this have been revised to include soft landscaping/hedge to provide a natural barrier to the two different levels.

6.2.1 Urban Design and Impact on Heritage Assets Conclusion

- 74 Officers consider that the proposed design of the side extension to be of a high quality and would complement the host property's traditional design and successfully demarcates it visually as a contemporary addition.
- 75 Officers, having regard to the statutory duties in respect of Conservation Areas 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 Telegraph Hill Conservation Area.
- 76 The proposed revisions have addressed a large number of the comments Conservation Officers raised previously, as a result Officers consider that the proposal as a whole will now relate sensitively to the host building and will read as a high quality contemporary addition to the host building, that will preserve both the setting of the non-designated heritage asset and the character and appearance of the Telegraph Hill Conservation Area.

6.3 IMPACT ON ADJOINING NEIGHBOURS

General Policy

- 77 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is

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appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

- 78 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32).

Discussion

- 79 Due to siting of the proposed extension and the separation distance to properties adjoining to the rear, there would be no adverse impact on neighbour amenity from the two-storey plus basement level extension as no windows would be located on the side elevation of the property and the height and setback of the proposed extensions mean that they would not appear overbearing from adjoining properties.

6.3.1 Impact on Adjoining Neighbours Conclusion

- 80 Officers consider due to its siting the extension would not have an unacceptable impact on adjoining neighbours.

6.4 NATURAL ENVIRONMENT

Policy

- 81 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees. Para 131 of the NPPF seeks to retain trees wherever possible. Para 174 expects development to contribute to and enhance the natural and local environment.

- 82 CSP 12 and DMP 25 seeks to improve the urban greening of London and encourages proposals to include the use of living roofs on flat roofs.

Discussion

- 83 While the loss of the side garden is unfortunate, the existing situation did not contribute greatly in terms of biodiversity and planting as the area was predominately hard standing; a driveway that provided parking for at least two cars and a large proportion of the side garden was designated as a patio. The proposals would feature increased soft planting areas and a deeper substrate biodiverse living roof. It should be noted that the large existing rear garden remains unchanged, and the proposed development would occupy less than 50% of the garden space.
- 84 The proposal includes an area to the front of the side extension which would contain hard and soft landscaping, however comments received from the Council's Conservation Officer considered this planting area to be insufficient.
- 85 During the course of the application revisions were received which increased the depth of the proposed soft landscaping to maximise this area and avoid the front being overly hard landscaped. While the hard landscaping is still on the larger side, Officers consider it appropriate to compare this in comparison to the existing area of patio which is located where the extension would be constructed. In light of this Officers consider it to be an acceptable size, and a soft landscaping condition will be imposed to secure it given how it helps to soften the developments impact.
- 86 Officers note that a tree was felled from the boundary of No. 46 in 2017 due to health and safety concerns following a storm, the proposal indicates at least four trees would be

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planted along the front boundary of Jerningham Road at basement level. This would also help to screen the extension to a certain degree, limiting its impact on the street scene.

- 87 Comments were received that characterised this biodiverse living roof as Astro turf, Astroturf is not an appropriate material and would not be acceptable had the roof been covered with it, which is not the case.



Figure 6 - Visualisation of the proposed front garden courtyard, with level access to Ommaney Road

- 88 The roof of the lower ground floor extension would feature a biodiverse living roof, which have a deeper substrate in order to sustain more substantial planting on the roof. The biodiverse living roof would have biodiversity and heritage impacts, given it too would help to soften the impact of the proposal. A planning condition securing details of the biodiverse living roof with a substrate membrane of 150 mm will be imposed to ensure the benefits of the living roof are materialised.

6.4.1 Natural Environment Conclusion

- 89 Officers consider the proposals would help to improve biodiversity of the site and increased number of trees would help with meeting London's target of increasing the tree coverage by 10%.

7 LOCAL FINANCE CONSIDERATIONS

- 90 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).

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

92 The CIL is not liable and is therefore not a material consideration.

8 EQUALITIES CONSIDERATIONS

93 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.

94 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.

95 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.

96 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>

97 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

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- Equality objectives and the equality duty
- Equality information and the equality duty

98 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>

99 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

100 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

101 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.

102 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.

103 This application has the legitimate aim of improving the thermal efficiency of the application 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

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

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105 The proposed development would relate sensitively to the host property and Officers consider it would be read as a high quality contemporary addition to the host building, which would not cause any harm to the Telegraph Hill Conservation Area. The provision of biodiverse green roofs would help to improve the biodiversity onsite and provide a natural buffer to the extension which would be read as a single storey extension from the streetscene.

11 RECOMMENDATION

106 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:

057-TWA-XX-XX-DR-AX-00000; 057-TWA-XX-XX-DR-AX-00001; 057-TWA-XX-00-DR-AX-01000; 057-TWA-XX-01-DR-AX-01001; 057-TWA-XX-02-DR-AX-01002; 057-TWA-XX-XX-DR-AX-07001; 057-TWA-XX-XX-DR-AX-07002; 057-TWA-XX-XX-DR-AX-07003; 057-TWA-XX-XX-DR-AX-06001; 057-TWA-XX-XX-DR-AX-06002; 057-TWA-XX-XX-DR-AX-06003; Heritage Statement (Iceni Projects, February 2022); Structural Report ref no. PB-2307-BIA-01 (Parmar Brook) (Received 08 February 2022)

057-TWA-XX-B1-DR-AX-11009; 057-TWA-XX-00-DR-AX-11000 REV 01; 057-TWA-XX-01-DR-AX-11001 REV 01; 057-TWA-XX-02-DR-AX-11002; 057-TWA-XX-XX-DR-AX-16001; 057-TWA-XX-XX-DR-AX-16002 REV 01; 057-TWA-XX-XX-DR-AX-16003 REV 01; 057-TWA-XX-XX-DR-AX-17001 REV 01; 057-TWA-XX-XX-DR-AX-17002 REV 01; 057-TWA-XX-XX-DR-AX-17003 REV 01; Design and Access Statement rev 08 (Anomaly, 02 August 2022) (Received 03 August 2022)

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) 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

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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).

4) HARD LANDSCAPING

- (a) Prior to superstructure 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.

5) BOUNDARY TREATMENTS

- (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).

6) MATERIALS

No development above ground shall commence on site until a detailed schedule, specification and sample panel of all external materials and finishes, windows and external doors and roof coverings to be used on the extension have been

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submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(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.

7) LIVING ROOFS

- (a) Prior to the above ground works, details of the hereby approved a biodiverse living roof shall be submitted to and approved in writing by the local planning authority and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

8) ARCHITECTURAL DETAILS

- (a) Notwithstanding the details hereby approved, no development above ground level shall commence for any phase of the development until detailed plans at a scale of 1:5 showing window and door reveals, eaves junction and junction between the host property and hereby approved side extension have been submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal 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.

9) DETAILS OF BASEMENT VENTILATION

- (a) Prior to the above ground works, details of the ventilation system to be provided to the basement rooms shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first

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commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: In order that the local planning authority may be satisfied that the development is not going to result in a poor standard of accommodation to existing and future residents from a lack of natural ventilation to the hereby approved basement rooms and to comply with Development Management Local Plan (November 2014) Policy 32 Housing design, layout and space standards.

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, positive discussions took place which resulted in further information being submitted.
- 2) Biodiverse living roof systems should use a low nutrient substrate base and should vary to make a mosaic of different substrate depths between 80-170mm with peaks and troughs (but averaging at least 133mm). Seeded and plug planted with native wildflower species that includes other materials to vary the micro-habitat/topography characteristics of the locality in which the roof is situated e.g., larger boulders/rocks, mounds of sand for solitary bees/wasps and/or one natural hardwood per 20m² for other invertebrates: suggested dimensions +100mm diameter +1m long.
- 3) The applicant is advised that the brickwork should be Flemish bond for the hereby approved extension.

12 BACKGROUND PAPERS

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

13 REPORT AUTHOR AND CONTACT

Thomas Simnett – thomas.simnett@lewisham.gov.uk - 020 8314 6284

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Appendix 1 – Local Meeting Minutes

46 Jerningham Road

DC/22/125363

Introductions

The virtual local meeting started at 7pm and was hosted by the council. Representing Council were Thomas Simnett (Case Officer) and Cllr Joan Millbank chaired the meeting. Cllr Joan Millbank introduced the local meeting and case officer gave introduction on the purpose of the local meeting. Three local residents were present at the meeting along with the agent and architect of the scheme.

The applicant's team introduced themselves as Charlotte Tate and Lewis Westhoff of Icen Projects and Petr Esposito from Anomaly.

The agent's team provided a presentation which covered the scheme and some of the questions which have been submitted before the meeting. Discussion comprised of the site context and views of Jerningham Road, and how various massing was explored in the design scheme which reduced the scheme to a more-low key one.

Discussion moved onto the existing site coverage with the side garden used as a driveway and patio garden area. The aim is to add further soft landscaping as part of these proposals. The existing building's flank wall does not provide much in terms of design, the design concept has been developed to provide a larger lower ground floor extension and a smaller additional storey above this. This will help to ensure that from the streetscape it would only be seen as a single storey extension in views from Jerningham Road. The proportions reflect of the existing dwelling in terms of windows etc, the extension is provided at an angle to the host property to ensure key views are maintained and that it does not impact on those views considered important by conservation officers.

Key thing is to make sure it is context appropriate, the proportions of the host bay have been copied over to the extension to make sure it reflects the host. It is intentional that it is not a replica of the host property to ensure it is distinguished as a modern addition. The brick detailing will be to match the existing Flemish bond.

These are the ways which we have responded to comments by conservation officers: ensure lower ground floor context sits behind the boundary treatment, we have add a number of green features of soften the impact, the proportions are in keeping with the host property as asked for by conservation officers, glass connection detail to make an obvious separation, materials will reflect context.

Questions submitted prior to the meeting were the following: **(Agent answers in bold)**

1. The Conservation Officer made the following comments as regards the application. Can the applicant explain how they have each been addressed, highlighting those which have not been addressed:
 - a. Building right out to the side boundary will result in reduced scope for planting along this boundary, to the detriment of the street scene. A green roof is welcomed but can larger scale planting be accommodated along the side boundary? This would require a deeper planting substrate and possibly loss of floor-ceiling height at this side of the (lower) ground floor.

We've actually added a lot of planting around the buildings, including substantial greenery around it including intensive biodiverse living roofs and several new trees. The initial planning proposal had a larger hard landscaping area, this was reduced after conservation officers comments

- b. Fence on top of wall – where this wall is screening the (lower) ground floor structure it would be preferable if it read honestly, ie as a brick flank elevation. **This has been reduced so more of the masonry can be seen, I think this is key when you see this from the long elevation. Where it remains this is existing fence, where it has been taken away additional soft landscaping has been added. A much improved elevation.**
- c. Is the boundary wall being demolished and rebuilt? This should be clearly shown on the plans. If so, existing brickwork should be re-used. **The boundary wall is not being demolished, it will be repaired where required. Where new access is to be provided these bricks will be re-used to infill the current driveway access. We will use reclaimed brick to match the existing wall.**
- d. The large lightwell in the front garden is not in keeping with the prevailing character. It will be minimally visible other than across the front garden of the host building because of the height of the boundary wall at this corner. However the loss of planting space will have a visual impact on the CA as a result of loss of existing and potential front garden soft landscaping and will erode the garden setting of the host property. **This has been revised and made a lot smaller, we have looked at other properties along Jerningham Road to ensure it is within context. It should be noted that the levels are not changing and the proposal would be at the same level is at the moment and the area in front of the extension will not be further excavated.**
- e. I advise that the lightwell should be reduced to a minimum and the majority of the garden should be retained to allow planting to contribute to street scene and prevent an incongruous view across the host building's front garden or over the boundary wall **We believe the proposed revisions strikes a correct balance between hard and soft landscaping in context to the existing. The public realm improvements will be significant.**
- f. A significantly smaller lightwell would be more responsive to the local context and the prevailing form of lower ground floor openings should be the cue for this elevation. **The lightwell aligns with the existing frontage of No 46 Jerningham Road, we have added more greening**
- g. Removal of the fence between the main house front garden and the extension would help to unify the garden setting and prevent the extension appearing as a separate dwelling. This will make the (lower) ground floor elevation more visible so the points above will need to be addressed. **We have removed the fence between the two, we have now introduced a wall and some soft landscaping to prevent falling. We have developed the design so you see a better relationship between the two.**
- h. A large tree in the front garden was felled a few years ago and new planting has been provided. A proposal to retain/re-site the existing trees would be welcomed. **While we cannot put back a large tree, we are introducing new trees which can mature into a large tree in the future.**
- i. (Lower) ground floor elevations- Front – not in keeping with the character of the CA, which is of small punched openings in brick or rendered elevations, clearly subordinate to the elevations above. The dominant door opening

appears too large for a secondary entrance. The wide opening doesn't respond to the scale or character of lower ground floor openings in the CA. **Again compared to the original submitted design we have developed this in consideration of comments to have piers which better reflect the host property.**

- j. The three windows refer to the tripartite bay on the host building, but my opinion is that this might be more successful if they were grouped more closely, leaving a wider area of brickwork either side. This may also be preferable for the blind windows on the northern, (flank) elevation. **Again we have worked to ensure we get this right, this was developed so the repetition is now accurate. Context driven.**

- k. The brick detailing is not wholly successful in responding to the CA context, nor is the asymmetrical fenestration detailing. I consider that the detailing needs more consideration to help preserve the existing character and appearance.

detailing will match the existing

- l. Roofscape – Whilst clay tile and the pitch are a positive response to the roofscape of the CA, the lack of eaves overhang and gutters looks out of keeping.

While originally there were no gutters at the front we haven't listened to feedback and introduced gutters to the front and a slight overhanging eaves to reflect the existing

- 2. Whilst some improvements have been made, the design is still out of keeping with the Conservation Area. Can the applicant please explain, with regard to each element separately, (a) why they feel the element is necessary (b) , if necessary, why it cannot be designed in a manner which reflects the appearance of the original building and (c) given that DM36.4 a requires that the Council should refuse applications where the new development is incompatible with the special characteristics of the area, its plot coverage, scale, form and materials, why the applicant thinks that the element of the application makes it compatible with the Conservation Area:

- a. Soldier course brickwork, which is never used in these properties, which is not an adequate response to proper lintels, cills and eaves of the original **We will make this to match existing detailing**
- b. Where lintels have been provided, these are plain square blocks, not in keeping with the rest of the property.
- c. Large basement bi-fold windows and plate glass doors in the front elevation including a large front basement front access.
- d. Blank side windows, again with soldier course brickwork and elements of vertically placed stretcher brickwork where the blank windows are (this type of brickwork is not Victorian, although something like diaperwork might be) **We have replicated the detailing over the blank side windows to reflect the front windows proposed, which also reflect the existing bay window proportions.**
- e. Green roof over the basement extension **Having a green roof is a good bit of biodiversity which softens the massing and addresses some of the issues over the previous proposal.**
- f. Raised wall and fencing on the north elevation which obscures the rear of the property (please reference the Conservation Area Appraisal which states that the views of the rear of the property as are important and uniform as the fronts)

This was covered in the previous.

- g. First floor window in the rear elevation (clearly visible from the public realm even with the raised fence) which does not replicate or harmonise in style with the existing rear windows either the main building or its outrigger
We have looked at something that is contemporary and cannot be seen from street level, this evidenced in some of the key views.
- h. Plate glass, bifold windows in the rear extension both on the north side and west sides and soldier course brickwork in the west elevation extension
Where views cannot be seen from the street level, we have sought for a more modern contemporary style.
- i. The removal of the bay window in the rear elevation (which would be very visible from the public realm if the fence was not raised and the top of which still will be) and its replacement by a square opening with a large plate glass window, and vertical stretcher brick surround.

In answering this question the applicant should note that other applicant in the area have successfully replicated original windows and doors (using conservatory type doors with wooden risers where appropriate and wooden glazing bars) including lintels and cills, used correct brick bonding, and replaced or re-built original bay windows. In some instances, whole properties have been built which faithfully match the existing designs and are indistinguishable from them.

- 3. The drawings show the works being carried out in stretcher bond. Can the applicant confirm that, should the application be approved, it is intended to use Flemish bond in order to match the existing property? If not, would the planning officer confirm that it will be made a condition, should approval be given for the development?
We are happy to use Flemish bond.
- 4. What justification, from the point of view of preserving the appearance of the Conservation Area, is there for building the extension at an angle to the main property where there are no precedents for doing so elsewhere in the Conservation Area? The angle, as shown in the proposed north elevation makes an uncomfortable join to the existing building. Any Victorian extension would have been built parallel to the existing frontage.
We had a number of designs that had a straight angle, but if we had done this it would have been more prominent and had a more bearing impact on the view down Jerningham road. The proposal is context driven to ensure it limits the view from down Jerningham Road, it allows it to become more subservient.
- 5. We will see the rear of this property from our flat and the modern alterations which don't fit in with the area - particularly the rear bay will be visible to us and our neighbours and the public, including the destruction of the original bay window. Can the applicant please explain why the proposed works to the rear elevation of the outrigger and the erection of fences and walls at an increased height are necessary, and particularly why the original bay window has to be removed and replaced with a plate glass design in modern style which has no relationship to the original design of the property? This ruins the view of the rear of the properties and destroys the architectural integrity of the area.
To reinforce earlier points in terms of the conservation area impacts, where we feel views are mitigated and have minimal public interest we are not looking to make as many changes. The most significant changes we have done is to the front.

6. Development management policy 31.3 states that applications 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 the terms of the important features of the area. The row of properties of which this forms part are of a uniform design. The extension does not match this design (which the applicant acknowledges by the need to hide certain elements behind high walls) and therefore will adversely affect the integrity of the Conservation Area. Does the applicant agree? If not, why not?
By virtue of design, we have highlighted the subservience of the design. This is a unique building, and there are key architectural moves that means that it is the dominant architectural element. The lower ground floor massing sits below the envelop of the site, what can be seen from the street has been greatly reduced, and the angle of the extension has been dictated to by the views down Jerningham Road and the materials have been context driven. The styling is also context driven and not pastiche of the existing property.
7. Why has the applicant not considered replacement of the uPVC windows in the remainder of the property with replacement sash windows as part of this application? Has the Council encouraged the applicant so to do (as required by DM 36.5 (“ The Council will encourage the reinstatement or require the retention of architectural and landscaping features ... important to an area's character or appearance”) ? If not, why not? If so, what is the reason the applicant has given for refusal?
The existing uPVC is double glazed and we are not seeking to change these if we do not have to, this is a sustainability point.
Case officer: the council has various mechanisms in place to encourage the reinstatement of original features, one such example is the use of Article 4 Directions in the borough. It is also important to realise that we have to assess the application that is in front of us, while we can encourage we cannot make applicants reinstate.
8. Does the applicant not feel that there is some onus on those living in a Conservation Area to preserve the Conservation Area (the uniformity of the Conservation Area being one of the reasons it was made a Conservation Area in the first place)?
Our view is that we are looking to enhance the corner position by adding further greening and trees, which will fix and improve the brick envelope, overall we are seeking to achieve this.
9. There is some evidence of subsidence on the site. Given the amount of excavation work being proposed has the applicant carried out a structural survey of the existing property to ensure that there is no likelihood of damage to the original building or to the adjoining property?
Although not a material planning consideration, we have undertaken a structural survey even though this is not a validation requirement. We have made sure there will be no harm to the host buildings or surrounding buildings.
10. There have been some wonderful extensions and new builds in our area that so faithfully copy the original Victorian design and in such modest dimensions that it is difficult to see where the new and the old join. (This is not one of them.) This proposed development would occupy a significant proportion (around 50%) of the original garden of the property. Green roofs do not provide the same biodiversity that is provided by a garden. Does the applicant not believe that, given the global climate crisis, that there is an imperative to retain garden space rather than build upon it?

To reaffirm we are not looking to make a pastiche of the original building. In terms of the garden, the original side garden already has a large amount of hard standing and a drive way, we are looking to improve this and this will create more soft landscaping. In terms of green roof this will not be a sedum roof but will be an intensive biodiverse roof as required by condition, which I believe does encourage biodiversity.

11. The Telegraph Hill Conservation Area Character Appraisal specifically highlights the view Jerningham Road; in view of this, why is it felt appropriate to add an element into that view which is so conspicuously different from the design of existing houses?
No we have answered this already.

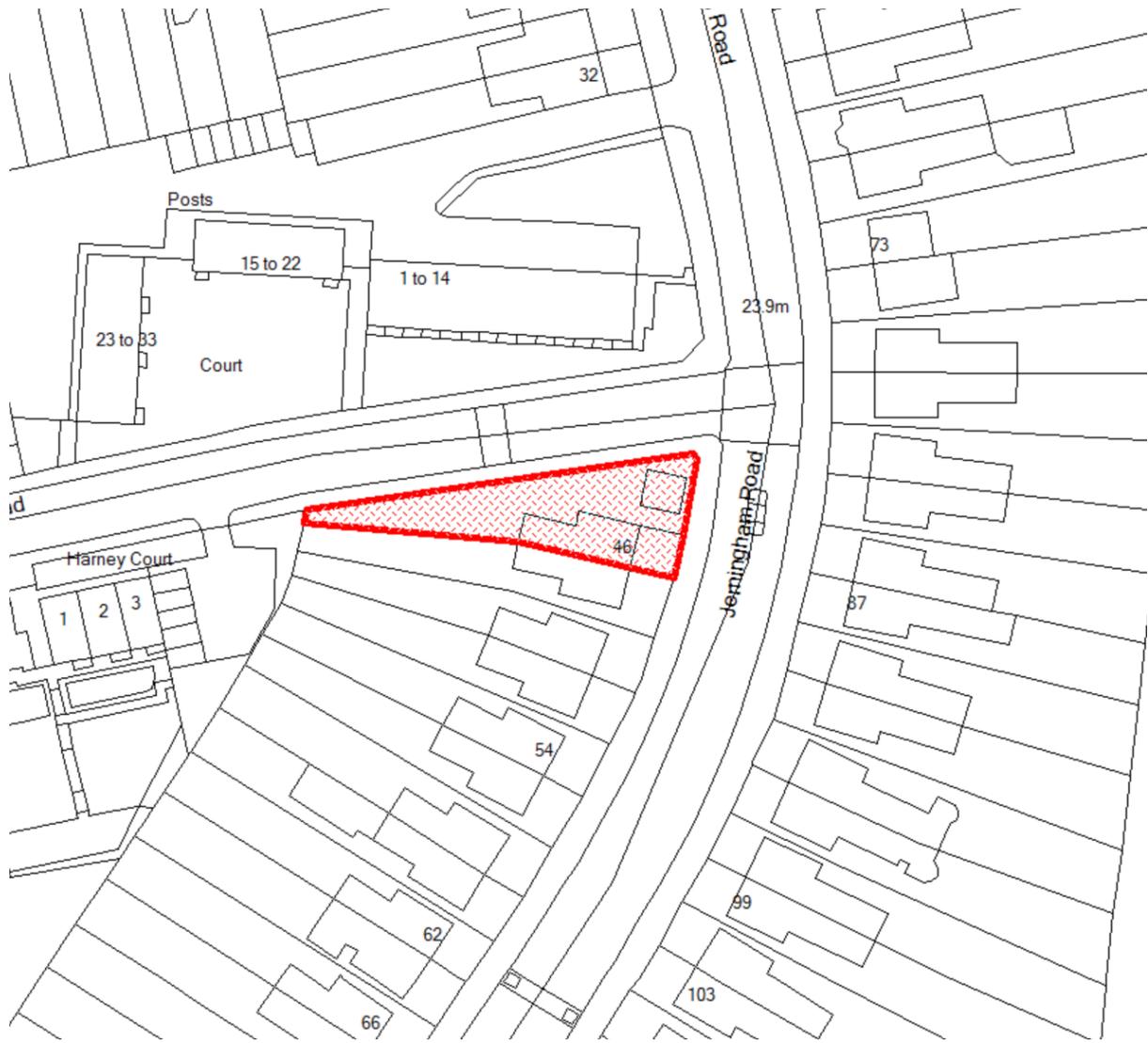
12. What is the proposed public good (as opposed to private good to the applicant) that offsets the clear damage that is being done to the rear of the property by the demolition of the bay the change to the uniformity of street scape in general?
No we have answered this already.

13. The proposed additions include a significant amount of large plate glass windows at ground level. Given the increasing concern about the effects of light pollution on the urban environment, on neighbours and on nature, should the applicant not consider reducing amount of plate glass used in the development, and, if not, what is the applicant intending to do to ensure the impact of the considerable extra light pollution is minimised?
We have amended the design, the large plate glass at the front have been revised and reduced. We're hopeful this is more befitting of the host building

14. Why the architect they think it is pastiche to replicate the Victorian elements that we who live here love about this area?
The key thing is that modern building techniques are different now, to replicate that here would not be fitting to a contemporary modern building standard, therefore by not replicating celebrates the existing building by not trying to mimic and copy it. It further celebrates what you have as a key asset, by not trying to diminish that by doing a copy of it. This tries to sympathise and celebrate the existing building and give a nod to it, without trying to fake it.

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DC/22/125363 - 46 Jerningham Road – Site Location Plan



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46 JERNINGHAM ROAD, LONDON, SE14 5NW

Application No. DC/22/125363

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

The construction of two storey plus basement side extension at 46 Jerningham Road SE14, together with associated alterations to side boundary wall.



Site Location Plan

Existing Building



Proposed Scheme



Proposed Front Elevation

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Proposed Side Elevation

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Proposed Rear Elevation

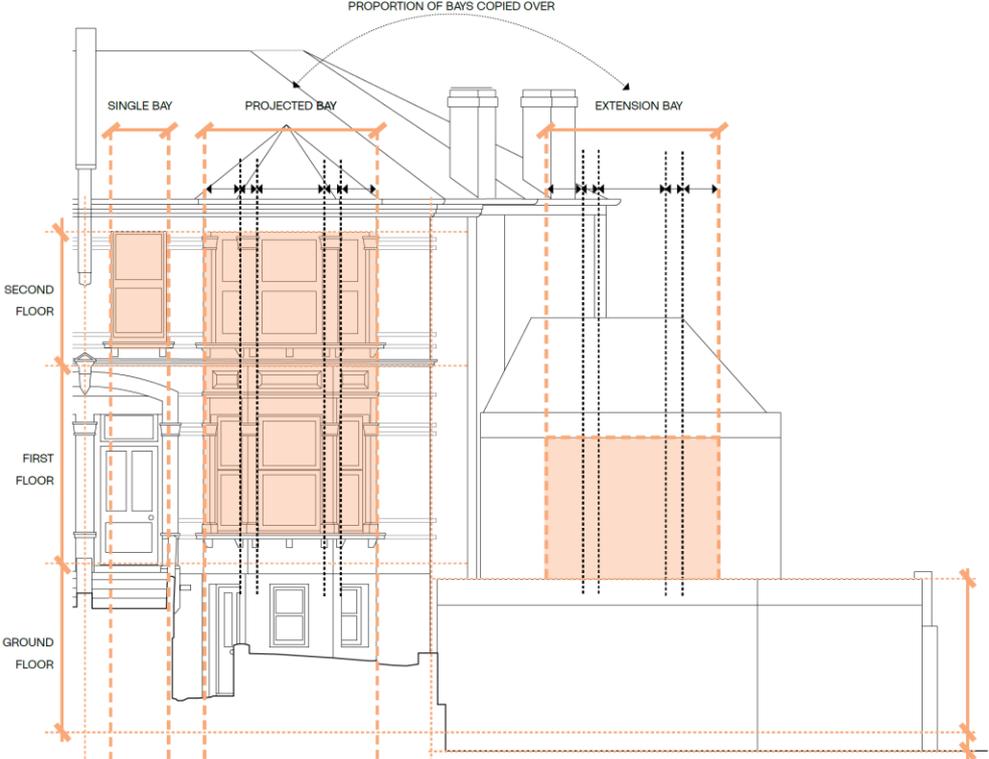
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Key planning consideration

- Principle of Development;
- Urban Design and Impact on Heritage Assets;
- Impact on Neighbouring Amenity

Window Proportions





Conservation comments	
Application reference	22/125363
Site Address	46 Jerningham Road
Proposal	Side extension
Officer	Joanna Ecclestone
Date	14.03.2022 Rev 22.08.2022

Comments:
<p>No 46 is one half of a symmetrical semi detached pair on the end of a group, at the corner with Ommany Road.</p> <p>It is within Telegraph Hill CA, character area 1, comprised of the original Haberdashers Estate development characterised by strong uniformity of design, a restricted materials palette and a high level of architectural detailing. The front gardens provide a verdant setting to the setting of the houses. No. 46 is identified in the CA Appraisal as making a positive contribution to the CA, hence it is considered to be a NDHA.</p> <p>The proposed extension has three levels – basement, ground (which corresponds with the lower ground floor of the host building) and first (which corresponds with the raised ground floor of the host building). The basement will not have a visual presence other than through glazed lightwells to the rear. The (lower) ground floor will be set beneath the existing garden level at the front, and open out onto the garden level at the rear. The first floor will sit above the garden level to front and rear and be the level that is principally visible from the street.</p> <p>Pre-app advice advised that the proposed development must retain the existing symmetrical semi-detached nature; be subservient to the host dwelling; positively address Ommaney Road; respond to the predominantly pitched hipped roofs of the CA; position the extension so that the semi-detached form retains its predominance in some views; use brick as the principal material.</p> <p>The proposal has responded positively to the pre-app advice; the footprint is set back from the front building line and springs from the front edge of the chimney stack; it sits one storey below eaves level and so appears subordinate to the building. Its orientation addresses Ommaney Road, and visually demarcates it as a contemporary addition. Its set back building line allows the envelope of the semi detached pair to still be read in views from the south, until one gets closer to the junction with Ommaney Road.</p> <p>I have the following specific comments on the proposal: Basement and (Lower) ground floor element –</p> <ul style="list-style-type: none">• Building right out to the side boundary will result in reduced scope for planting along this boundary, to the detriment of the street scene. A green roof is welcomed but can larger scale planting be accommodated along the side boundary? This would require a deeper planting substrate and possibly loss of floor-ceiling height at this side of the (lower) ground

floor. **Rev- this has now been addressed to add planting.**

- Infill of vehicular entrance on side wall – no objection but it will need a closely matched, brick type, bond & mortar joint.
- Fence on top of wall – where this wall is screening the (lower) ground floor structure it would be preferable if it read honestly, ie as a brick flank elevation. **Rev – this has now been amended to an extension of the brick boundary wall.**
- Is the boundary wall being demolished and rebuilt? This should be clearly shown on the plans. If so, existing brickwork should be re-used.

Garden setting -

- The large lightwell in the front garden is not in keeping with the prevailing character. It will be minimally visible other than across the front garden of the host building because of the height of the boundary wall at this corner. However the loss of planting space will have a visual impact on the CA as a result of loss of existing and potential front garden soft landscaping and will erode the garden setting of the host property.
- I advise that the lightwell should be reduced to a minimum and the majority of the garden should be retained to allow planting to contribute to street scene and prevent an incongruous view across the host building's front garden or over the boundary wall
- A significantly smaller lightwell would be more responsive to the local context and the prevailing form of lower ground floor openings should be the cue for this elevation.
- Removal of the fence between the main house front garden and the extension would help to unify the garden setting and prevent the extension appearing as a separate dwelling. This will make the (lower) ground floor elevation more visible so the points above will need to be addressed.
- A large tree in the front garden was felled a few years ago and new planting has been provided. A proposal to retain/re-site the existing trees would be welcomed.

(Lower) ground floor elevations-

- Rear – no objection.
- Front – not in keeping with the character of the CA, which is of small punched openings in brick or rendered elevations, clearly subordinate to the elevations above. The dominant door opening appears too large for a secondary entrance. The wide opening doesn't respond to the scale or character of lower ground floor openings in the CA. **Rev – this has now been amended to be more in keeping with the character of the host building.**

First (upper ground) floor elevations -

- The three windows refer to the tripartite bay on the host building, but my opinion is that this might be more successful if they were grouped more closely, leaving a wider area of brickwork either side. This may also be preferable for the blind windows on the northern, (flank) elevation. **Rev – this has now been revised and is more in keeping with the host building.**
- The brick detailing is not wholly successful in responding to the CA context, nor is the asymmetrical fenestration detailing. I consider that the detailing needs more consideration to help preserve the existing character and appearance.

Roof scape –

Whilst clay tile and the pitch are a positive response to the roofscape of the CA, the lack of eaves overhang and gutters looks out of keeping. **Rev- the roof form and gutter has been revised and is now more in keeping with the host building.**

Cumulatively these points result in a proposal that would not adequately preserve the character or appearance of the CA, and would cause a degree of harm (low, less than substantial) but I consider that the proposal could be revised to address these concerns.

Relevant Policies:

Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

NPPF 8 and 9 Public benefit - state that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.

[This may involve the examination of alternative designs or schemes that might be more sustainable because they can deliver public benefits alongside positive improvement in the local environment].

NPPF Para 134 - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

NPPF Para. 199 - requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development.

NPPF 200 – Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

NPPF 202 – Less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

NPPF 203 – Effect of proposal on non-designated heritage asset should be taken into account; a balanced judgement should have regard to scale of harm or loss and the significance of the heritage asset.

NPPF 206 - Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

London Plan Policy HC1Heritage Conservation and growth.

CS15 - Design

CS 16 – Heritage

DM30 – Urban design and local character

DM31 - Alterations and extensions to existing buildings

DM36 – CAs and LBs

DM37 – NDHAs

Recommendation:

Revise

Rev – the proposed revisions have addressed a large number of the comments I raised previously and I consider that the proposal as a whole will now relate sensitively to the host building and will read as a high quality contemporary addition to the host building, that will preserve bot the setting of the NDHA and the character and appearance of the CA.

Potential revisions/amendments/conditions (if necessary):

A sample panel of external materials should be conditioned.

Document is Restricted

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Planning Committee A

8 BROCKLEY VIEW, LONDON, SE23 1SN

Date: 20 October 2022

Key decision: No

Class: Part 1

Ward(s) affected: Crofton Park

Contributors: Zahra Rad

Outline and recommendations

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

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

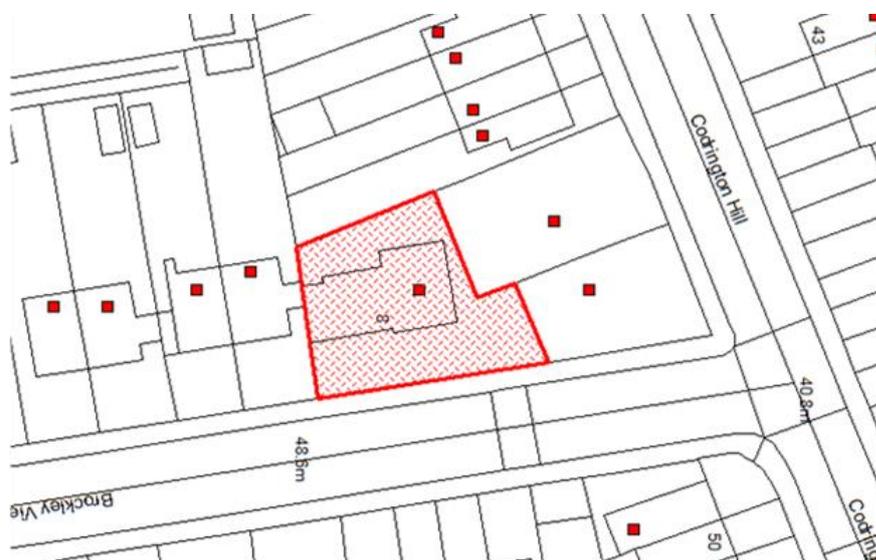
Application details

Application reference number:	DC/22/126353
Application Date:	12 April 2021
Applicant:	Helen Reay Architects
Proposal:	Construction of a single storey side and rear extension and a first floor extension to 8 Brockley View, SE23, together with alterations to the existing lower ground floor.
Background Papers:	(1) Submitted drawings (2) Submitted photos (3) Statutory consultee responses
Designation:	PTAL 4 Hopcroft Neighbourhood Forum Air Quality
Screening:	N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a detached bungalow on the Western side of Brockley View, at No 8 close to the junction with Codrington Hill. The property benefits from a small back garden but has a moderate size open amenity space to the front, and a garage on the southern flank of the main building with a parking bay in front of the garage.



Map 1 Site Location Plan



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Character of area

- 2 The area is predominantly residential in nature and comprises of a mix of various types of properties. The property is within the Hopcroft Neighbourhood Forum with an Air Quality Enhancement Scheme.
- 3 Also, there are Tree preservation orders nearby at Glengall Court, Codrington Hill and Brockley View.



Figure 1 Aerial View of the Application Site



Heritage/Archaeology

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

Transport

- 5 The site falls within PTAL of 4, which represents good access to public transport. Honor Oak station is located 0.7km / 9 minutes' walk from the site.

2 RELEVANT PLANNING HISTORY

- 6 The only related planning application is a withdrawn planning application as following:

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- 7 **DC/21/122815** – Construction of an additional storey at roof level, a single storey side and rear extension to 8 Brockley View, SE23, together with alterations to the existing lower ground floor to provide a new unit. Withdrawn 04/10/2021.
- 8 **PRE/21/123983** - The pre-application was seeking advice after concerns raised on the withdrawn planning application DC/21/122815.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 9 The proposal is for construction of an additional storey at roof level of the single storey part of the building, together with a rear single storey extension at the back of the existing garage and other alterations to the roof profile of the two-storey part of the building as well as landscaping.

Additional storey on top of the single storey

- 10 On top of the southern wing of the bungalow a first floor extension would be constructed with the same foot print as the southern part of the existing ground floor. It would have a pitched roof with maximum height of 7.2m at ridge when measured from the ground floor level. The eaves height would change from 4.9m to 6.22m due to the slope of the land. The additional storey would accommodate 3 bedrooms. It would have access internally by continuation of the existing steps between the ground floor and the lower ground.

Single storey extension to the rear

- 11 The existing garage would be converted to a habitable space, and would be extended to the shared boundary with the back garden of No 42 Codrington Hill. It would have a depth of 3.5m from the rear elevation of the main building, with a flat roof at the same height as the existing garage (2.6m from the patio level). The garage door would be bricked over and a window would be installed in its place.

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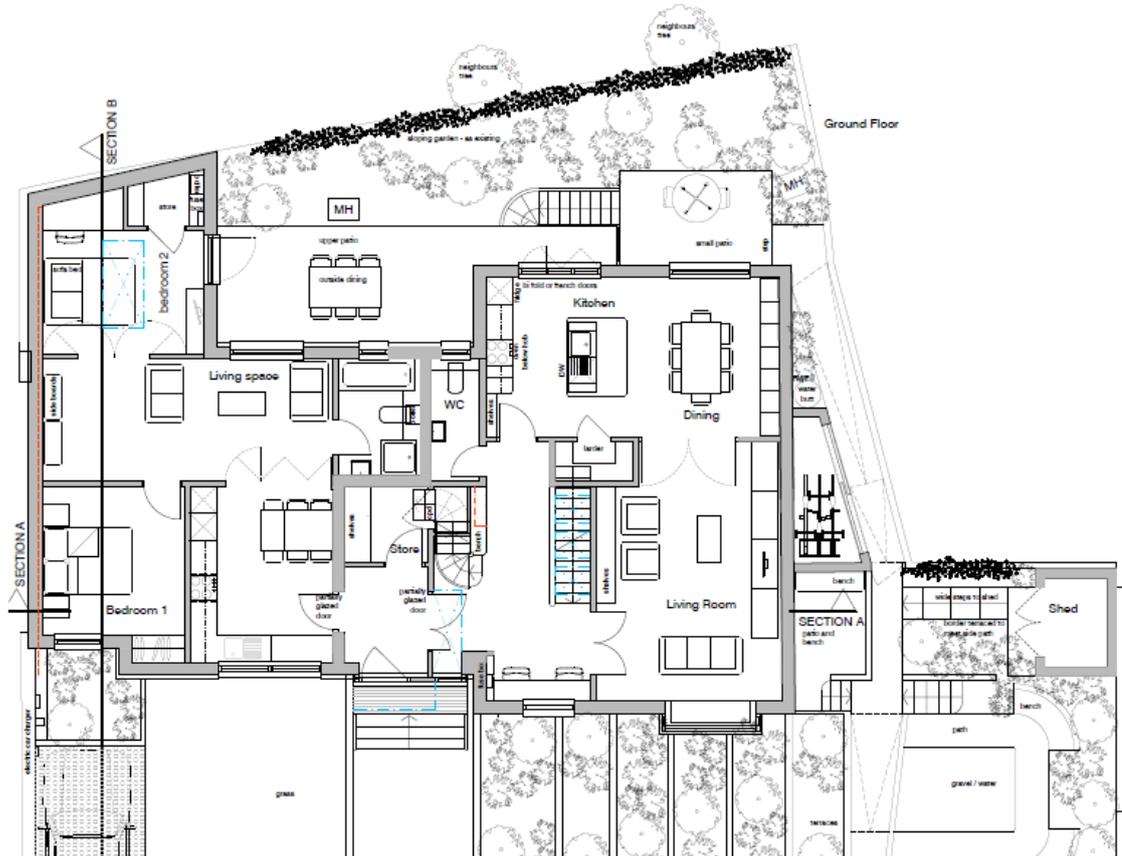


Figure 2 the Proposed Ground Floor Plan

Changes to the roof profile

- 12 Looking at the proposal site from Brockley View, the existing roof comprises of three parts: a pitched roof on the northern wing, a sloping roof in the middle and a flat roof on top of the garage. The proposal would change the pitched roof of the Northern wing with a flat green roof, it would have a sloped roof on the top of the new additional storey (as mentioned above), and would replace the existing flat roof of the garage with a new one.

Alteration to the lower ground floor

- 13 The lower ground floor would be excavated to gain an internal height of 2.7m similar to the existing part to allow for a new shower room.

Alteration to the fenestrations and front entrance

- 14 To the front, the existing main entrance would be moved 2.5m further to the north, with a new PPC metal panel frame and glazing, with partly two storey cladding component. A new canopy would be added at the entrance door.

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Figure 3 Proposed Front Elevation

- 15 To the rear, the windows and doors at the ground floor would be altered and at the first floor new windows would serve the bedrooms, with a Juliet balcony. At the basement, the single door would be enlarged to a double door giving access to the rear garden.



Figure 4 Proposed Rear Elevation

- 16 On the southern side elevation at the lower ground floor two garden doors would be introduced to give access from the living room and the new kitchen to the garden level to the rear and side. A window would be added to serve the living and kitchen area. At the ground floor two narrow windows would be added to serve shower room and staircase, these windows would be obscured.

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Figure 5 Proposed Side Elevation

Alterations to the landscaping

17 To the front, side and rear are a combination of green spaces with paving. The proposal would improve the landscaping, and would introduce a cycle storage, along the side to the north, a new bin store to the front and a new shed along to the side garden. The existing drive way would remain. The exiting patio to the rear and side would be re-designed. The side patio would be at the lower ground level and the existing patio to the rear would extend from 1m to 2.2m. The direction of the existing steps would be retained but the design would be changed. There would be screening with a height of 1.8m with balustrade to the end of the patio to the side.

Materials

18 The exiting facing walls would remain as the same, and would be repaired and painted. The additional first floor and rear facade extension would be bricks similar to the existing colours. All windows would be new metal frame in mid grey colour, and the roof tiles would match the existing.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

19 Site notices were displayed 17 May 2022.

20 Letters were sent to residents and businesses in the surrounding area, the relevant ward Councillors and Sydenham Society on 11 May 2022.

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21 Three responses were received, comprising objections from adjacent neighbours.

4.1.1 Objection

Objections	Para where addressed
<i>Urban Design</i>	
The proposed second floor extension exceeds the existing roof ridge height, is not subordinate to the existing building and is out-of-scale relative to the existing property	48 and 49
<i>Living conditions of neighbours</i>	
The proposed new windows at the second floor will create overlook and loss of privacy of the adjacent house and garden.	74
The proposed new windows and doors will be in a direct line of sight of first and second floor bedrooms and will directly overlook garden at adjacent properties, with only a small area of land in between.	73
The addition of a second storey to this property will reduce the amount of sunlight and changes light levels and outlook	71
The new windows and doors to the side (facing north) will create overlooking and loss of privacy of the adjacent neighbours to the north, and will overlook the garden	73 and 72
The proposal will adversely affect the property as will the loss of sunlight and daylight on the garden of the adjacent properties.	71
the new pitched roof will block the light	73
<i>Other matters</i>	
The layout suggests an additional self-contained dwelling,	37
The conversion into two or possibly three self-contained dwellings (including in the future, if not by the current owners) will result in additional traffic and may adversely impact parking in the area.	37 and 82

4.1.2 Non-material Planning concerns were raised regarding:

- The new development will impact the outlook up the hill to Blythe Hill Fields Park. *Officer response:* in this instance change of view is not a planning consideration.
- Impact the stability of structures on the south end of our garden. *Officer Response:* it is a building control matter and it is not a planning consideration.
- Issues with drainage on our property. *Officer response:* this item is related to the Thames water and an informative will be added to advise the applicant.

4.2 INTERNAL CONSULTATION

22 Tree Officer: it was confirmed that no TPO is on the site or to the immediate land

4.3 EXTERNAL CONSULTATION

23 No external consultees

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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) (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)
- Site Allocations Local Plan (June 2013)
- The Neighbourhood Plan For Crofton Park and Honor Oak Park (HopCroft Plan) 2017-2027

5.5 SUPPLEMENTARY PLANNING GUIDANCE

29 Lewisham SPG/SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)

30 London Plan SPG/SPD:

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

6 PLANNING CONSIDERATIONS

31 The main issues are:

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

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 LP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

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

Use of the property

35 The proposal is submitted to alter the host dwelling to provide more bedrooms and make internal changes. Concerns were raised the proposed layout, as it would have two kitchens and living areas, which could suggest the potential of subdividing the single family dwelling into two self-contained flat/maisonette. The Design and Access Statement indicates that the intention is to provide a comfort area for the elderly family members.

36 Officers had concerns regarding the internal alterations at the ground and lower ground floor levels as the proposal included two separate kitchens and two doors. However, the applicant confirmed that the alterations are to provide habitable space for elderly parents.

37 As the design would have one entrance door it is confirmed in an email that there is no intention to subdivide the subject dwelling. A condition would be added with regards to

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the use of the annex and an informative will be added to advise that any changes to the status of the property would require a full planning application.

Conversion of the parking

- 38 The garage would be converted to a habitable space. The garage is not currently used for car parking purposes. The loss of the garage is mitigated by the property having a driveway for parking, and should therefore result in no additional on-street parking pressures.

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

- 39 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.
- 40 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.
- 41 DMLP 30 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.
- 42 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.
- 43 LP HC1, CSP 15 and 16, DMLP 30, 31 and the provisions of the Alterations and Extensions and Policies BE1 and BE2 of the Neighbourhood Plan For Crofton Park and Honor Oak Park reflect this and are relevant.

Discussion

- 44 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.

Appearance and character

- 45 *Additional storey:* due to the shape of the building, the additional storey has been assessed under DMP 31 and section 5 'Flat roof' and sub section of 5.3.15 'Design considerations' of SPD. The policy states that proposals "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, and 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". The guidance states that:

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- The acceptability of this will depend on the effect it would have on the existing street scene in terms of adding massing and height

- 46 The proposed development would change the streetscene in terms of the height, roof profile and fenestration. The height of the middle part of the building would be increased from 4.9m to 6.9m and the height of the northern wing would decrease from 6.4m to 5.2m. The roof profile would be changed as described in the Proposals section above.
- 47 The property benefits from an elongated front elevation with approximately 17m of street frontage. Brockley View drops sharply northwards in this section of the road which renders the roof profile an important planning concern given the length of the street frontage of the proposal site.
- 48 The current T-shaped roof of the property consists of an open gable southwards towards No 8 parallel to Brockley View and another open gable perpendicular to the road which sits on top of the 2 storey section on the northern flank of the main building. As a result of this the building as a whole, appears as one dwelling with a long frontage along the road.
- 49 Neighbours raised concern with the bulk and height of the new additional storey, on its own and in combination with the existing roof at the two storey element and its visual impact on the streetscene. Proposed changes to the roof profile, introducing a sloped roof to the middle part of the building, with the alteration to the garage door, would visually break the length of the roofscape and achieve a sensitive addition at an appropriate height with less bulk. Also, it would reflect the whole building reading as one dwelling in the context of the street scene, and would reduce the bulkiness of an additional storey in terms of the height.

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Figure 6 Comparison of Proposed and Existing Front Elevation

- 50 The existing façade is mainly faced with bricks and any new walls would be clad in brick slips with a similar appearance to the existing. The relocation of the entrance door and new design is considered to have no adverse impact on the streetscene. Therefore, the proposed scheme is unlikely to have un-acceptable visual impact on the streetscene, subject to a condition requiring further details of materials.
- 51 It should be noted that Brockley View comprises properties of varied design with different styles, therefore the proposed bulk and appearance would not disturb the existing streetscape.
- 52 Side - Rear Extension: the proposed single storey would extend to the rear of the existing garage and would have a small L-Shape which has been assessed regarding DMP 31 and the general guidance of sub-paragraphs 4.2 'Single Storey Rear Extensions' of the Alterations and Extensions SPD which sets out the following:
- L-shaped extensions which combine a single storey rear extension and a single storey side extension should not over dominate the original building.

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- Proposals of this nature should adhere to the guidance for both rear extensions and side extensions.
- However, as a general rule, extensions extending up to 3m in length should be no more than 3m in height on the boundary.
- Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.

53 The proposed single storey would extend from the rear elevation of the garage to the shared boundary with No 42. It would extend more than 3m beyond the rear of the main house with a height of 2.6m. Considering the location of the rear extension and the height and the back garden level, it is considered acceptable.

54 Objections were raised regarding the impact of the proposal on the character of the host building. However, given the size and style of the scheme, the proposed materials, and the fact that the site is not in a conservation area, and it complies with the DMP31 and BE2 CPHOP, on balance, the impact is not considered adverse and is acceptable.

55 Alteration to the lower ground floor: the proposed excavation is assessed under section 4.8 Basements of the SPD. Part of the lower ground floor has a height of 1.6m which is proposed to increase by excavation to 2.6m to reach an acceptable internal height. With regards to this for basements to be acceptable the guidance states:

- *Not materially harm local character or add visual clutter.*

56 The proposal would not change externally and would be underneath of the existing building, therefore no objection is raised to this change.

Alteration to the Fenestration

57 The fenestration would be changed to the front, side and rear. The existing building is different from all properties on Brockley View in terms of the design and appearance. The proposed windows and doors would be in different style, design and materials, and are considered as modern features. As all the proposed windows and doors would be in the same style, there would be a harmony among the fenestration of the whole building and is therefore considered acceptable. For the amenity impact please see below.

Alterations to the landscaping

58 Due to the topography of the proposal site, patio/platforms and steps are provided to the front and rear of the building for access to the garden levels. To the front the existing boundary wall and metal fences and the gate would be retained. A new pedestrian gate would be introduced to the front leading to the entrance door. The steps along front elevation would be replaced with stepping walkway allowing pedestrian access along the front boundary wall towards the garden to the north side. There would be steps from the new entrance door to the lower level of the garden. A recycling store is proposed to the front, close to the driveway. The location of the recycling store is within LBL guidance. The proposed arrangement to the front would improve the existing poor condition and is acceptable.

59 To the rear, both patios at the lower ground floor and the ground floor would be widened. The two patios would be accessed by new steps. There would be a 1.8m PPC metal balustrade to the north side of the patio. Should the Council grant permission a condition will be added to ensure the quality and location of the screening.

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- 60 To the side, at the garden level would be a patio and a bench with a ramp for access to the rear garden.
- 61 Due to the level of the details of the new pedestrian gate, paving, cycle storage and recycling store, should the Council grant permission, a condition would be imposed to ensure the details are acceptable.

Detailing and Materials

- 62 The bricks would match the existing, as shown on the plans and stated on the applications form. The proposed windows and doors would be different from the existing one, but considering the existing fenestration is in a poor condition, and the proposed windows would be in metal, it is acceptable. However, as no details is provided, in order to ensure the colour and material would be coherent, should the council grant permission, a condition would be imposed to ensure the high quality of materials.
- 63 The applicant proposes to install a green roof at the top of the new flat roof. No details is provided, therefore should the council be minded to grant permission, a condition would be added to ensure the details of the proposed green roof would be in line with the Council guidance.

6.2.1 Urban design conclusion

- 64 In summary, the extension, due to its scale and design and use of high quality materials, would not harm the character and appearance of the host dwelling.
- 65 Subject to the final details being secured by condition the proposed development is considered to have an acceptable impact on the appearance of the neighbouring properties, the character of the streetscene and the wider area and is acceptable.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 66 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.
- 67 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).
- 68 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

- 69 The proposed scheme would not have any opening facing neighbours living at No 10 Brockley View, to the south of the site. The additional first floor on top of the southern wing of the bungalow would be approximately 4m away from the main building at No 10

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and, due to the topology of the area, it sits lower than the property at No 10, therefore its impact on the amenities of neighbours living at No 10 would not be adverse.

- 70 Objections were received stating the additional height with a sloped roof would have amenity impact on to the side of the building at No 10 which serves the staircase and hallway at No 10 and would impede the view. Considering the separation distance of the buildings at Nos 8 and 10 (4.1m), and as the sloped roof would move away from the building, it is not considered to have unacceptable impact on the sunlight and daylight for the mentioned windows. Change of the view to the secondary window is not a material planning consideration.
- 71 To the rear, the alteration and extension would have new fenestration including a Juliet balcony, with a proposed patio. Although the back garden of the proposal site is small, given the layout of the houses and the angle of the buildings, the rear elevation and the existing windows, doors and patio at the ground floor of No 8 facing the back of the rear garden at Nos 42 and 44 Codrington Hill, the proposed scheme is not considered to have a different impact compared to the existing.
- 72 Concerns were raised regarding enlarging the existing patio in its depth, and the possible amenity impact on Nos 42 and 44 Codrington Hill in terms of overlooking and privacy as a result of increased opportunity for socialising. Additional details are provided by the applicant to show the location of the patio, difference in levels between the neighbouring properties and details of proposed screening. It is noted that the patio is linked to the bedrooms therefore, it is not considered to be in use for group socialising. No 42 is at an angle with No 8 Brockley View, and the windows at the side extension of No 42 look onto the side elevation of the application site. Due to the location of the proposed screening at the end of the patio along the side elevation, with a height of 2.4m and width of 0.9m, the distance between windows at No 42 Codrington Hill and the patio, Officers consider the impact on the privacy and overlooking on No 42 Codrington Hill not to be too adverse.
- 73 Objections were raised concerning the new door to the single storey which may cause overlooking of the windows of the bedrooms at No 42 Codrington Hill at the first floor and also, the additional storey would have impact on the sunlight and daylight of at No 42 Codrington Hill. The door to the single storey would open to the patio. The existing two storey element of the building is projected from the single storey part by 1.9m which, would obscure the majority of the patio. Considering distance of 19.5m from the rear elevation of No 42 Codrington Hill and the angle between the buildings, it is not considered to have any adverse impact in terms of privacy and overlooking. Officers also judge that there would not be any unacceptable adverse impact regarding the sunlight and daylight on No 42 Codrington Hill due to the distance, the existing outbuilding at the back of No 42 Codrington Hill and as the back of the rear garden of No 42 Codrington Hill is almost at the same level of No 8 Brockley View: while there may be some impact to parts of the garden, is it long and would largely be unaffected by the change. Therefore, on balance, the proposed development, would not have unacceptable impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on privacy or impact on daylight/sunlight and is therefore acceptable
- 74 To the side adjacent to Nos 44 and 46 Codrington Hill (northern wing), the proposal would reduce the maximum height by changing the roof profile. The proposed windows to the side would be obscure as shown on the plan which will be secured by imposing a condition. The northern side of the new patio with a width 0.85m would have privacy screening with a height of 1.8m. The alteration to the lower ground floor side elevation due to the level, the existing boundary fence, greenery and also the exiting fence with a

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height of 1.9m from the garden level is not considered to have any adverse amenity impact on No 44 or No 46 Codrington Hill.

- 75 A further objection was received raising privacy and overlooking issues at No 44 Codrington Hill. Considering the layout of the buildings, the difference in ground levels, and the existing fence, the proposed scheme is not considered to have negative impact on the privacy of No 44 Codrington Hill.
- 76 In addition, concerns were raised regarding the impact of the proposed development, causing subsistence on the neighbouring properties. Given the scale of the development proposed, Officers do not consider this a matter that would be subject to planning control: Building Regulations and the Party Wall Act are judged to be the more appropriate legislative regimes by which such matters can be controlled.

6.3.1 Impact on amenities of neighbours; Conclusion

- 77 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.

6.4 TRANSPORT

Policy

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

Discussion

- 79 The site has a PTAL rating of 4, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning access to public transport is good.

Car parking

Policy

- 80 LP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport.

- 81 CSP 14 supports this stance. The policy states that the Council will take a restrained approach to parking provision in line with car parking standards contained within the London Plan.

Discussion

- 82 The proposal is not considered to result in loss of parking of the surrounding area, as the garage has not been used for parking in the recent past. The driveway would be retained as a parking bay.
- 83 As the proposal would be for a single family dwelling house it is not considered to change the existing parking situation.

Transport impact conclusion

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84 The impact on the local highway network would be acceptable, in line with the above mentioned policies.

6.5 NATURAL ENVIRONMENT

General Policy

85 NPPF para 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. It goes on to say existing trees should be retained wherever possible. Para 174 expects development to contribute to and enhance the natural and local environment.

86 LPP G7 states Development proposals should ensure that, wherever possible, existing trees of value are retained.

Discussion

87 It has been confirmed by the applicant that no trees would be affected by the development. The Council Tree Officer confirms no TPO on the site or onto immediate distance at adjacent neighbouring properties. Google view shows greenery along the shared boundary with No 10 and also, to the side. Therefore, an informative would be added to advise should a tree be affected, what replacement planting necessary should occur to compensate for any losses.

88 The proposed single storey, patios and storages would cover 22% of the garden area. It is however be noted that the application site is not within a Site of Importance to Nature Conservation, nor any trees or wild life habitats are expected to be adversely affected by the proposals. Therefore, as the proposal is for a modest householder extension, it is considered that the proposal would have no adverse impact on ecology in this instance.

Conclusion

89 Officers consider that the proposed development would not adversely impact the green spaces, trees, and natural diversity of the area and the proposed scheme is considered to be acceptable.

7 LOCAL FINANCE CONSIDERATIONS

90 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).

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

92 The CIL is therefore a material consideration.

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93 CIL is chargeable on the net additional floor space of all new development but CIL is not chargeable on space less than 100sqm unless part of a new dwelling. Since the proposal is not a new dwelling and area would be added is less and 100sqm (additional space is 76sqm) is not payable on this development.

8 EQUALITIES CONSIDERATIONS

94 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.

95 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.

96 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.

97 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>

98 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

99 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

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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>

100 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

101 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

102 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.

103 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.

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

10 CONCLUSION

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

106 The proposed alterations to the roof profile, the additional storey, the single storey extension, alteration to the fenestrations and landscaping are acceptable in terms of scale, form, and design.

107 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance. Impact on highways in terms of parking and on the natural environment in terms of trees would also be acceptable.

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108 In light of the above, it is recommended that planning permission is approved

11 RECOMMENDATION

109 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:

PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08; PL09

PL04; PL05; PL06; PL07 (received 29 Apr 2022)

PL08 (received 27 Sep 2022)

PL11 (received 27 Sep 2022)

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) SCHEDULE OF MATERIALS

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

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(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.

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4) **LANDSCAPING**

(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), new gate and any new boundary wall 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.

5) **OBSCURED WINDOWS**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the first floor side elevation of the building as shown on plan PL08 hereby approved shall be fitted as obscure glazed to a minimum of Level 5 on the 'Pilkington Scale' and/or fixed shut 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 back gardens and amenity areas of the Development Management Local Plan (November 2014).

6) **SCREENING**

The details of the proposed Screening to the side of the patio shall be submitted to and approved in writing by the local planning authority and shall be installed in their entirety and maintained thereafter in perpetuity.

Reason: To avoid the direct overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with 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).

7) **ANCILLARY TO THE RESIDENTIAL USE**

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 8

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BROCKLEY VIEW, SE23 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 in the London Plan (March 2021), Core Strategy (2011) and Development Management Local Plan (2014).

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, positive discussions took place which resulted in further information being submitted.
- 2) You are advised that the authorised use of the property is as a single family dwellinghouse (Use Class C) within the property. Any subdivision would constitute a material change of use and would require planning permission.
- 3) You are advised to contact Thames Water <https://www.digdat.co.uk/> prior to the commencement of work.
- 4) You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- 5) The google view show greenery along the shared boundary with No 10 and also, to the side. Therefore, you are advised where a tree is affected, the replacement planting necessary to compensate for any necessary losses.
- 6) You are advised that as the application is for extensions to the dwellinghouse, where the works lead to demolition of the dwellinghouse that would require planning permission and CIL would be liable.

12 BACKGROUND PAPERS

110 Submission Drawings and Photos

111 Submission Technical Reports and Documents

13 REPORT AUTHOR AND CONTACT

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Email: Zahra.Rad@lewisham.gov.uk

Telephone: 020 831 49153

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8 BROCKLEY VIEW, LONDON, SE23 1SN

Construction of a single storey side and rear extension and a first floor extension, alteration to the roof profile at No 8 Brockley View, SE23, together with alterations to the existing lower ground floor and landscaping.

Application Ref No. DC/22/126353

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

Site Location Plan



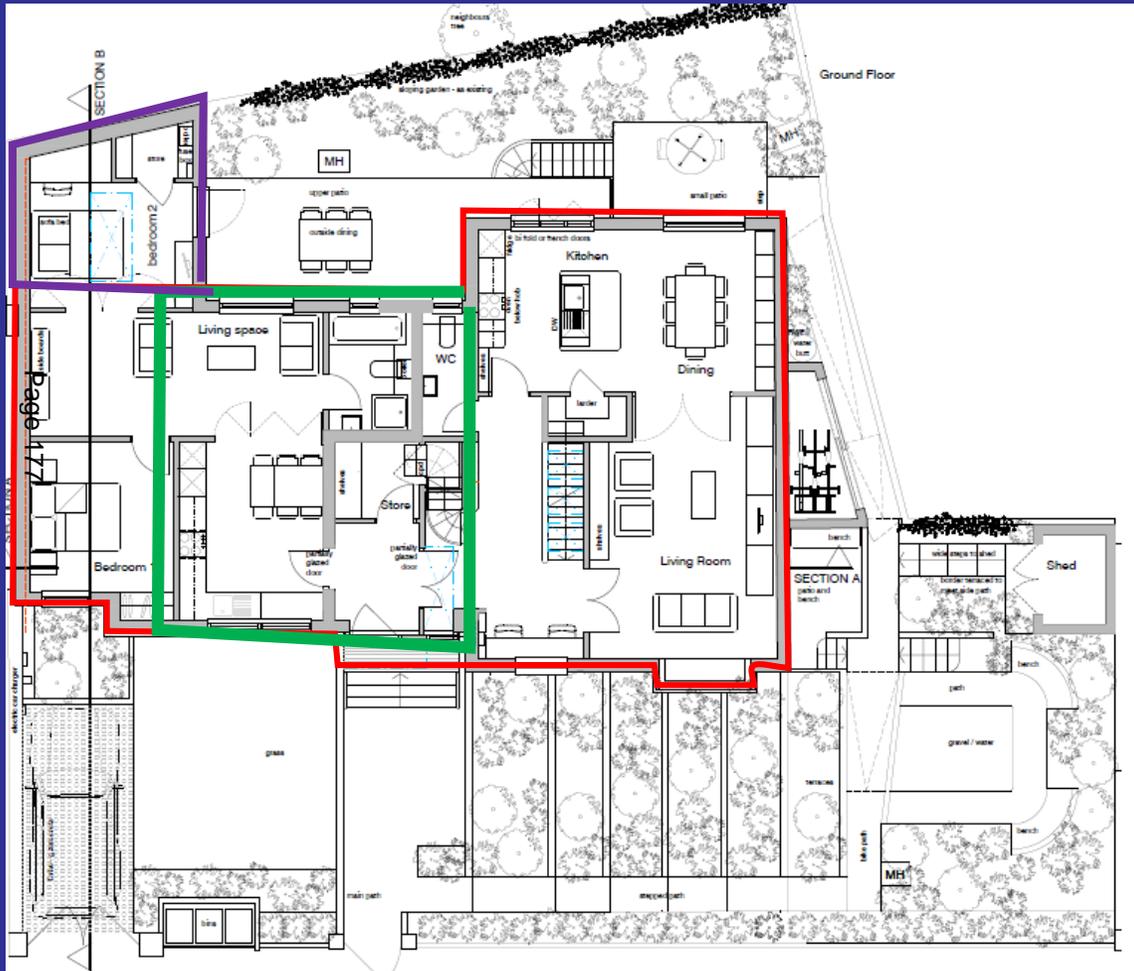
Site Location Arial- Context



View from Brockley View



Proposed Floor Plans and Section



Existing and Proposed Front Elevation



Existing

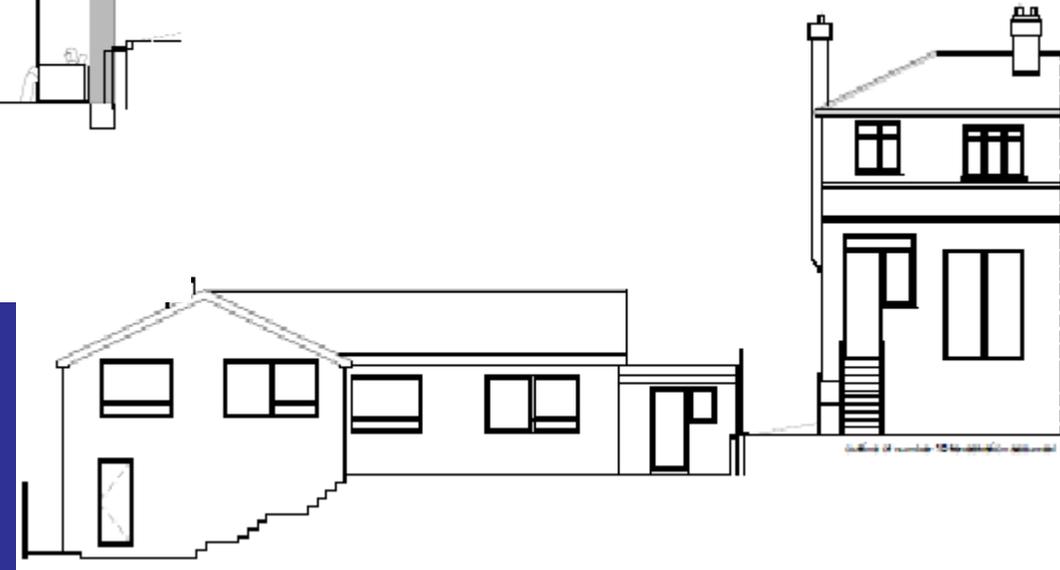
Proposed



Existing and Proposed Rear Elevations



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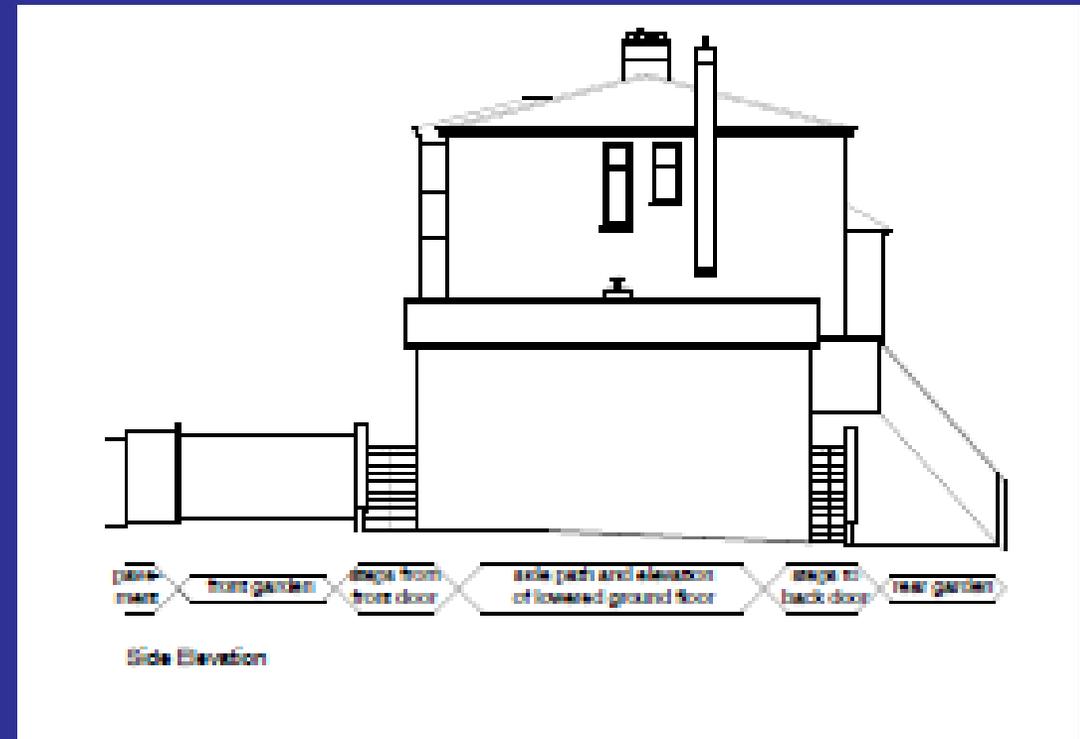


Existing and Proposed Side Elevations



Proposed Side Elevation

Existing Side Elevation



Key Planning Considerations

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



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